



Zoning Ordinance

**Benner Township
Centre County, PA**

March, 2009

RothPlan

Harry B. Roth, AICP
Lancaster, PA

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Look forward to the future!

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Article I

Background Provisions

Section 101 SHORT TITLE

This Ordinance shall be known and may be cited as the “Benner Township Zoning Ordinance of 2009.”

Section 102 PURPOSE

1. This Ordinance is enacted for the following purposes:
 - A. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provision of adequate light and air; access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use; as well as the preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
 - B. To prevent any or all of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.
 - C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, as well as mobile homes and mobile home parks.
 - E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.
2. This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township, and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.
3. The basis for this Ordinance is the Nittany Valley Region Comprehensive Plan adopted on September 16, 2004. This Plan establishes detailed community development goals and objectives, which this Ordinance seeks to promote and to establish; however, it is recognized that circumstances may necessitate the adoption and timely pursuit of new goals and the enactment of new ordinances or

amendments to this Ordinance that may neither require nor allow for the completion of a new Comprehensive Plan and approval of new community development objectives.

SECTION 103 SCOPE

1. Except as noted below, from and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Benner Township shall be in conformity with the provisions of this Ordinance. Any legally-existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming and may be continued, extended, or changed subject to the regulations contained in Article 7 of this Ordinance.
2. This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used by a public utility corporation if, upon petition of the owner/operator, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.
3. This Ordinance shall not apply to any existing or proposed uses, buildings structures, signs, or extension thereof, occupied, owned and/or operated by the Township.
4. The application of requirements of this Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have heretofore been superseded and preempted by:
 - A. the act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act;"
 - B. the act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act;"
 - C. the act of December 19, 1984 (P.L. 1140, No. 223), known as the Oil and Gas Act;" and,
 - D. to the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1 st Sp. Sess., P.L. 31, No.1), known as 'The Bituminous Mine Subsidence and Land Conservation Act.
5. The application of requirements of this Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under:
 - A. the act of May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act;"
 - B. the act of June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law;" or,
 - C. the act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting

agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.

SECTION 104 INTERPRETATION

1. In interpreting and applying the provisions of this Ordinance, such shall be considered to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.
2. In interpreting the language this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

SECTION 105 CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, except as specifically noted elsewhere within this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply. This Ordinance intends not to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties.

SECTION 106 VALIDITY AND SEVERABILITY

Except as noted in Sections 221.19.6., 230.14.6., and 231.18.5. of this Ordinance, should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

SECTION 107 USES NOT PROVIDED FOR

Whenever a use is neither specifically permitted nor denied by this Ordinance, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the following criteria. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. To approve the use the Board must find that the proposed use:

1. is similar to and compatible with the permitted uses in the Zone in which the subject property is located;

2. is not permitted in any other Zone under the terms of this Ordinance;
3. is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Board of Supervisors most closely reflect the likely impacts that will be generated by the proposed use;
4. complies with all other applicable sections of this Ordinance and other ordinances of the Township;
5. in no way conflicts with the general purposes and intent of this Ordinance; and,
6. would not be detrimental to the public health, safety and welfare of the neighborhood or Township.

SECTION 108 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Benner Township is hereby divided into Zones which shall be designated as follows:

Base Zones Mapped on the Zoning Map

- Conservation Zone (C) – Section 200
- Agricultural Zone (A) – Section 201
- Suburban Residential Zone (R-1) – Section 210
- Multi-Family Residential Zone (R-2) – Section 211
- Manufactured Home Park Residential Zone (MHP) – Section 212
- Highway Commercial Zone (C-1) – Section 220
- Regional Commercial Zone (C-2) – Section 221
- Light Industrial Zone (I-1) – Section 230
- Campus Industrial Zone (I-2) – Section 231
- Airport Industrial Zone (I-3) – Section 232
- Quarry Zone (Q) – Section 233

Overlay Zoning Zones mapped on the Natural & Cultural Features Map

- Floodplain Overlay Zone (FO) - 510
- Riparian Buffers (RBO) – Section 511

SECTION 109 ZONING MAP

All areas within Benner Township are assigned to one of several Zoning Zones, the locations of which are established by this Ordinance and depicted upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, for the purposes of administering the requirements of Article 5 (Environmental Protection) the attached Natural and Cultural Features Maps are also specifically declared to be a part of this Ordinance.

SECTION 110 ZONE BOUNDARY LINES

The Zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Township or as dimensioned on the map. In the event of dispute about the location of the boundary of any Zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board. When a property is contained within more than one Zone, any use is required to comply with all applicable design standards

upon that portion of the property within the Zone in which the use is permitted and for the purposes of satisfying applicable design standards, the zoning boundary shall be treated as a property line.

SECTION 111 WORD USAGE

Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined differently within this Article.

SECTION 112 LANGUAGE INTERPRETATION

In this Ordinance, when not inconsistent with the context:

- A. words in the present tense imply also the future tense.
- B. the singular includes the plural.
- C. the male gender includes the female gender.
- D. the word “person” includes an individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee or similar representative.
- E. the term “shall” or “must” is always mandatory.

SECTION 113 SPECIFIC WORDS AND PHRASES

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

ACCESSORY BUILDING – A detached, subordinate building, the use of which is customarily incidental to that of the principal use and which is located on the same lot as the principal use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACT - The Pennsylvania Municipalities Planning Code as amended and codified.

ADJACENT / ADJOINING - The state of being side by side, next to or abutting one another.

ADULT USE - Any of the following, either alone or in combination with any other use.

- A. an establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
- B. an establishment or place of assembly to which the public is permitted or invited:
 - 1. which has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:

- a. books, magazines or other periodicals as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas
 - b. instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
 2. wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
 3. which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
 4. which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- C. The following specific uses are examples of adult uses, but shall not be considered the only types of adult uses.
1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition 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.
 2. Adult 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.
 3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
 - 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.
 4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis

on specified sexual activities or specified anatomical areas.

5. Adult Massage Establishment: 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 a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
6. 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.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, 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 or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. 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 description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. 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.
11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall 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.

13. Adult 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 areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. 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.
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."

AGRICULTURE - The tilling of the soil, the raising of crops, horticulture, and the keeping or raising of livestock such as alpacas, birds, beaver, bees, cattle, chinchilla, cows, emus, fish, fowl, foxes, hogs, horses, lynx, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish and other similar animals for commercial distribution. This definition also includes noncommercial greenhouses and mushroom houses as well as the processing and retail sale of goods produced on the farm. This definition also includes uses devoted to research into agricultural technology that would change the conduct of normal farming operations. This definition does not include concentrated animal feeding operations, concentrated animal operations, commercial produce operations and gardening, each, as defined herein.

AIRCRAFT - Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into flight through the air.

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

- A. Private Airport - An airport that is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.Const.Stat. Section 5102.
- B. Public Airport - An airport that is either publicly or privately owned and that is open to the public as defined in 74 Pa.Const.Stat. Section 5102.

ALCOHOLIC BEVERAGES - Any and all beverages, including malt beverages, which contain alcohol, liquor or such other intoxicating substances as are further defined in the *Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq.*

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS - Any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as

bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

ALTERNATIVE ENERGY PRODUCTION FACILITIES – Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers and similar technologies.)

AMUSEMENT ARCADE - A commercial establishment which provides at least four (4) amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of less than four (4) such devices as an accessory use that can be offered at suitable locations (e.g. restaurants, taverns, nightclubs, commercial recreation establishments, and similar uses).

AMUSEMENT, THEME AND/OR ZOO PARK - A principal use designed and operated for public amusement and education that features a self contained and secure setting that enables visitors:

- A. Permanent amusement structures, rides, or activities;
- B. Venues for cultural, sports, entertainment and educational activities;
- C. Cages, habitats and exhibits of domestic and/or exotic animals and plants;
- D. Museums, planetariums and other similar exhibits for cultural and educational display; and,
- E. Accessory comfort and leisure facilities (dining, rest rooms, offices, first aid, and other similar activities) for those visiting the park.

ANIMAL EQUIVALCY UNIT (AEU) - A standardized measure that enables regulation of density or intensity of animal population upon an area of land. One (1) AEU is equivalent to one thousand (1,000) pounds of animal(s), including both animals customarily raised as livestock as well as animals kept as pets.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for zoning approval, for the approval of a subdivision plat or plan, or for the approval of a land development plan.

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

- A. **Building Area**: The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).
- B. **Gross Floor Area**: The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
- C. **Gross Lot Area**: The total surfacial area contained within the property lines of a lot, exclusive of exterior public rights-of-way.

- D. Habitable Floor Area: The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches.
- E. Lot Area: The total surfacial area contained within the property lines of a lot, exclusive of public rights-of-way, and public and private streets.
- F. Minimum Lot Area - The least amount of land area required to be to be associated with a principal use as specified within this Zoning Ordinance, except that the following features are expressly excluded from such calculations:
1. street rights-of-way;
 2. ultimate rights-of-way;
 3. access easements serving more than one (1) principal use;
 4. sanitary sewer and water easements serving more than one (1) principal use;
 5. gas pipeline easements and/or rights-of-way;
 6. land within easements and/or rights-of-way for overhead electric transmission lines 66 KV and greater;
 7. storm water management facilities, pipes and/or swales intended to serve more than two (2) principal uses;
 8. stream easements;
 9. permanent and open bodies of water;
 10. 100 year floodplains and wetlands; and/or,
 11. slopes of 25% or greater.

Net Lot Area: The total surfacial area contained within the property lines of a lot, exclusive of public rights-of-way, and public and private streets.

Retail Sales Area: The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

AREA OF DISTURBANCE - The total land area proposed to be used for and/or within any, and all, of the following:

- A. Any area within the lot proposed for development that is within fifteen (15) feet of any or all of the following existing or proposed features:
1. A principal building or structure (except as provided in Subsection 3. below);
 2. Accessory structures or uses existing or proposed at the time of development of the principal building or structure; and
 3. An accessory structure of more than five hundred (500) feet of lot coverage.
- B. Any areas within the lot proposed for development that are within ten (10) feet of any existing or proposed gravel or paved areas, including gravel or paved driveways;

- C. Any areas within the lot proposed for development that are within forty (40) feet of the rear of the principal building; and
- D. Any areas proposed to be graded, cleared or otherwise altered that are five hundred (500) square feet or greater in size.

ATTIC - That part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUCTION HOUSE – A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions as defined below.

AUTOMOBILE AUCTION - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged sales during a competitive bidding process.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE PARKING COMPOUND - See definition of “Parking Compound.”

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

AUTOMOBILE SERVICE AND REPAIR - The retail repair, servicing, maintenance and reconstruction of passenger vehicles, provided that the washing of passenger vehicles as a principal use is excluded from this definition (See “car wash”).

AUTOMOBILE STORAGE YARDS - A use whereby passenger vehicles are stored awaiting transport to a different location.

AVOIDANCE MEASURES – Specific actions that have been identified by one of the Pennsylvania Natural Diversity Inventory (PNDI) jurisdictional agencies that must be fulfilled by an applicant in order to inflict no impact upon a special concern species or resource in the vicinity of the project area.

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

BANKS AND SIMILAR FINANCIAL INSTITUTIONS – Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of money, currency and wealth. This use shall expressly include uses commonly known as banks, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BASEMENT – A space with less than half of its floor-to-ceiling height above the average finished grade of the adjoining ground and with a floor-to-ceiling height of greater than six and one-half (6½) feet; however, for the purposes of Section 510 of this Ordinance basement shall include any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST - A single-family detached dwelling, where between one and three bed and breakfast units are rented to overnight guests on a daily basis for periods not exceeding 14 consecutive days per 60-day period. Breakfast may be offered only to registered overnight guests.

BED AND BREAKFAST UNIT – A room within a bed and breakfast establishment used for lodging.

BEEKEEPING - The raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

BLINDING GLARE - Glare that is so intense that for an appreciable length of time after it has been removed, no object can be seen.

BOARD OF SUPERVISORS – The governing body of Benner Township, Centre county, Pennsylvania.

BOARDER - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and who also may be furnished meals or other domestic services in return for compensation.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, for three (3) but not more than ten (10) boarders. This term includes single-room occupancy residences (SROs), tourist homes and rooming houses. Boarding houses must include a full-time on-site resident manager.

BOTTLE CLUB means an establishment operated for profit or pecuniary gain which is not licensed by the *Pennsylvania Liquor Control Board* and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic beverages are not legally sold but where such alcoholic beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the *Liquor Code* or any organization as set forth in *Section 6 of the Solicitation of Funds for Charitable Purposes Act*.

BRING YOUR OWN BOTTLE CLUBS - A place of assembly or any other use defined in this Ordinance, other than a dwelling unit, including but not limited to, taverns, clubs, and social buildings, that is not licensed by the *Pennsylvania Liquor Control Board*, in which no alcoholic beverages are sold, but where patrons are permitted to bring alcoholic beverages upon the premises for their own use and consumption. A facility which is rented for a limited period of time, but in no event to exceed 6 hours in length, nor to exceed one rental in a 24-hour period, nor to occur between the hours of 12:00 p.m. midnight and 11:00 a.m. by individuals or an organization for the purpose of a private party in which alcoholic beverages are carried

onto the premises, shall not be considered a BYOB Club under the terms hereof. BYOB Club shall not include a restaurant as defined herein.

BRING YOUR OWN BOTTLE USES – a use to which patrons, members and/or their guests may be permitted to consume alcoholic beverages that were purchased elsewhere, only in accordance with all applicable State laws.

BUGGY – A carriage drawn by a horse that is commonly used by plain sects as a mode of transport and travel.

BUILDING - Any structure with a roof intended for shelter or enclosure of persons, animals or property.

A. **Detached**: A building which has no party wall.

B. **Semi-detached**: A building which has only one party wall in common.

C. **Attached**: A building which has two or more party walls in common.

BUILDING AREA - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

BUILDING ENVELOPE - The area of a lot that is available for development and free of restrictions as specified in this Ordinance and may include building set back requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, and all similar restrictions

BUILDING HEIGHT - A building's vertical measurement from the mean level of the ground abutting the building to the highest point of the roof.

BUILDING LENGTH – The longest horizontal measurement of a building.

BUILDING SETBACK LINE - The actual line of the closest part of a building, including roof overhangs, to an adjacent street right-of-way line in the front yard and a side or rear property line. This shall not include those projections listed in Section 320 of this Ordinance.

BUILDING PERMIT – Permits issued under the Uniform Code Construction Code. (Permits issued under this Zoning Ordinance are “zoning permits.”)

BUSINESS UNIT – A parcel of real estate, with or without improvements utilized by any person(s) for any commercial activity or purpose.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles, travel trailers or tents.

CAMPSITE - A plot of ground within a campground intended for occupation by a recreational vehicle, tent or travel trailer.

CANDELA - The standard industrial unit of luminous intensity. One candela is one lumen per steradian (lm/sr).

CANDLEPOWER - Luminous intensity expressed in candelas.

CARPORT – A roofed structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of motor vehicles.

CARRIAGE & BUGGY HORSE – An animal kept accessory to a principal residence whose occupants rely upon as a primary mode of transport and travel.

CARTWAY - The surface of a street intended and available for use by vehicular traffic.

CAR WASH – A commercial use devoted to cleaning the exterior, and sometimes the interior, of automobiles and other passenger vehicles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full service operations.

CASINOS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

CATERERS, BAKERS AND CONFECTIONERS – A retail commercial use devoted to the preparation, packaging and/or delivery of prepared foods for consumption at another location. This use shall also expressly include the retail sales of those goods produced on the site; however, no seating for on site consumption shall be permitted.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

CEMETERY – Lands and/or facilities used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall also include facilities for the burial of domestic pets.

CERTIFICATE OF USE AND OCCUPANCY - A statement, signed by the Zoning Officer verifying that a building, structure, sign, and/or land complies with this Zoning Ordinance and may be lawfully employed for its intended use.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.

CHANNEL FLOW - That water that is flowing within the limits of a defined channel.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries and church-related recreation, educational and/or day-care facilities and orphanages.

CLINIC, MEDICAL, DENTAL, VISION, OR COUNSELING - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients.

CO-LOCATED COMMUNICATION ANTENNAS - Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device (also see “Communications Antenna.”).

COMMERCIAL DAY CARE – A facility licensed by the Commonwealth of Pennsylvania that

provides a wide range of formal day care services for compensation who are supervised by a qualified staff to seven (7) or more children and/or four (4) or more elderly or disabled adults. The child/adult care areas shall not be used as a family residence. (See also "Family Day Care".)

COMMERCIAL PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten percent (10%).

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and etc. This does ***not*** include adult-related uses, shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, off-track betting and/or slot machine parlors unless such use are specifically approved under their respective terms of this Ordinance.

COMMERCIAL SCHOOL – See School, Commercial”

COMMERCIAL TRUCK – A motor vehicle that is associated with a business and/or exceeds the limitations of a “personal motor vehicle” as defined herein.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Common open spaces shall not include areas devoted to driveways, access drives, parking lots, street rights-of-way, storm water detention basins and required setbacks.

COMMON PARKING AREA - A parking facility serving multiple uses or properties.

COMMON WALL - A wall separating two units of occupancy.

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes without limitation omnidirectional (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 residential satellite dishes, television antennas, or antennae for amateur radio equipment.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennae.

COMMUNICATIONS TOWER - A freestanding structure, designed and used solely to support communications antennae.

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

COMMUNITY SEWAGE DISPOSAL SYSTEMS - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is not proposed to be owned and/ or operated by Benner Township. All community sewage disposal systems shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

COMPOSTING - The conversion of organic matter, such as yard waste, into fertilizer.

COMPREHENSIVE PLAN - The latest adopted version of the Benner Township Comprehensive Plan, including any freestanding supplemental documents, as may be amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria:

Three Criteria to Determine CAFO Uses
<p style="text-align: center;">Criteria 1</p> <p>The proposed agricultural operation exceeds any of the following animal type thresholds:</p> <ul style="list-style-type: none">• 700 mature dairy cows;• 1,000 veal calves;• 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs;• 2,500 swine of 55 lbs. or more;• 10,000 swine under 55 lbs.;• 500 horses;• 10,000 sheep or lambs;• 55,000 turkeys;• 30,000 layers or broiler chickens using a liquid manure handling system;• 125,000 broiler chickens not using a liquid manure handling system;• 82,000 layer chickens not using a liquid manure handling system;• 30,000 ducks not using a liquid manure handling system; and/or,• 5,000 ducks using a liquid manure handling system.
<p style="text-align: center;">Criteria 2</p> <p>Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.</p>
<p style="text-align: center;">Criteria 3</p> <p>Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.</p>

CONCENTRATED ANIMAL OPERATION (CAO) - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Table A within the above-described Section, which may be amended.

CONDITIONAL USE - A use that may appropriate to a particular zoning Zone when specific conditions and criteria prescribed for such uses are satisfied. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 905 of this Ordinance.

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, are designated for separate

ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION EASEMENT – A private agreement between the landowner and the Township (and possibly other designated persons or parties) that is applied to property to perpetually protect it from future development.

CONSERVATION MEASURE – A specific action that has been identified by one of the Pennsylvania Natural Diversity Inventory (PNDI) jurisdictional agencies that can minimize impact upon a special concern species or resource in the vicinity of the project area.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at a minimum, describes, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSISTENCY - An agreement or correspondence between matters being compared, which denotes a reasonable, rational, or similar connection or relationship.

CONSTRUCTION - The placement of materials and equipment in a defined area to be assembled, built, applied, and/or demolished in a temporary or permanent manner, as approved by the designated officials of the Township.

CONSTRUCTION SITE - The total necessary land area required for all buildings or uses within a development.

CONVENIENCE COMMERCIAL CENTER – A designated area functionally and visually integrated within an (I-2) Zone that offers limited commercial conveniences to the employees and visitors of the nearby uses.

CONVENTION AND/OR CONFERENCE CENTER – A principal use that is designed to offer accommodations that are integrated in form and function to visitors and groups of attendees for the purposes of education, training, trade shows, exhibits, presentations, and other similar activities.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Although this use is permitted by right within the HC and RC Zones, some of the permitted activities require the approval of a special exception or conditional use if they are conducted as part of the convenience store:

- A. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult uses are expressly prohibited;
- B. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 427 of this Ordinance, and provided that rest rooms are made available to the public;
- C. Amusement arcades, subject to the requirements of Section 404 of this Ordinance;
- D. Automatic bank teller machines;
- E. Photomats and film development drop-off sites;
- F. Laundry, dry cleaning and tailoring drop-off sites;
- G. Lottery sales counters and machines;
- H. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;

- I. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 409 of this Ordinance;
- J. Car washes, subject to the requirements of 416 of this Ordinance; and,
- K. Post offices and other parcel delivery drop-off sites.

CONVERSION - To change or adapt improved property to a use, occupancy, or purpose other than what existed on the effective date of this Ordinance.

COUNTY - The County of Centre, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Centre County Planning Commission.

CRT – Cathode ray tube.

CULTURAL FACILITIES – A use conducted indoors devoted to the development and personal acquaintance with fine arts, humanities and broad aspects of science.

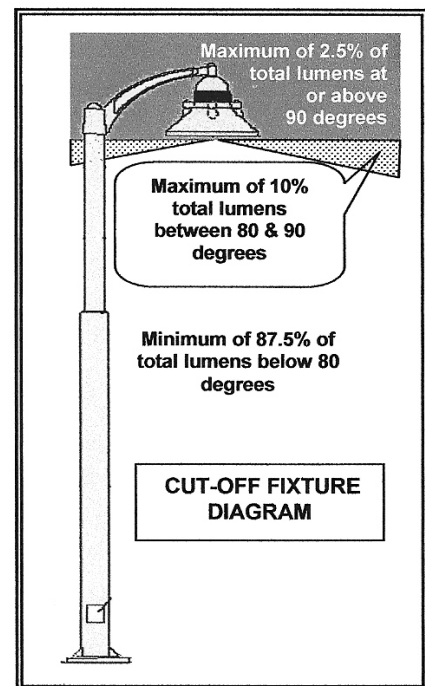
CURATIVE AMENDMENT - A proposed zoning amendment made to the Board of Supervisors by any landowner or applicant who desires to challenge the substantive validity of an ordinance that prohibits or restricts the use or the development of land in which the landowner or applicant has an interest.

CUTOFF ANGLE (OF A LUMINAIRE) - The angle, measured up from the horizon, between the vertical axis and the first line of sight at which the bare source is not visible.

CUTOFF LUMINAIRE – A luminaire that distributes light not exceeding (2.5%) at an angle of 90 degrees above the horizon, and (10%) at a vertical angle of 80 degrees above the horizon.

DANCE, MUSIC, ART FASHION AND PHOTOGRAPHIC STUDIO AND GALLERY – A principal use devoted to the:

- A. training and performance of dance and music;
- B. development, display, and sales of individual works of art and/or photography; and,
- C. design, development, display and sales of custom articles of clothing.



DAY-CARE – (See “Commercial Day Care” and “Family Day Care.”)

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

DENSITY - A term used to express the allowable number of dwelling units per acre of land exclusive of public rights-of-way, and public and private streets.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ZONE - A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

DOMESTIC COMPOST – An accessory use that converts organic waste of the residents (excluding sewage) on-site, such as yard waste, into fertilizer.

DOMESTIC PETS - The noncommercial keeping of no more than four (4) adult non-farm animals, that are locally available for purchase as pets, as an accessory use to a primary residential use. Domestic pets shall not include any species identified as "exotic animals" and "livestock," both as defined herein nor any animal species that, in the opinion of the Zoning Officer, poses a threat to the health, safety and/or welfare of the community.

DOMESTIC TOOLS – Electric and/or liquid fuel powered devices that assist in the maintenance and repair of personal property and one's residence (e.g. power tools, lawn mowers, chain saws, snow blowers, generators, compressors, power washers and etc.)

DRIVE-THROUGH FACILITY - Any portion of a building or structure from which business may be transacted with a customer in a motor vehicle.

DRIVE-THRU AND/OR FAST-FOOD RESTAURANT - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm; provided however, that joint use driveways as permitted under Section 435.2. of this Ordinance may serve up to four (4) single family detached dwelling units.

DRIVING RANGE - An accessory or principal use devoted to the practice of driving golf balls.

DRY CLEANERS, LAUNDRIES AND LAUNDROMATS – A principal retail use at which patrons can either perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles, or drop-off facilities for such services. This use shall not include accessory laundry services associated with lodging facilities and/or institutional uses.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

- A. **Single-Family Detached:** A freestanding building containing one dwelling unit for one family. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the manufactured home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Manufactured and modular homes shall be considered single-family detached dwellings so long as they are designed and constructed in accordance with the Uniform Construction Code. (Figure 1)

B. **Duplex:** (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) or over-and-under (Figure 3) configuration.

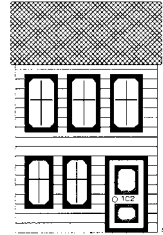


Figure 1

C. **Multiple Family:** A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)

D. **Quadruplex:** A building containing four dwelling units that each are located on grade that are not arranged in a side-by-side layout.

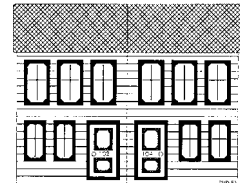


Figure 2

E. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common walls. (Figure 5)

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

DYNAMIC MESSAGE DISPLAY - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages.

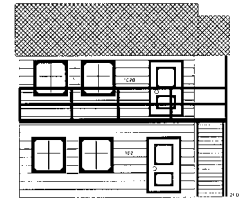


Figure 3

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. For the purposes of this Ordinance this definition shall not include the tilling of the soils and cultivation associated with the growing of crops.



Figure 4

ELEVATION - The average level of the ground adjacent to a structure, storage area, sign or other improvement.



Figure 5

EMERGENCY SERVICES - An organization comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund-raising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

ENTERTAINMENT FACILITIES - A use conducted indoors that offers personal amusement and/or enjoyment through mental engagement. This definition does not include adult uses, amusement arcades, casinos, off-track betting parlors, wagering, or shooting ranges.

EXOTIC ANIMALS - All bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in

appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

FAMILY - Any one of the following:

- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- C. Not more than three (3) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a “family.”

FAMILY DAY CARE FACILITIES – An accessory use to a detached single-family dwelling principal use offering of care or supervision to no more than six (6) different persons during any calendar day for a period not to exceed 18 continuous hours that is registered by the Commonwealth of Pennsylvania. The limit on the number persons shall not be applied to children who reside on the property. (See also “Commercial Day Care”.)

FARM - A parcel of land that is used for one (1) or more agricultural operations (q.v.) including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

FARM OCCUPATION - A business or commercial activity that is conducted as an accessory use to a principal agricultural or horticultural use.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

FCC – The Federal Communications Commission of the United States of America.

FELLING – The act of cutting a standing tree so that it falls to the ground.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - Bank, savings and loan association, savings bank, investment company, philanthropic foundation, or the office of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

FISH HATCHERIES – A principal use devoted to the raising of fish for wholesale distribution and/or wholesale public release.

500-YEAR FLOOD - A flood that, on the average, is likely to occur once every 500 years.

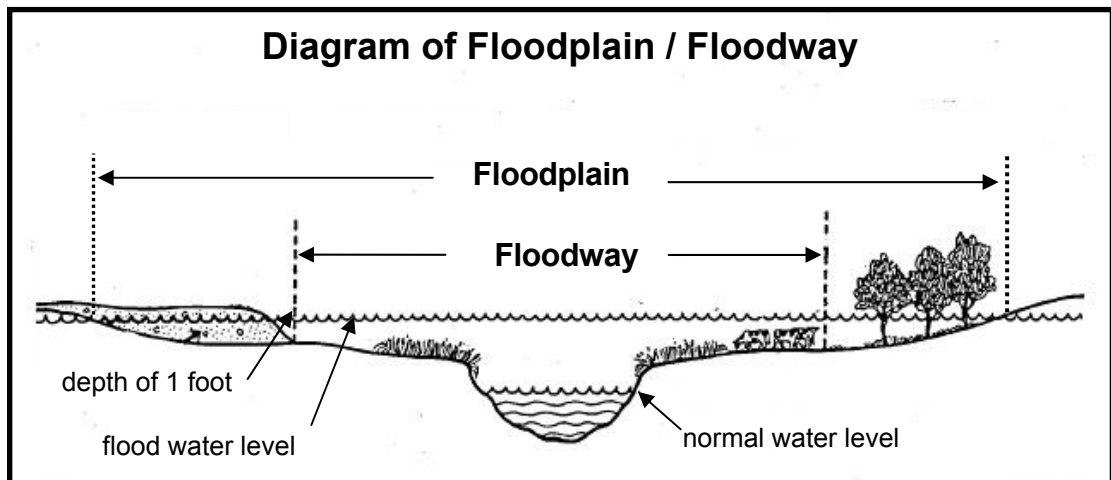
FLAG LOT – A lot permitted under specific requirements of this Ordinance whose lot width at its frontage is less than that required at the building setback line.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOD OF RECORD - The flood which has reached the highest flood elevation above mean sea level at a particular location.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.



FLOODPROOF - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to property, structures and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

FLOOR AREA RATIO – The amount of gross floor area expressed as a proportion of the gross lot area.

FOOTCANDLE – A measure of intensity of light stated in lumens per square foot.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FORESTRY OPERATOR – An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

FREESTANDING COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT – See “Communications Antennas,” “Communications Towers” and “Communications Equipment.”

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street that can be used for vehicular access to the site.

FULL CUTOFF FIXTURE/LUMINAIRE - A luminaire that distributes no light at or above an angle of 90 degrees above the horizon, and ten percent (10%) at a vertical angle of 80 degrees above the horizon.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. a funeral chapel or similar gathering place;
- B. embalming and the performance of other services used in preparation of the dead for burial;
- C. cremation of human remains;
- D. the performance of autopsies and other surgical procedures;
- E. the storage of caskets, urns, and other related supplies; and
- F. the storage of funeral vehicles.

GARAGE, MOVING AND YARD SALE – An occasional and temporary use of a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

GARAGE, PRIVATE - An accessory building for the storage of one (1) or more motor vehicles and/or other vehicles all of which must be accessory and incidental to the primary use of the residential premises, except as noted in Section 312.26. of this Ordinance.

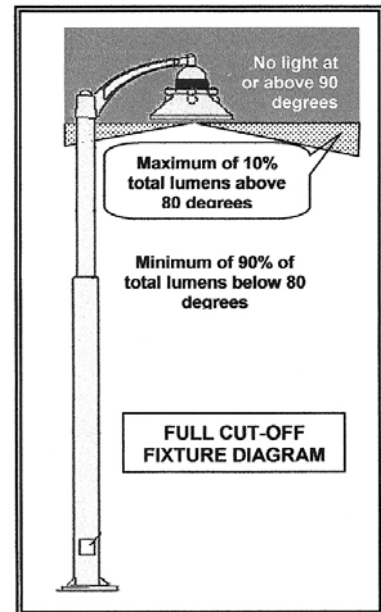
GARDENING – The growing of plants for personal use as an accessory use upon a residential site, or the growing of plants for personal use upon assigned plots located away from the residential site.

GLARE - The sensation produced by lighting that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.

GOLF COURSE - A golf course with a minimum of 2000 yards of play in nine (9) holes.

GOLF COURSE DRIVING RANGE - An accessory use to a golf course devoted to the practice of driving golf balls.

GOLF COURSE, MINIATURE – A commercial recreational use based upon golf that requires



only a putter and is typically, but not necessarily, lit for night play.

GOVERNING BODY - The Board of Supervisors of Benner Township, Centre county, Pennsylvania.

GOVERNMENTAL USE – A use that is operated by a duly recognized level of government (local, State and Federal) provided however, that such use shall not include solid waste disposal and/or handling facilities, prisons, and/or hospitals.

GRADE – A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

GROUP HOME – See the definition of “family” and “dwelling.”

HAZARDOUS MATERIAL – Substances that have the potential to damage health or impair safety. Hazardous substances include, but are not limited to, inorganic mineral acids, sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS – A principal use that offers service, support, entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, bring your own bottle clubs, bring your own bottle uses, casinos, golf courses, off-track betting parlors or shooting ranges, all as defined herein.

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks in excess of 10,000 pounds gross vehicle weight, cargo and storage containers, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEAVY INDUSTRIAL USE – A principal use that involves:

- A. the production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar and other synthetic paving and masonry-like materials;

- B. the production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, creosote, hydrogen, oxygen, alcohol, nitrates, potash, plastic and synthetic resins, pyroxylin, rayon, and hydrochloric, nitrate, picric and sulfuric acids;
- C. the production and processing of matches, fuels and explosives, including but not limited to, gasoline, kerosene, ethanol, coal, naphtha, natural gas, oil (natural and synthetic), and other similar materials;
- D. the production and processing of gelatin, glue, soap, starch and other animal by-products not associated with food processing;
- E. the production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl, rubber (natural and synthetic) and other similar materials;
- F. the production and processing of glass and glass products;
- G. a metal foundry, reduction, refinishing, smelting, alloying and refining operation;
- H. the production and/or assembly of passenger vehicles and heavy equipment and manufactured homes; and,
- I. an operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products not listed in Section 230.2., Sections 230.3.3. of this Ordinance.

HELICOPTER PAD (PRIVATE) – A heliport conducted as an accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of helicopter aircraft and any appurtenant areas which are used, or intended to be used, for heliport buildings or navigation facilities or rights of way, together with all heliport buildings and facilities thereon.

HISTORIC STRUCTURE – Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic Zone or a Zone preliminarily determined by the Secretary to qualify as a registered historic Zone;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or,
 - 2. Directly by the Secretary of the Interior in states without approved programs.

HISTORIC STRUCTURE CONVERSION – The change or adaptation of an historic structure for use and occupancy other than what existed on the effective date of this Ordinance.

HOME IMPROVEMENT AND BUILDING SUPPLY STORE - A facility for the retail sale of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit, except that any use that adheres to the definition of “no-impact home-based business”, as defined herein, is permitted by right in any dwelling unit within the SMC, AP, OSR, R-1, R-2, and R-3 Zones.

HORTICULTURE – The cultivation of fruits, vegetables, flowers, and ornamental plants for commercial distribution.

HOSPITAL AND RELATED USES - An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

HOTEL, MOTEL OR SIMILAR LODGING FACILITIES - A building or group of buildings containing rooms for rental on a temporary basis. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels, motels and similar lodging facilities may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services.

HOTEL AND RELATED USES - A building or group of buildings containing rooms for rental on a temporary basis whose primary access is limited through a lobby. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels and related uses may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services, provided (with the exception of outdoor athletic courts and passive recreation features) such uses are contained entirely within the hotel building.

HOUSEHOLD HAZARDOUS WASTES - Those wastes in households that are hazardous in nature, but are not regulated as hazardous waste, under Federal and State laws. Included are such items as old paints and paint related products, pesticides, pool chemicals, drain cleaners, and degreasers, car care products and etc.

IESNA – Illuminating Engineers Society of North America.

ISA – International Society of Arboriculture.

ILLUMINANCE - The quantity of light per unit area, measured with a light meter in footcandles.

IMPERVIOUS SURFACE – A surface not readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use. These

typically include but are not limited to roads, access drives, interior drives, driveways, buildings, structures, sidewalks, off-street parking spaces, off-street loading spaces and paved recreation courts.

IMPROVEMENT - Any structure, including but not limited to the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) other than an access drive that are associated with a use other than a single-family dwelling and/or farm.

INTERIOR LANDSCAPE ISLAND— for an island to be considered to be an interior landscape island its must directly adjoin at least two off-street parking spaces on two separate sides of the landscape island.

INVASIVE PLANT SPECIES OF PENNSYLVANIA - Plants that displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are:

Trees:

Acer platanoides, commonly known as Norway Maple
Acer pseudoplatanus commonly known as Sycamore Maple
Allanhus altissima commonly known as Tree-of-Heaven
Elaegnus angustifolia commonly known as Russian Olive
Paulownea tomentosa, commonly known as Princess Tree
Populus Alba commonly known as White Poplar
Pyrus calleryana (and all cultivars, commonly known as Callery Pear
Ulmus pumila commonly known as Siberian Elm
Viburnum lantana commonly known as Wayfaring Tree

Shrubs and Vines:

Akebia Quintana, commonly known as Fiveleaf akebia
Alnus glutinosa, commonly known as European Black Alder
Ampelopsis brevipedunculata, commonly known as Porcelain berry
Berberis vulgaris, commonly known as European Barberry
Berberis thunbergii, commonly known as Japanese Barberry
Celastrus orbiculatas, commonly known as Oriental bittersweet
Elaegnus angustifolia, commonly known as Russian Olive
Elaegnus umbellaa, commonly known as Autumn Olive
Euonymus alatus, commonly known as Winged Euonymus
Ligustrum obtusifolium, commonly known as Border Privet
Ligustrum vulgare, commonly known as Common Privet
Ligustrum vulgara, commonly known as European Privet
Lonicera japonica, commonly known as Japanese Honeysuckle
Lonicera maacki, commonly known as Amur Honeysuckle
Lonicera morrowil, commonly known as Morrow's Honeysuckle
Lonicera morrowii tatarica, commonly known as Bell's Honeysuckle
Lonicera standishii, commonly known as Standish Honeysuckle
Lonicera tatarica, commonly known as Tartarian Honeysuckle
Lonicera x-bella, commonly known as Hybrid Honeysuckle

Lythrum salicaria, commonly known as Purple Loosestrife (herbaceous)
 Morus alba, commonly known as White Mulberry
 Morus rubra, commonly known as Red Mulberry
 Phyllostachys, commonly known as aubea Bamboo
 Polgnum perfoliatum, commonly known as Mile-a-minute weed
 Pueraria lobata, commonly known as Kudzu
 Rhamnus cathartica, commonly known as Common Buckthorn
 Rhamnus franguia, commonly known as Glossy Buckthorn
 Rubus phoenicolasius, commonly known as Wineberry
 Rosa multiflora, commonly known as Multiflora Rose
 Spiraea japonica, commonly known as Japanese spiraea
 Viburnum opulus, commonly known as European Highbush Cranberry
 Viburnum opulus var. opulus, commonly known as Guelder rose
 Vinca minor, commonly known as periwinkle

Forbs and Grasses:

Aegopodium podagraria, commonly known as Goutweed
 Alliaria petiolata, commonly known as Garlic mustard
 Bromus tectorum, commonly known as Cheatgrass
 Centaurea maculosa (syn. C. biebersteinii), commonly known as Spotted knapweed
 Chelidonium majus, commonly known as Greater celandine
 Cirsium arvense, commonly known as Canada thistle
 Conium maculatum, commonly known as Poison hemlock
 Coronilla varia, commonly known as Crown vetch
 Epilobium hirsutum, commonly known as Hairy willow herb
 Festuca elatior, commonly known as Tall fescue
 Hedera helix, commonly known as English ivy
 Hemerocallis fulva, commonly known as Orange day-lily
 Heracleum mantegazzianum, commonly known as Giant hogweed
 Hesperis matronalis, commonly known as Dame's rocket
 Lythrum salicaria, L. virgatum, commonly known as Purple loosestrife
 Microstegium vimineum, commonly known as Japanese stilt grass
 Ornithogalum nutans, O. umbellatum, commonly known as Star-of-Bethlehem
 Pastinaca sativa, commonly known as Wild parsnip
 Perilla frutescens, commonly known as Beefsteak plant
 Phalaris arundinacea, commonly known as Reed canary grass
 Phragmites australis ssp. australis, commonly known as Common reed
 Polygonum cuspidatum, P. sachalinense, commonly known as Japanese knotweed
 Ranunculus ficaria, commonly known as Lesser celandine
 Typha angustifolia, commonly known as Narrow-leaved cattail
 T. x glauca (T. ang. x T. latifolia), commonly known as Hybrid cattail

Aquatics:

Myriophyllum spicatum, commonly known as Eurasian water milfoil
 Potamogeton crispus, commonly known as Curly pondweed
 Trapa natans, commonly known as Water Chestnut

JOINT PARKING LOT – A parking lot that is designed, constructed and operated on a shared basis by two or more adjoining uses with one or more shared access drives.

JOINT-USE DRIVEWAY - An improved cartway designed and constructed to provide for vehicular movement between a road and up to four (4) properties, each of which contain a single dwelling unit.

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper,

rag, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rag, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The term, "junkyard," does not include scrap metal processing operations and automobile shredding establishments. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which has expired.)

KENNEL - Any lot on which non-farm animals are kept, boarded, raised, bred, treated, or trained for commercial purposes or a fee, including but not limited to dog or cat kennels. This definition shall also expressly include animal rescue and similar emergency treatment facilities whether or not they are operated on a commercial basis.

LABORATORY – A use devoted to the conduct of experiments, research and observation associated with scientific study.

LAMP - A man-made source of light.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. The following activities are excluded from this term:
 - 1. the conversion of an existing single-family detached dwelling into not more than two (2) residential units, unless such units are intended to be a condominium;
 - 2. the addition of an accessory building / use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm; and
 - 3. the addition or conversion of buildings or rides within the confines of an amusement park (q.v.). This exclusion shall not apply to newly proposed or newly acquired areas of an existing amusement park until the initial land development plans for such parks or areas have been approved pursuant to the terms of the Subdivision and Land Development Ordinance.
 - 4. Construction of non-residential additions or non-residential accessory

buildings provided the construction does not result in the following:

- a. Building addition or accessory structure in excess of 2,000 square feet or 10% of the existing building's square footage. Once the 2,000 square feet. or 10% addition has been reached, any further expansions will require land development approval.
- b. Increase in employees greater than 5% of the existing staff, except all principal businesses are entitled to add a minimum of 2 employees if allowed elsewhere by this Ordinance.
- c. Increased storm water impacts requiring an expansion of existing storm water facilities or additional storm water impact upon neighboring properties.
- d. Installation of additional access drives providing vehicular access to or from a public- right-of-way.
- e. Need for DEP Sewer Planning Module or exemption.
- f. Impacts on floodplains and/or wetlands.
- g. More than five (5) additional parking spaces.

LANDING – The place where logs, pulpwood, or firewood are assembled for transport to processing facilities.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE SCREEN - A planting of noninvasive species arranged to form both a low-level and a high-level barrier between grade and to a height of six (6) feet. This definition can also include the use of an earthen berm provided such berm is covered with noninvasive vegetative materials that stabilize its slopes and form both a low-level and a high-level screen between grade and to a height of six (6).

LAUNDROMAT – A principal retail use at which patrons can perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles.

LAUNDRIES – A principal use whereby patrons drop-off personal clothing and/or other fabric items for cleaning and drying.

LCD – Liquid crystal display.

LED – Light emitting diode.

LIGHT - Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers.

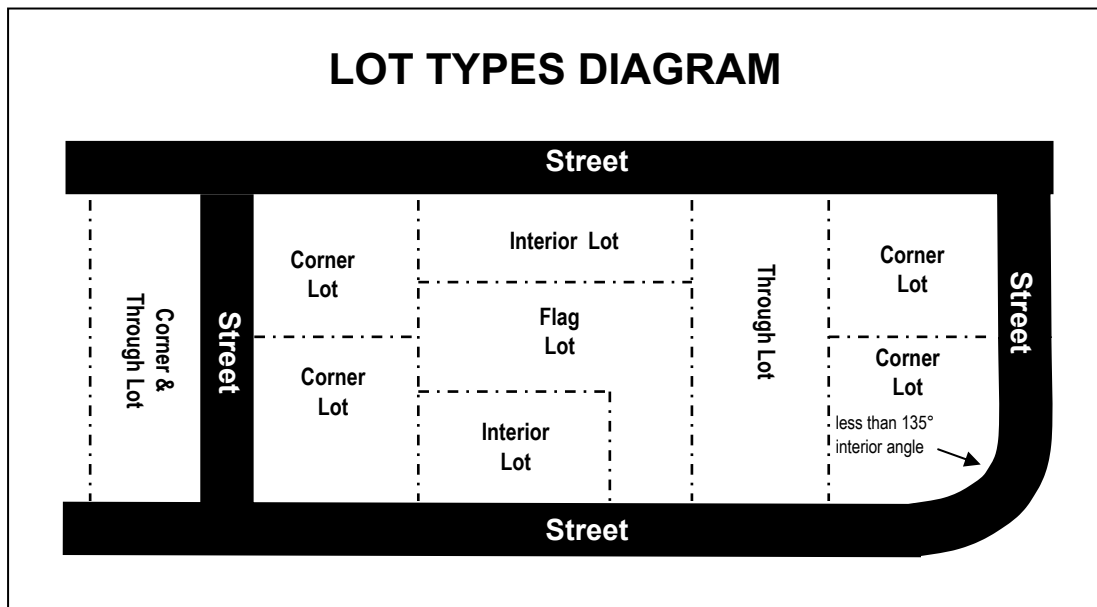
LIGHT TRESPASS - A normal perception of undesirable illumination including the following examples:

- A. The classic "light shining in a window;"
- B. Unwanted light on an adjacent property; and,
- C. Excessive brightness in the normal field of vision (nuisance glare)

LIVESTOCK – An animal typically bred and raised associated with some form of agriculture. This term shall expressly include alpacas, birds, beaver, bees, burrows, cattle, chinchilla, cows, donkeys, emus, fish, fowl, foxes, goats, hogs, horses, lynx, mules, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish, swine, and other similar animals for commercial distribution.

LOADING SPACE – See "Off-Street Loading Space".

LOP – The process of cutting treetops and slash into smaller pieces to allow material to settle close to the ground."



LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

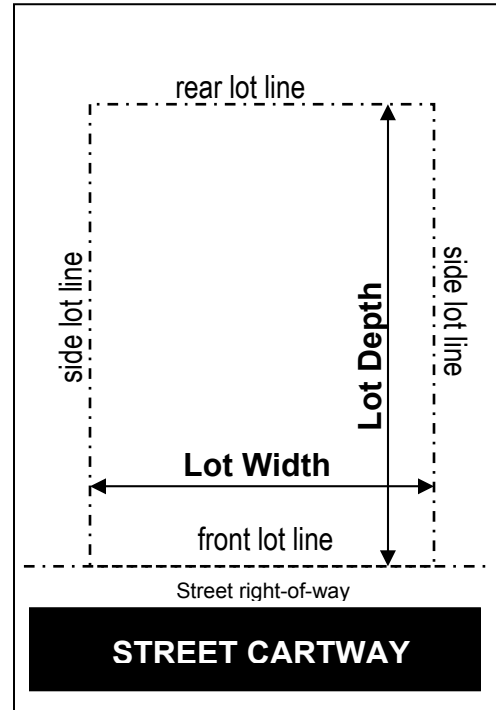
- A. Lot, Corner: A property having street frontage along two (2) or more contiguous sides or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.
- B. Lot, Flag: A lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective Zone, but that said lot has the required lot width away from the street frontage.
- C. Lot, Interior: A lot with only one (1) street frontage.
- D. Lot, Through / Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight streets rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT LINE - A recorded boundary line of a lot; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

- A. **Lot Line, Front:** The lot line coincident with the right-of-way line of a street.
- B. **Lot Line, Rear:** Lot lines that are formed at the outermost edge of any rear yard as defined herein.
- C. **Lot Line, Side:** Lot lines that are formed at the outermost edge of any side yard as defined herein.



LOT WIDTH - The horizontal distance measured between side property lines along the minimum front yard setback line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line along the minimum front yard setback line.

LUMEN - The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

LUMINAIRE - A complete lighting unit consisting of one or more lamps (light sources) together with the parts designed to control the light distribution, and other mechanical and electrical components.

LUMINANCE - The emitted or reflected light from a surface; its perceived brightness. The unit of luminance is the candela per square meter (cd/m²).

LUMINOUS INTENSITY - The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr).

MACHINE, TOOL AND DIE AND METAL FABRICATION SHOPS – A principal use devoted to the shaping, forming and finishing of metals into finished products or parts used in other industrial production and/or assembly.

MAN-MADE LAKES, DAMS AND IMPOUNDMENTS - Any area designed and improved for the collection, storage and/or release of water.

MANUFACTURED HOME – Except as applied to Section 510 of this Ordinance as noted below, any structure intended for or capable of permanent human habitation, with or without

wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed in parks shall meet the requirements for manufactured home parks listed in Sections 212 and 451 of this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

For the purposes of Section 510 of this Ordinance, the term “manufactured home” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

The term includes park trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

MANUFACTURED HOME PARK - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURING - Production of goods from raw materials, by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment. Includes all activities included in the NAICS (q.v.) list of “manufacturing” activities.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal.

MASS TRANSIT AND/OR TAXI-CAB TERMINALS – An area of land with or without structures where the principal use is the housing, storing, maintaining, repairing and/or dispatching of buses, trains, taxi-cabs or other passenger vehicles (other than aircraft) owned and operated by a provider of public transportation. This term excludes the storage of junked or discarded vehicles.

MATURE TREE - A deciduous tree with a diameter at breast height (DBH) greater than or equal to six (6) inches or a coniferous tree at least six (6) feet tall.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL, DENTAL, VISION AND COUNSELING CLINIC - Any building or group of buildings occupied by medical, dental, optical, psychological, social, and/or behavioral practitioners and related services for the purpose of providing such services to people on an outpatient basis.

MEDICAL RESIDENTIAL CAMPUS – A use that provides a harmonious and balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community.

MESSAGE DISPLAY CYCLE – That unit of time in which one complete message is displayed upon a sign incorporating a dynamic message display.

METHADONE TREATMENT FACILITY – Any use licensed by the Pennsylvania Department of Health that administers the drug methadone in the treatment, maintenance or detoxification of persons.

MINIMUM LOT AREA - The least amount of land area required to be to be associated with a principal use as required by this Zoning Ordinance, except that the following features are expressly excluded from such calculations:

- A. street rights-of-way;
- B. ultimate rights-of-way;
- C. access easements serving more than one (1) principal use;
- D. sanitary sewer and water easements serving more than one (1) principal use;
- E. gas pipeline easements and/or rights-of-way;
- F. land within easements and/or rights-of-way for overhead electric transmission lines 66 KV and greater;
- G. storm water management facilities, pipes and/or swales intended to serve more than two (2) principal uses;
- H. stream easements;
- I. permanent and open bodies of water;
- J. 100 year floodplains and wetlands; and/or,
- K. slopes of 25% or greater.

MINIMUM SEPARATION DISTANCE - The minimum horizontal distance measured between two identifiable points.

MINI-WAREHOUSES - A building, series of buildings, a portion of one or more buildings and/or exterior areas divided into separate storage spaces for personal property and/or property associated with some business or other organization. These storage spaces shall be used solely for storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME – See “manufactured home.”

MOVING SALE – See “Garage, Moving and Yard Sale.”

MOTEL – A building or group of buildings containing rooms for rental on a temporary basis where each room has a separate means of external entry. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “motel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Motels and similar lodging facilities may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry,

maid service and other personal services.

MULTIPLE FAMILY DWELLING – See “Dwelling, Multiple Family.”

MUNICIPALITY – The Township of Benner, Centre county, PA.

MUNICIPAL USES – Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but are not limited to:

- A. Township offices, meeting halls, garages, and storage yards;
- B. police, fire and ambulance stations;
- C. indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- D. outdoor community service facilities and activities, including fair grounds, golf courses, community bulletin boards and other similar uses; and,
- E. uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

MUSEUM – An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for the purpose of study, education and enjoyment, the tangible and intangible evidence of people, their history, culture and surroundings.

NAICS – The North American Industrial Classification System, as developed and maintained by the U.S. Bureau of the Census.

NET ACRE – An area of land with 43,460 square feet, exclusive of public rights-of-way, and public and private streets.

NEW CONSTRUCTION – Structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment. This use does not include adult uses or gaming facilities as defined herein.

NIGHTTIME - The hours between official sunset and official sunrise.

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 inventorying 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 waster 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 percent of the habitable floor area.
- H. The business may not involve any illegal activity.

NON-COMMERCIAL GREENHOUSE – A structure designed or used for the indoor growing of plants, typically found as an accessory structure to a residence. No sales may be conducted from the structure, nor may the plants grown in the greenhouse be sold from the residence as a business operation.

NONCOMMERCIAL KEEPING OF HORSES - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon horses are kept exclusively by the residents of the site.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure that does not comply with the applicable extent of use or bulk provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted. 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 this 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.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto, or when such nonconformity is the result of the acquisition of land and/or rights-of-way by a governmental agency.

NOXIOUS SPECIES – Plants identified by the Pennsylvania Department of Agriculture's Noxious Weed Control list, as may be amended. The following lists the current known species at the time of adoption of this Ordinance:

(Source: <http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=149376>)

Cannabis sativa L, commonly known as Marijuana
Cirsium arvense, commonly known as Canadian thistle
Rosa multiflora, commonly known as Multiflora rose
Sorghum halepense, commonly known as Johnson grass
Polygonum perfoliatum, commonly known as Mile-a-minute
Pueraria lobata, commonly known as Kudzu-vine
Cirsium vulgare, commonly known as Bull or Spear Thistle
Carduus nutans, commonly known as Musk or Nodding Thistle
Sorghum bicolor, commonly known as Shattercane
Datura stramonium, commonly known as Jimsonweed
Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
Heracleum mantegazzianum, commonly known as Giant Hogweed
Galega officinalis, commonly known as Goatsrue
Ailanthus altissima, commonly known as Tree-of-Heaven

NURSERY AND GARDEN CENTER - A commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting along with related materials, tools and equipment.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFF-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the use's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

OFF-STREET PARKING LOT - An accessory use in which required and, potentially, additional parking spaces are provided subject to the requirements listed in Section 312 of this Ordinance.

OFF-TRACK BETTING FACILITY - A facility other than a racetrack wherein pari-mutuel wagering, but no other lawful gambling activity, is conducted under Pennsylvania law.

OFFICE - A building or a space in a building the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.

ON-LOT SEWAGE DISPOSAL SYSTEMS – A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE – The provision of water to a single user from a private well located on the user's lot.

100-HUNDRED YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

100-YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one percent (1%) chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Delaware River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

100-YEAR FLOOD ELEVATION - The water surface elevations of the 100-year flood.

ORNAMENTAL PONDS AND WADING POOLS – An accessory use that:

- A. contains no more than 337.5 cubic feet of water (2,530 gallons);
- B. has a length or diameter exceeding fifteen feet (15'); and,
- C. has a maximum depth less than one and one-half (1½') feet.

ORPHANAGE - A building or group of buildings designed for and intended to provide housing facilities for minors, who are in need of direct care in lieu of that available from their parents. The facility may include accessory medical facilities intended to serve the residents of the orphanage but not the general public.

OUTDOOR SHOOTING RANGE – A facility designed and constructed that is not completely enclosed within a building that allows for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

OVERSIZE PARKING SPACE – An off-street parking space designed to accommodate a vehicle with one or more of the following characteristics:

- A. A registered gross weight in excess of seventeen thousand one (17,001) pounds;
- B. Having a length in excess of twenty (20) feet;
- C. Having a height of more than eleven (11) feet, six (6) inches;
- D. Having a width of more than eight (8) feet nine (9) inches; and/or,
- E. Showing a windshield weight class sticker with a number above six (6).

PACKAGING – The enclosure of products into sealers, containers, wrappers, boxes or other suitable protective coverings for shipping, distribution and/or sales.

PARK AND RIDE LOTS – A use provided by the Township, Centre County and/or the Commonwealth of Pennsylvania that is devoted to the daily storage of passenger vehicles who engage in some form of mass transit and/or carpooling.

PARKING LOT – See “Off-Street Parking Lot,” as defined herein.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS AND PLAYGROUNDS – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

- A. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses;
- B. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymbores, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;
- C. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses;
- D. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- E. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
- F. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,
- G. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

PASSENGER VEHICLES – Motorized means of personal conveyance upon the public road system specifically excluding “commercial trucks” and “heavy equipment” as defined herein.

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

PERSON - An individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee or similar representative.

PERSONAL MOTOR VEHICLE - A passenger vehicle that is less than 11,000 pounds gross vehicle weight (weight of vehicle with rated passenger and/or load capacity) that is used and licensed as the principal mode of conveyance by the occupants of a residential premises upon the public road system. This definition shall expressly exclude race vehicles, stake-body trucks,

dump trucks, panel trucks, tractor trailers, commercial trucks and heavy equipment.

PERSONAL SERVICE - A principal use (excluding adult uses) including barber shops, beauty and tanning salons, dry cleaning and laundry pick-up and drop-off facilities, music, art, dance and photographic studios, the repair of clocks and small appliances and similar activities. This use shall not include “adult uses” as defined herein.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLANNING COMMISSION - The Planning Commission of Benner Township.

PLANNED CENTER – A development with more than one principal use permitted within its respective Zone that is designed and constructed to function as one unit with integrated features, including but not limited to, shared off-street parking and loading, signage, vehicular access and on-site traffic flow, stormwater management and other similar improvements. Planned centers shall expressly prohibit retail sales uses totaling more than 20,000 square feet of gross floor area, adult-use and nightclubs.

PLANNED CENTER SIGN – A freestanding sign that is associated with a coordinated development of more than one land use all sharing common vehicle access and off-street parking.

PLASMA – A video display technology that relies upon the electric excitation of phosphors to emit light.

PNDI – The Pennsylvania Natural Diversity Inventory

POD STORAGE CONTAINERS – Portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

PORCH - A roofed area, usually open on the sides, providing cover over the entrance of a building.

POWER GENERATION FACILITIES – A principal use devoted to the creation, storage, conversion, distribution and transmission of electrical energy for use at another location.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT – A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, are too small or are otherwise of limited marketability or value.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

- A. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and

not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.

- B. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
- C. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soil of the first, second, or third class as defined by the latest edition of the United States Department of Agriculture Natural Resource and Conservation Services Centre county Soil Survey.

PRINCIPAL WASTE HANDLING, RECYCLING PROCESSING, TRANSFER AND DISPOSAL FACILITIES – A principal use operated by Centre County responsible for the safe and healthful collection, sorting, storage, transport and disposal of solid waste.

PRISON - A secure facility owned and operated by a governmental organization for the purposes of incarcerating inmates on a 24-hour basis, 365 days a year including its related offices and other accessory operations and facilities.

PRIVATE CLUBHOUSE - A property upon which is housed an organization catering principally to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted. Clubhouses shall include premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Clubhouses shall not be used for adult uses, casinos, golf courses or off-track betting parlors, as defined herein. Clubs with outdoor shooting ranges shall be required to obtain separate approval for such facilities.

PRIVATE SCHOOL – See “School, Private.”

PROCESSING – Pertaining to a systematic modification through mechanical, physical, chemical, and/or energy forces.

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

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication

shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. These sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

PUBLIC SCHOOL – See “School, Public.”

PUBLIC SEWER - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is owned and/or operated by Benner Township, the Benner Sewage Treatment Authority and/ or the Benner Township Municipal Authority, including their successors.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Public Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is owned and/or operated by Benner Township and/ or the Benner Township Municipal Authority, including their successors.

QUARRIES AND MINERAL EXTRACTION-RELATED USES - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

- A. The extraction of minerals by a landowner for the landowner’s noncommercial use from land owned or leased by the landowner.
- B. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act;
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process;
- D. Dredging operations that are carried out in the rivers and streams of this Commonwealth;
- E. The removal and sale of non-coal materials from retail outlets;
- F. The extraction of minerals or other deposits carried out beneath the surface by means of shafts, tunnels and similar openings; and,
- G. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this section, the minerals removed are incidental if the excavator demonstrates that:

1. Extraction, handling, processing, or storing are conducted concurrently with construction;
2. The area mined is limited to the area necessary to construction; and,
3. The construction is reasonably related to the use proposed for the site.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

RECREATIONAL VEHICLE - a vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- A. **Class I Vehicles** - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
- B. **Class II Vehicles** - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

RECYCLING COLLECTION FACILITY – A use devoted solely to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

RECYCLING FACILITY – A use that specializes in the collection and processing of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable.

REGULATORY FLOOD ELEVATION - An elevation equal to one and one-half (1½) feet higher than the surface water elevation associated with the one-hundred year flood as defined herein.

RENTAL - The temporary transferral of goods for compensation.

REPETITIVE LOSS – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals, or exceeds twenty-five (25%) percent of the market value of the damaged structure.

RESTAURANT - An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition. See also "Drive-

through and/or fast food restaurants.”

RETAIL – Pertaining to the general public availability for purchase and personal use and/or consumption.

RETAIL SALES – A use devoted to the display and retail transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

RETAINING WALL – A man-made structure used to stably contain land at a location of substantial elevation change.

RIDING AND BOARDING STABLES – A principal use at which the operator offers services and facilities to board, train, and exercise horses that are owned by non-residents of the subject property. This use also expressly includes the recreational riding of horses for a fee, riding lessons, periodic competitions and similar events related to the care, use and enjoyment of horses.

RIGHT-OF-WAY – An area secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

RIGHT-OF-WAY, LEGAL – The existing width or area of land currently owned by the Township, the State, or some other public agency or authority.

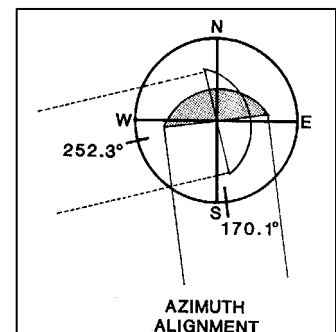
RIGHT-OF-WAY, REQUIRED – The width or area of land necessary to accommodate present or future public improvements.

ROADSIDE/GARDEN STAND – An accessory use to a farm in which no less than fifty percent (50%) of the products for retail sale have been produced on the farm.

RURAL OCCUPATION - An accessory use owned by occupants of a single-family residence where a business activity is conducted off-site, but managerial office functions and storage of equipment are conducted on the residential site.

SALES - A use devoted to the transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses.

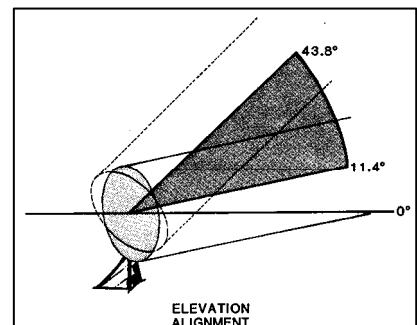


SATELLITE DISH ANTENNA AZIMUTH ALIGNMENTS -

That range of horizontal directions the installed satellite dish antenna must be aimed to send or receive signals. These directions are usually expressed as degrees from true north. The adjacent diagram illustrates a range of azimuth alignments between 170.1 and 252.3 degrees.

SATELLITE DISH ANTENNA ELEVATION ALIGNMENTS

- That range of vertical directions the installed satellite dish antenna must be aimed to send or receive signals. These directions are usually expressed as degrees above the



horizon. The adjacent diagram illustrates a range of elevation alignments between 11.4 and 43.8 degrees.

SATELLITE DISH ANTENNA LOOK ANGLES -The combination of azimuth and elevation alignments needed for an installed satellite dish antenna to send or receive signals.

SATELLITE DISH ANTENNAS RECEPTION WINDOW - The area within a direct line between the satellite dish antenna and an orbiting satellite and or a fixed terrestrially based sending station. For the satellite dish to remain unimpaired, this reception window must be kept relatively free from obstructions.

SAWMILL – A principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

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

- A. **Commercial School:** A school not operated by a public agency that can offer any of a wide range of curriculums including, but not limited to, all levels of academic, business and technical instruction and training in artistic, dance, baton-twirling, athletic, martial arts, musical, gymnastics, cosmetology and other similar activities. Commercial schools are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered commercial school if they are operated as a business.
- B. **Private School:** A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business, and is not operated by the school Zone or another governmental agency.
- C. **Public School:** A school licensed by the Department of Education for the purpose of providing elementary, secondary, vocational, post-secondary, post-graduate, and adult education, or any combination thereof, and operated by the School Zone.
- D. **Vocational-Mechanical Trade School:** A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - 1. Agriculture and/or horticulture
 - 2. Truck driving;
 - 3. Engineer repairs;
 - 4. Building construction and general contracting;
 - 5. Woodworking;
 - 6. Masonry;
 - 7. Plumbing;
 - 8. Electrical contracting; and,
 - 9. Other similar trades.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a minimum height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any

combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

SEASONAL RESIDENCE - A dwelling, cabin, camp, cottage, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year.

SEPTAGE – A semi-solid waste that collects at the bottom of sewage treatment devices that is not continuously released during normal treatment flows and needs to be periodically removed and processed and disposed-of elsewhere.

SEPTAGE AND COMPOST PROCESSING – A principal use devoted to the collection and conversion of the septage and/or compost for healthful disposal.

SETBACK - The required horizontal distance between a setback line and a property or street line.

- A. Setback, Front: The distance between the street line and the front building setback line projected the full width of the lot. Commonly, called “required front yard.”
- B. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”
- C. Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”

SETBACK LINE - A line within a property and parallel to a property line or street line which delineates the required minimum distance between some particular use of property and that property line or street line.

SHOOTING RANGE - A facility designed and constructed to allow for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Shooting ranges may be indoor or outdoor facilities, subject to the regulation of this Ordinance among other applicable regulations. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A development consisting of any single retail store in excess of 60,000 square feet of gross floor area or two (2) or more establishments in excess of 25,000 square feet of gross floor area which are designed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional, or banking offices; and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

SHOPS FOR CONTRACTORS – A principal place of business where tradesmen perform their services within completely enclosed buildings on site and where they schedule and prepare to conduct work at other locations.

SIGN – See Sign Definitions, Section 323.2. of this Ordinance.

SIGN MAKERS – A principal use devoted to the production of signs.

SINGLE-FAMILY DETACHED DWELLINGS - See “Dwellings, single-family detached.”

SKIDDING – The dragging of felled trees on the ground from the stump to the landing by any

means.”

SLASH – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.”

SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS – A principal industrial use at which live animals and/or their physical remains are imported for preparation into materials of human, plant and/or animal nourishment or some other beneficial use.

SLDO - The latest version of the Centre County Subdivision and Land Development Ordinance, as may be amended.

SLOT MACHINE PARLORS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

SMALL ENGINE REPAIR SHOPS - A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances.

SOIL SURVEY - The latest published version of the United States Department of Agriculture's soil survey for Centre county, Pennsylvania.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SPECIAL EXCEPTION - A use that is generally compatible with uses permitted in a zoning Zone but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by Section 804.C. of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty.
- B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- C. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.

- E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
- F. Erotic or lewd touching, fondling or other contact with an animal by a human being.
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STAND – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STEEP SLOPES - Existing natural slopes of 15 % or greater (equal to 15 feet vertical distance over 100 feet horizontal distance). The alteration of slopes that were lawfully man-made (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the pre-existing natural slope.

STERADIAN – The unit of measurement of a solid angle in a sphere as it relates to the shielding of light.

STORAGE – A temporary placement of products and materials for preservation, later use and/or disposal.

STORY - That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a half-story. A basement shall be counted a story if it averages more than five (5) feet above grade.

STREET - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word “street” includes “thoroughfare,” “avenue,” “boulevard,” “court,” “drive,” “expressway,” “highway,” “lane,” “road,” and similar terms.

STREET CENTERLINE – A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET LINE OR RIGHT-OF-WAY LINE – The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREETSCAPE – The publicly-accessible area straddling public and/or private streets often located between building facades and including service lanes, sidewalks, pedestrian oriented spaces and pedestrian corridors.

STREAM – Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

STRUCTURE – Except as noted below for Section 510 of this Ordinance, any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures shall not include such things as fences, sandboxes, decorative fountains, swingsets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

For the purposes of Section 510 (Floodplain Overlay Zone) of this Ordinance structures shall be considered anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term

includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

- A. Structure, Accessory: A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.). However, for the purpose of establishing setbacks, any accessory building larger than seven hundred twenty (720) square feet shall comply with principal structure setbacks.
- B. Structure, Principal: A structure associated with a primary use.

STRUCTURE HEIGHT - A structure's vertical measurement from the mean level of the ground abutting the corners of the structure to the highest point of the structure, including any signs, antennas or other appurtenances.

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

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the Township engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

SWIMMING POOL - Any structure and inflatable device, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

THEATER - A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

TIMBER HARVESTING OR TREE HARVESTING - A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products."

TOWNHOUSE - See "Dwelling, Townhouse."

TOWNSHIP - Benner Township.

TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Benner Township

TRAINING CENTER - A principal use that involves the indoor instruction of clients/customers on any of a wide range of subjects including but not limited to occupational, cultural, business, technical, professional, trade, religious, life skills, emergency response, and similar activities.

TRAVEL TRAILER - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a “travel trailer”:

- A. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
- B. The unit is mounted or designed to be mounted on wheels;
- C. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
- D. The unit contains, or was designed to contain, temporary storage of water and sewage, and,
- E. The unit contains some identification by the manufacturer as a travel trailer.

TREETOP – The upper portion of a felled tree that is not merchantable because of small size, taper or defect.”

TRUCK OR MOTOR FREIGHT TERMINAL – A principal use:

- A. to which materials and products are imported for their redistribution and export by commercial truck or other modes of transport; or,
- B. whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

TRUCK STOP – A principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms, bathing facilities and similar uses.

TURBINE HEIGHT - The distance measured from the surface of the tower foundation upon which the wind turbine is attached to the highest point of the turbine rotor blades at their highest point of rotation.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UNIFORM CONSTRUCTION CODE (UCC) – The latest version of the statewide building code adopted by the Pennsylvania General Assembly applicable to new construction in all municipalities whether administered by the municipality, a third party of the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

USE - The specific purpose(s) for which land or a structure is designed, arranged, intended, occupied or maintained.

- A. **Use, Accessory:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- B. **Use, Principal:** The use of land or structure that is most dominant (either visually or economically) in the determination of the Zoning Officer.

USE AND OCCUPANCY PERMIT – See “Certificate of Use and Occupancy” as defined herein.

USES DEVOTED TO THE CONSERVATION OF NATURAL AND CULTURAL RESOURCES

– Principal uses that:

- A. Are free of buildings, structures or other improvements and require little to no property maintenance;
- B. Include outdoor passive recreation facilities, including picnic pavilions, hiking trails, park benches, drinking fountains, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses; and/or,
- C. House organizations whose principal purpose is the permanent protection of important and sensitive features and landscapes; and,
- D. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, and other similar uses.

VALET PARKING COMPOUND - A principal business use at which passenger vehicles are parked in rented spaces on an hourly, daily, monthly or continuous basis, for a fee.

VARIANCE – One form of relief available to the terms of this Ordinance upon application to the Zoning Hearing Board pursuant to Section 804.D. of this Ordinance.

VETERINARIAN'S OFFICE - A building or portion thereof, used primarily for the treatment of small domestic animals such as dogs, cats, rabbits and birds or fowl., by a licensed veterinarian. This term excludes the outdoor boarding or keeping of animals.

VOCATIONAL-MECHANICAL TRADE SCHOOL – See “School, Vocational and Mechanical Trade.”

WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS – A principal use where the goods, products and/or materials of a single company or organization are stored awaiting further processing, delivery and/or distribution. This definition shall not include satellite lots where vehicles are parked, stored and /or loaded/unloaded away from the actual property where the warehouse resides.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land area from which water drains into a particular watercourse.

WELDING SHOPS – A principal use devoted to the joining of metals through intense heat for repair or the preparation of parts used in other industrial production and/or assembly.

WETLAND MARGINS - The transitional area extending from the outer limit of a delineated wetland. For the purpose of this Ordinance, the wetland margin shall extend fifty feet (50') from the wetland boundary or to limit of the hydric soils outside the boundary, whichever is less.

WETLANDS – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which shall be identified using that method of the following that delineates the greatest area of wetlands:

- A. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
- B. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
- C. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

WHOLESALE - Pertaining to the sale of goods for resale.

WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy as an accessory use to a principal residence.

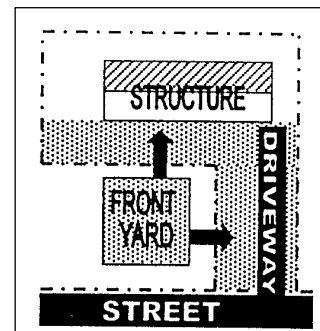
WIND ENERGY CONVERSION SYSTEM UNIT - Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WIND FARMS – An assemblage of wind energy devices whose main purpose is to supply electricity consisting of one or more wind turbines and other accessory structures including but not limited to substations, towers, electrical infrastructure, transmission lines and other appurtenant facilities.

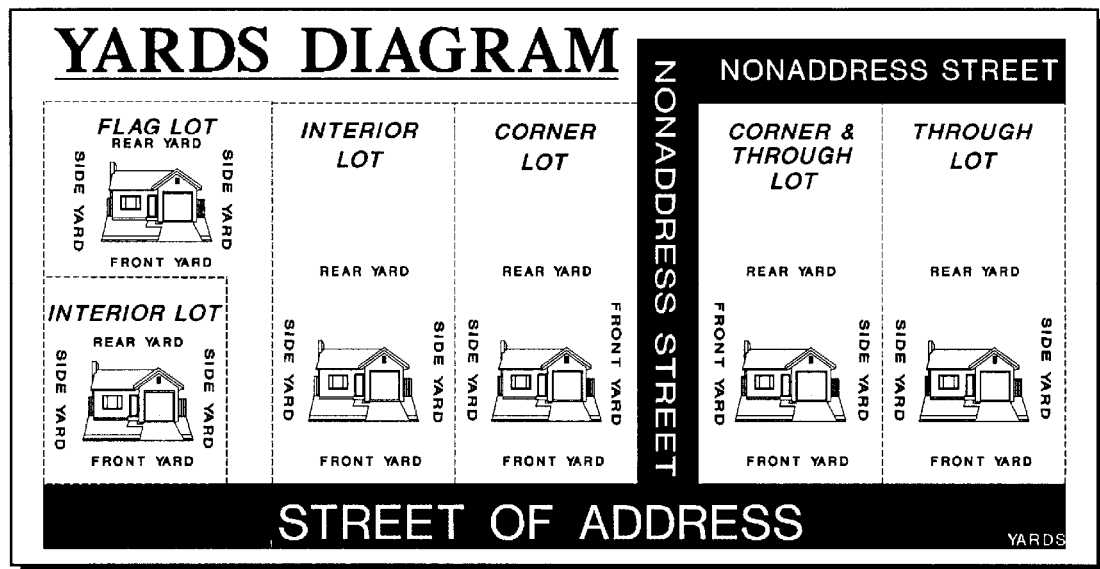
WIND TURBINE - A wind energy device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

YARD - An area between the permitted structures and the property lines.

- A. **Yard, Front:** The area contained between the principal structure and the street right-of-way line, except that where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the principal structure and the front property line that generally parallels the street (see adjacent diagram). On corner lots the front yard shall be those yards that are located between the principal structure and the adjoining streets. On corner lots that are also through lots, the front yard shall be those yards that are located between the principal structure and the adjoining street of address and located between the principal structure and the adjoining street(s) that intersects with the street of address.



- B. **Yard, Rear:** The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard.
- C. **Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the nonaddress street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. On corner lots that are also through lots, the side yard shall be that yard that is located directly opposite the adjoining street(s) that intersects with the street of address.



YARD SALE – See “Garage, Moving and Yard Sale.”

ZONE - A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

ZONING - The designation of specified Zones within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD - The Zoning Hearing Board of Benner Township, Centre county, Pennsylvania.

ZONING MAP - The Official Zoning Map of Benner Township adopted as part of this Zoning Ordinance.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ZONING ORDINANCE – The Official Zoning Ordinance of Benner Township.

ZONING PERMIT – A permit stating that the purpose for which a building or land is to be used is in conformity with the applicable requirements of this Ordinance for the zoning Zone in which it is, or will be, located.

Article 2

Zone Regulations

SECTION 200 - CONSERVATION ZONE (C)

200.1. PURPOSE OF ZONE

This Zone intends to protect the large concentrations of sensitive environmental and recreational features prevalent on the southern face of Bald Eagle Mountain and along the Spring Creek Valley which are both important natural areas within the Township and the larger Nittany Valley Region. Permitted uses have been selected to encourage the most appropriate conservation/recreation activities for these unique settings to avoid defoliation, deforestation, erosion and destruction of ground cover. In addition, future developments have the option of locating upon compact development sites amid undisturbed open spaces.

The provisions of this Zone have been specifically formulated to satisfy Section 604.(3) of the Act, which requires local zoning ordinances to “promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.” This Zone also incorporates resource protection policies recommended by the Nittany Valley Region Comprehensive Plan.

200.2. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture** but expressly excluding concentrated animal operations and concentrated animal feeding operations, both as defined herein.
2. **Forestry uses** subject to the requirements of Section 517 of this Ordinance.
3. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 435 of this Ordinance.
4. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, public sewer systems, public water systems, and associated rights-of-way.
5. **Governmental use**, as defined herein.
6. **Parks and playgrounds.**
7. **Public utilities structures.**
8. **Uses devoted to the conservation of natural and cultural resources.**
9. **Parks that are devoted to the conservation of local natural and cultural resources as the principal recreation feature.**
10. **Fish hatcheries** subject to the requirements of Section 434 of this Ordinance.
11. **Veterinary offices and animal hospitals**, subject to the requirements of Section 481 of this Ordinance.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:

- A. **Family day-care facilities**, as defined herein subject to the requirements of Section 431 of this Ordinance.
- B. **Farm occupations**, as defined herein subject to the requirements of Section 432 of this Ordinance.
- C. **Gardening and raising of plants for personal use.**
- D. **Home occupations**, as defined herein, subject to the requirements of Section 446 of this Ordinance.
- E. **Manure storage facilities**, as an accessory use to an agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 452 of this Ordinance.
- F. **No-impact home-based business**, as defined herein.
- G. **Noncommercial keeping of horses**, as defined herein, subject to the requirements of Section 458 of this Ordinance.
- H. **Roadside / Garden stands**, as defined herein, subject to the requirements of Section 470 of this Ordinance.
- I. **Carriage and buggy horses** as defined herein, subject to the requirements of Section 415 of this Ordinance.

200.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Bed and breakfasts**, subject to the requirements of Section 411 of this Ordinance.
- 2. **Campgrounds**, subject to the requirements of Section 414 of this Ordinance.
- 3. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420 of this Ordinance.
- 4. **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 436 of this Ordinance.
- 5. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
- 6. **Kennels**, subject to the requirements of Section 481 of this Ordinance.
- 7. **Outdoor/indoor shooting ranges**, subject to the requirements of Section 460 of this Ordinance.
- 8. **Prisons**, subject to the requirements of Section 442 of this Ordinance.
- 9. **Private clubhouses**, subject to the requirements of Section 462 of this Ordinance.
- 10. **Rural occupations**, as defined herein subject to the requirements of Section 471 of this Ordinance.
- 11. **Wind farms**, subject to the requirements of Section 483 of this Ordinance.

200.4. LIMITATIONS ON SUBDIVISION AND/OR LAND DEVELOPMENT

- 1. In order to preserve sensitive natural features, it is the express intent of the Conservation Zone regulations that the subdivision of lots or the development of new principal uses and

structures, shall be limited. It is the purpose and intent of the Conservation Zone to limit the development of properties, regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Act.

2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Conservation Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the original date of enactment of these specific regulations. If such land was not classified within the Conservation Zone the original date of enactment of these specific regulations, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Conservation Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.

Lot Area (Acres)		Total number of lots that may be subdivided and/or principal uses that may be created
At least	Less than	
1	3	1
3	6	2
6	9	3
9	12	4
12	15	5
15	18	6
18	21	7
21 or more		7, plus 1 per each 3 acres in excess of 21 acres

3. A subdivision that merely transfers land from one property to another property shall not be counted against the permitted number of lots to be subdivided in Section 200.4.2. of this Ordinance;
4. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 200.4.2. of this Ordinance.
5. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 200.4.2. of this Ordinance. Such information shall be depicted as a note on the subdivision / land development plan, and also be included in the deed for any new lots;

6. The number of lots which may be created, or single-family dwellings or other principal uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.
7. Any common open space proposed on a separate lot shall comply with Section 317 of this Ordinance.

SECTION 200.5. AREA & DESIGN REQUIREMENTS WITHIN THE (C) Zone – All uses within the Conservation Zone shall comply with those standards listed in the following Table.

AREA & DESIGN REQUIREMENTS WITHIN THE (C) ZONE									
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height ³
		At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Agriculture and horticulture uses	See Section 201.5. of this Ordinance.								
Forestry uses	1 acre	200 ft.	N/A	50 ft. ¹	50 ft. ¹	100 ft. ¹	50 ft. ¹	10%	35 ft.
Uses of Township agencies & authorities ¹	None	None	None	5 ft.	5 ft.	10 ft.	5 ft.	100%	Unlimited
Single-family detached dwellings ^{1,2}	1 acre	150 ft.	120 ft.	50 ft.	15 ft.	30 ft.	35 ft.	20%	35 ft.
Single-family detached dwellings with both public sewer and public water	20,000 square feet	100 ft.	85 ft.	35 ft.	15 ft.	30 ft.	30 ft.	35%	35 ft.
Other principal uses ^{1,2}	1 acre	150 ft.	120 ft.	50 ft.	50 ft.	100 ft.	50 ft.	20%	35 ft.
Residential accessory structures with greater than three hundred (300) square feet of floor area	Included in above	N/A	N/A	Not permitted in front yard setback	10 ft.	20 ft.	10 ft.	Included in above	20 ft.
Residential accessory structures with less than three hundred (300) square feet of floor area	Included in above	N/A	N/A	Not permitted in front yard setback	5 ft.	10 ft.	5 ft.	Included in above	20 ft.

¹ All uses relying upon on-lot sewers shall comply with Section 316 of this Ordinance.

² Uses may be located upon flag lots, subject to the requirements of Section 435 of this Ordinance.

³ Section 308 lists height limit exceptions.

200.6. SITE PLANNING OBJECTIVES

To enhance compatibility between proposed residential development and continued protection of the natural environment, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the subject property, as determined in this Section 200.4. of this Ordinance. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision / land development plans that successfully reflect these design objectives.

1. Minimize the loss and/or disturbance of valuable natural features as documented pursuant to the regulations contained within Article 5 of this Ordinance;
2. Group residential lots on the subject property and, if applicable, with those lots contained on adjoining properties;
3. Successfully integrate valuable natural features during and after the development process as documented pursuant to the regulations contained within Article 5 of this Ordinance with priority towards protection of the environment;
4. Assure adequate vehicular access to future residences not currently proposed; and,
5. Assure that the proposed subdivision/land development plan can comply with the applicable Subdivision and Land Development Ordinance.

200.7. DRIVEWAYS AND ACCESS DRIVES

All driveways serving single-family dwellings shall be in accordance with Section 303 of this Ordinance. All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

200.8. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

200.9. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

200.10. REQUIRED CONSERVATION PLAN - Any forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation Zone pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

SECTION 201 - AGRICULTURAL ZONE (A)

201.1. PURPOSE OF ZONE

The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. It is further intended to protect farms of sufficient size to allow them to remain economically viable, as opposed to the creation of “farmettes” that are not agriculturally productive. This Zone also intends to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited, and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Additionally, large-scale and obtrusive uses are permitted by conditional use, to separate them from the Township's population concentrations. The provisions of this Zone have been specifically formulated to further the objectives of the Pennsylvania Municipalities Planning Code, which provides that local zoning ordinances shall be designed “to preserve prime agriculture and farmland considering topography, soil type and classification, and present use.” Finally the Township hopes to protect surface water quality through various techniques applied within this Zone.

In addition to the creation and perpetuation of this Zone, the Township supports creation of agricultural security areas and shall promote expansion of current agricultural security areas. These regulations are not intended to restrict agricultural operations, or changes to or expansions of agricultural operations in geographical areas where agriculture has traditionally existed.

The regulations of the Agricultural Zone are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No.6), known as the “Nutrient Management Act,” the Act of June 30, 1981 (P.L. 128, No.43), known as the “Agricultural Area Security Law,” or the Act of June 10, 1982 (P.L. 454, No.133), entitled “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances” as mandated by the Act, as amended.

201.2. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site excluding concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs), both as defined herein.
2. **Forestry uses** subject to the requirements of Sections 200.5. and 517 of this Ordinance.
3. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 435 of this Ordinance.
4. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
5. **Governmental use**, as defined herein.
6. **Parks and playgrounds.**
7. **Public utilities structures.**
8. **Veterinary offices and animal hospitals**, subject to the requirements of Section 481 of this Ordinance.

9. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Roadside/garden stands** for the seasonal sale of agricultural products subject to the requirements of Section 470 of this Ordinance.
 - B. **Family day-care facilities**, as defined herein subject to the requirements of Section 431 of this Ordinance.
 - C. **Manure storage facilities**, as an accessory use to an agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 452 of this Ordinance.
 - D. **Farm occupations**, as defined herein, if conducted as an accessory use to a principal agricultural use of the property with a minimum of ten (10) acres, and subject to the requirements of Section 432 of this Ordinance.
 - E. **Home occupations**, as defined herein, subject to the requirements of Section 446 of this Ordinance.
 - F. **No-impact home-based business**, as defined herein.
 - G. **Noncommercial keeping of horses**, as defined herein, subject to the requirements of Section 458 of this Ordinance.
 - H. **Carriage and buggy horses** as defined herein, subject to the requirements of Section 415 of this Ordinance.

201.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Airports and heliports**, subject to the requirements of Sections 240.13. and 402 of this Ordinance.
2. **Bed and breakfasts**, as defined herein, subject to the requirements of Section 411 of this Ordinance.
3. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420 of this Ordinance.
4. **Commercial produce operations**, as defined herein, subject to the requirements of Section 422 of this Ordinance.
5. **Concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs)**, both as defined herein, subject to the requirements of Section 424 of this Ordinance.
6. **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 436 of this Ordinance.
7. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
8. **Kennels**, subject to the requirements of Section 481 of this Ordinance.
9. **Riding and boarding stables**, subject to the requirements of Section 469 of this Ordinance.
10. **Rural cluster developments**, subject to the requirements of Section 484 of this Ordinance.

11. **Rural occupations**, as defined herein subject to the requirements of Section 471 of this Ordinance.
12. **Septage and compost processing**, subject to the requirements of Section 474 of this Ordinance.
13. **Prisons**, as defined herein, subject to the requirements of Section 442 of this Ordinance.

201.4. LIMITATIONS ON SUBDIVISION AND/OR LAND DEVELOPMENT

1. In order to preserve agricultural properties, it is the express intent of the Agricultural Zone regulations that the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited. It is the purpose and intent of the Agricultural Zone to limit the development of agricultural properties, regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Act. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Act to preserve prime agricultural land through the enactment of these regulations.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. If land is added to the Agricultural Zone after the effective date of this Ordinance, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.

Lot Area (Acres)		Total number of lots that may be subdivided and/or principal uses that may be created
At least	Less than	
2	20	1
20	40	2
40	60	3
60	80	4
80	100	5
100	120	6
120	140	7
140 or more		7, plus 1 per each 20 acres in excess of 140 acres

3. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as set forth in footnote 2 of the Table in Section 201.4. of this Ordinance. Any lot existing on the effective date of this Ordinance which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes and the size of such lot shall not be increased to more than two (2) acres.
4. A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided in Section 201.4.2. of this Ordinance; however, such transfer shall not cause either farm to contain less than ten (10) acres, (the minimum lot area for a farm as specified in Section 201.5.).
5. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 201.4.2. of this Ordinance.
6. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 201.4.2. of this Ordinance. Such information shall be depicted as a note on the subdivision / land development plan, and also be included in the deed for any new lots;
7. The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.
8. Any common open space proposed on a separate lot shall comply with Section 317 of this Ordinance.

SECTION 201.5. AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE – All uses within the Agricultural Zone shall comply with those standards listed in the following table.

AREA & DESIGN REQUIREMENTS WITHIN THE (A) ZONE										
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height ⁵
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Agriculture, and horticulture ³	10 acres ⁶	N/A	200 ft.	N/A	50 ft. ¹	50 ft. ¹	100 ft. ¹	50 ft. ¹	10%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Uses of Township agencies & authorities ³	None	None	None	None	5 ft.	5 ft.	10 ft.	5 ft.	100%	Unlimited
Single-family detached dwellings ^{3,4}	1 acre ³	2 acres ²	150 ft.	120 ft.	50 ft.	15 ft.	30 ft.	35 ft.	20%	35 ft.
Single-family detached dwellings with public sewer & public water	20,000 square feet	1 acre	100 feet	85 ft.	35 ft.	15 ft.	30 ft.	30 ft.	35%	35 ft.
Other principal uses ³	1 acre ³	N/A	150 ft.	120 ft.	50 ft.	50 ft.	100 ft.	50 ft.	20%	35 ft.
Residential accessory structures with greater than three hundred (300) square feet of floor area	Included in above	Included in above	N/A	N/A	Not permitted in front yard setback	10 ft.	20 ft.	10 ft.	Included in above	20 ft.
Residential accessory structures with less than three hundred (300) square feet of floor area	Included in above	Included in above	N/A	N/A	Not permitted in front yard setback	5 ft.	10ft.	5 ft.	Included in above	20 ft.

¹ Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

² The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not consist of more than 50% Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

- ³ All uses relying upon on-lot sewers shall comply with Section 316 of this Ordinance.
- ⁴ Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 435 of this Ordinance.
- ⁵ Section 3308 lists height limit exceptions.
- ⁶ The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 905 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.

201.6. SITE PLANNING OBJECTIVES

To enhance compatibility between proposed residential development and continued surrounding farming, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the farm, as determined in Section 201.4. of this Ordinance. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision / land development plans that successfully reflect these design objectives.

1. Minimize the loss of valuable farmland;
2. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
3. Minimize the length of property lines shared by all residential lots and adjoining farms;
4. Assure adequate vehicular access to future residences not currently proposed; and,
5. Assure that the proposed subdivision/land development plan can comply with the applicable Subdivision and Land Development Ordinance.

201.7. DRIVEWAYS AND ACCESS DRIVES

All driveways serving single-family dwellings shall be in accordance with Section 303 of this Ordinance. All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

201.8. AGRICULTURAL NUISANCE DISCLAIMER

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with the (A) Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

201.9. REQUIRED CONSERVATION PLAN

Any agricultural, horticultural or forestry- related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation Zone pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

201.10. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

201.11. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 210 - SUBURBAN RESIDENTIAL ZONE (R-1)

210.1. PURPOSE OF ZONE

The purpose of this Zone is to accommodate low to medium density residential uses in areas with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of developments in accordance with the Nittany Valley Region Comprehensive Plan and acknowledge the location of existing land uses with these suburban characteristics.

This Zone provides for a continued pattern of suburban residential development with the use of public sewer and/or public water. Required design standards reflect existing development patterns. Residential density bonuses have been provided for the future use traditional neighborhood designs to blend historic development styles amid areas of protected open space.

210.2. USES PERMITTED BY RIGHT

1. **Forestry uses** subject to the requirements of Sections 200.5. and 517 of this Ordinance.
2. **Single family detached dwellings**, excluding those contained upon flag lots.
3. **Structures and facilities of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance..
4. **Parks and playgrounds.**
5. **Public utilities structures.**
6. **Public and private schools**, subject to the requirements of Section 464 of this Ordinance.
7. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
8. **Governmental use**, as defined herein.
9. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Family day-care facilities**, as defined herein subject to the requirements of Section 431 of this Ordinance.
 - B. **No-impact home-based business**, as defined herein.

210.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Bed and breakfasts**, subject to the requirements of Section 411 of this Ordinance.
2. **Cemeteries, including but not limited to pet cemeteries**, subject to the requirements of Section 418 of this Ordinance.
3. **Churches and related uses**, subject to the requirements of Section 419 of this Ordinance.
4. **Golf courses and driving ranges**, subject to the requirements of Section 439 of this Ordinance.
5. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.

6. **Home occupations**, as defined herein, subject to the requirements of Section 446 of this Ordinance.
7. **Rural occupations**, as defined herein subject to the requirements of Section 471 of this Ordinance.
8. **Traditional neighborhood design developments**, subject to the requirements of Section 213 of this Ordinance.

210.4. DRIVEWAYS AND ACCESS DRIVES

All driveways serving single-family dwellings shall be in accordance with Section 303 of this Ordinance. All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

210.5. REQUIRED PUBLIC UTILITIES

All dwellings, public and private schools and emergency services must be served by either or both public sewer and public water.

210.6. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

210.7. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

210.8. AREA & DESIGN REQUIREMENTS WITHIN THE (R-1) ZONE – All uses within the Suburban Residential Zone shall comply with those standards listed in the following table.

AREA & DESIGN REQUIREMENTS WITHIN THE (R-1) ZONE								
Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
	At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
15,000 square feet with both public sewer and public water	120 ft.	100 ft.	35 ft.	15 ft.	30 ft.	30 ft.	40%	35 ft.
30,000 square feet with either public sewer or public water	150 ft.	130 ft.	35 ft.	15 ft.	30 ft.	30 ft.	25%	35 ft.
REQUIREMENTS FOR ACCESSORY RESIDENTIAL USES								
Included in above	N/A	N/A	Not permitted in front yard	5 ft.	10 ft.	5 ft.	Included in above	20 ft.

SECTION 211 - MULTI-FAMILY RESIDENTIAL ZONE (R-2)

211.1. PURPOSE OF ZONE

The purpose of this Zone is to provide areas for multi-family development and associated compatible land uses. This is intended to broaden the Township's housing base and serve a greater variety of housing needs of its residents and various stages within the life cycle. Selected locations provide for the accommodation of developments in accordance with the Nittany Valley Region Comprehensive Plan and acknowledge the location of existing land uses with these high density characteristics.

This Zone provides for a continued pattern of multi-family residential development with the required use of both public sewer and public water. Required design standards reflect existing development patterns. Residential density bonuses have been provided for the future use traditional neighborhood designs to blend historic development styles amid areas of protected open space.

211.2. USES PERMITTED BY RIGHT

1. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
2. **Single family detached dwellings**, excluding those contained upon flag lots.
3. **Duplex dwellings.**
4. **Townhouse dwellings.**
5. **Multiple-family dwellings.**
6. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
7. **Parks and playgrounds.**
8. **Public utilities structures.**
9. **Public and private schools**, subject to the requirements of Section 464 of this Ordinance.
10. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
11. **Governmental use**, as defined herein.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Family day-care facilities**, as defined herein subject to the requirements of Section 431 of this Ordinance.
 - B. **Gardening and raising of plants for personal use.**
 - C. **No-impact home-based business**, as defined herein.

211.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Bed and breakfasts**, subject to the requirements of Section 411 of this Ordinance.

2. **Boarding houses**, subject to the requirements of Section 412 of this Ordinance.
3. **Cemeteries, including but not limited to pet cemeteries**, subject to the requirements of Section 418 of this Ordinance.
4. **Churches and related uses**, subject to the requirements of Section 419 of this Ordinance.
5. **Golf courses and driving ranges**, subject to the requirements of Section 439 of this Ordinance.
6. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
7. **Home occupations**, as defined herein, subject to the requirements of Section 446 of this Ordinance.
8. **Medical residential campus**, subject to the requirements of Section 454 of this Ordinance.
9. **Nursing, rest or retirement homes**, subject to the requirements of Section 459 of this Ordinance.
10. **Rural occupations**, as defined herein subject to the requirements of Section 471 of this Ordinance.
11. **Traditional neighborhood design developments**, subject to the requirements of Section 213 of this Ordinance.
12. **Two-family conversions** subject to the requirements of Section 479 of this Ordinance.

211.4. REQUIRED PUBLIC UTILITIES

All dwellings, public and private schools and emergency services must be served by both public sewer and public water.

- 211.5. DRIVEWAYS AND ACCESS DRIVES** - All driveways serving single-family dwellings shall be in accordance with Section 303 of this Ordinance. All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements.

211.6. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

211.7. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 211.7. AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) Zone – All uses within the Multi-Family Residential Zone shall comply with those standards listed in the following table.

AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) ZONE										
Use	Maximum Permitted Density (DU/ net ac.)	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Single-family detached dwellings ³	4	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	20 ft.	30 ft.	45%	35 ft.
Duplex dwellings ³	5	6000 sq. ft.	60 ft.	60 ft.	35 ft.	20 ft.	NA	30 ft.	50%	35 ft.
Townhouses ^{1,2,3}	6	2400 sq. ft.	24 ft. per unit		35 ft.	25 ft. end units		30 ft.	60%	35 ft.
Multiple-family dwellings ^{2,3}	6	2 acres	200 ft.	200 ft.	50 ft.	25 ft.	50 ft.	50 ft.	60%	35 ft.
Other principal uses	NA	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	20 ft.	30 ft.	45%	35 ft.
Residential accessory structures	NA	Included in above	N/A	N/A	Not permitted	5 ft.	10 ft.	5 ft.	Included in above	20 ft.

- ¹ No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). All townhouse buildings shall be set back a minimum of fifteen feet (15') from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.
- ² In those instances where several townhouse groupings and/or multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:
- Front-to-front, rear-to-rear, or front-to-rear, parallel buildings shall have at least seventy feet (70') between faces of the building. If the front or rear faces are obliquely (not parallel nor perpendicular) aligned, the above distances may be decreased by as much as ten feet (10') at one end, if increased by similar or greater distance at the other end.
 - A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
 - A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- ³ All common open spaces are subject to the requirements listed in Section 317 of this Ordinance.

SECTION 212 MANUFACTURED HOME PARK RESIDENTIAL ZONE (MHP)

212.1. INTENT AND PURPOSE OF ZONE

The intent and purpose of this Zone is to establish performance standards desirable for manufactured/mobile home parks. This Zone intends to ensure the interdependency and compatibility of proposed manufactured home parks with utilities and surrounding land uses in the Township. This Zone further intends to:

1. Reflect technological changes of home building and land development;
2. Provide affordable housing;
3. Provide higher quality and greater variety in type, design, and layout of manufactured home parks by encouraging desirable design criteria and innovative site design approaches; and
4. Encourage beneficial manufactured home parks rather than detrimental to property values.

212.2. USES PERMITTED BY RIGHT subject to the requirements of Section

1. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
2. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
3. **Parks and playgrounds.**
4. **Public utilities structures.**
5. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
6. **Governmental use**, as defined herein.
7. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Family day-care facilities**, as defined herein subject to the requirements of Section 431 of this Ordinance.
 - B. **Gardening and raising of plants for personal use.**
 - C. **No-impact home-based business**, as defined herein.

212.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
2. **Manufactured home parks**, subject to the requirements of this Section 212.
3. **Rural occupations**, as defined herein subject to the requirements of Section 471 of this Ordinance.

212.4. RELATIONSHIP TO OTHER ORDINANCES AND SECTIONS OF THIS ZONING ORDINANCE –

The provisions of the following Sections 212.5. through 212.25. establish standards and procedures that specifically apply to manufactured home parks. This Section 213 has different standards and procedures applied to manufactured home parks from those contained in this, and other ordinances of the Township that apply generally. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this Section shall govern. However, all other provisions of this, and other ordinances of the Township shall remain in full force.

212.5. PERMIT PROCEDURES

1. **Permits required** - No person shall construct, alter, extend, or maintain a manufactured home park within the limits of the Township, unless a valid Manufactured Home Park Permit is issued. Such permit shall be displayed in the park office or on the premises at all times.
2. **Application** - All "Applications for Manufactured Home Park Permit" shall be filed with the Township. Applications shall be in writing, signed, and dated by the owner.
 - A. **Existing park applications** - Applications for existing parks shall include the following:
 1. Legal name and address of the owner(s);
 2. Location and legal description of the manufactured home park; and
 3. Plot plan, drawn to scale, showing all existing lots, buildings and structures, and internal street systems.
 - B. **New manufactured home park applications** - New applications shall follow the criteria set forth in this Section 212.
3. **Issuance of permits** - Township shall review all "Applications for Manufactured Home Park Permit" for conformance with this Section 212. Permits shall be valid for one (1) year from the issuance date. Upon expiration, the park owner shall apply for a Renewal Permit as set forth below.
 - A. **Existing parks** - If an "Application for Manufactured Home Park Permit" for an existing park is found to conform to the provisions of this Section 212, the Township shall issue a permit.
 - B. **New parks** - Upon approval by the Township, the Zoning Officer shall issue a permit.
4. **Permit fees** - Permit fees shall be paid by the applicant for the review any applications or permits. Fees shall be set by resolution by the Board of Supervisors.
5. **Inspections of parks** - Township may inspect parks at reasonable intervals to determine compliance with this Section 212. Issuance of a permit constitutes permission by the owner for the Township to inspect for compliance.
6. **Nontransferability of permit**
 - A. **Change of ownership** - Manufactured Home Park permits are not transferable. If ownership is transferred by either sale, deed, will, majority interest in the corporation stock, or in any other way, before commencing operation of the manufactured home park, the new owner shall apply to the Township for a new permit certifying the park continues to meet the requirements of the original license. Such notice shall include:
 1. Names and addresses of the transferor and transferee;
 2. Nature of the transfer (gift, sale, inheritance, etc.)

3. Such any other supplemental information to determine compliance with this Section 212.

7. **Renewal permits**

- A. **Application for permits** - An "Application for Renewal Permit" shall be made to the Township at least 30 days prior to the expiration date of a permit. Renewal permits shall be issued annually by the Township. Renewal permits shall be issued by the Township upon compliance with this Section 212. Issuance of the Renewal permit signifies, the park owner agrees to continue to meet the standards and requirements issued under the original permit. Renewal permits are valid for one year.
- B. **Inspection of park** - Upon inspection of the park by the Township, it is found in compliance with this Section 212, the Township shall issue a Renewal permit. If the park is found not in compliance, a Renewal Permit shall not be granted.
- C. **Renewal fee** - The fee for a Renewal permit shall be paid upon filing of an "Application for Renewal Permit."

212.6. NONCONFORMING USES

Manufactured home parks existing on December 21, 1998 and authorized to operate may be continued as long as it otherwise remains lawful. Any subsequent new construction, alteration, or extension of an existing manufactured home park shall comply with the provisions of this Section 212.

212.7. REQUIRED PLANS & REVIEW PROCESSES

1. **Conditional Use Required** - Applicant shall first apply for Conditional Use approval before submission of any Preliminary/Final Plans to the Township for review and approval. Conditional use review procedures and standards are found in Section 905 of this Ordinance.
2. **Procedure** - Applicant shall apply for approval of a proposed manufactured home park plan in accordance with the following procedures:
 - A. Pre-submission conference
 - B. Preliminary Plan
 - C. Final Plan
3. **Pre-submission conference** - A conference between the Township and the Applicant prior to the submission of a formal plan is strongly recommended, but is not required. Applicant should bring sketch plans or working drawings, if any, for review at the conference. All information presented may remain confidential. At the discretion of the Applicant, the proposed plan may be presented at a Supervisor's meeting for informal review and comment
4. **Preliminary Plan submission** - Preliminary Plans shall be consistent with the requirements of this Section 212 when submitted to the Supervisors for review and approval. Preliminary Plans shall be accepted for processing, once all of the following are received by the Applicant:
 - 9 copies of the Preliminary Plan
 - Completed Application Form
 - Payment of processing fee

- Supporting data (if necessary)
 - A. Distribution of copies - Township shall, upon receipt of a properly submitted Preliminary Plan, forward copies to each of the following, as applicable:
 1. Centre County Planning Office, along with applicable review fee
 2. Benner Township Planning Commission
 3. Benner Township Zoning Officer
 4. Benner Township Engineer
 5. Benner Township Board of Supervisors
 6. Sewer and Water Authority
 - B. Date of submission for review - For consideration at the next regularly scheduled meeting of the Supervisors, the Applicant shall submit the Preliminary Plan, and completed application form to the Township not less than 12 days prior to the scheduled meeting.
 - C. Supervisors' action on preliminary plan - Supervisors shall review the Preliminary Plan, render its decision and communicate the decision to the Applicant no later than 90 calendar days after the "Application for Preliminary Plan" approval is accepted or such additional period of time as may be agreed upon by the Supervisors and the Applicant in writing. Applicant shall be notified, in writing, of the action of the Supervisors within 15 calendar days following its decision, and if conditionally approved, specify any changes required before the submission of the Final Plan. If disapproved, the Supervisors shall specify the defects found and describe the requirements not met and shall, in each case, cite the provisions of Section 212 relied upon. Supervisors shall not take final action on the plan until expiration of the 30 calendar days from the date the plan was forwarded to the Centre County Planning Office to allow for review and comment by such agency.
 - D. Effect of preliminary plan approval - Approval of the Preliminary Plan by the Supervisors constitutes conditional approval of the proposed manufactured home park with regard to general design, approximate dimensions of streets and lots, and/or other planned features. Preliminary Plan approval obligates the Applicant to the general scheme of the plan. However, if the Applicant determines a significant change to the original submission is desirable, the Applicant may modify the plans by submitting a revised Preliminary Plan for review and approval. Approval of the Preliminary Plan does not authorize: (1) the leasing of lots; (2) placement of manufactured housing units on the lots; (3) the construction of required plan improvements; or (4) the sale of lots or the recording of the Preliminary Plan.
 - E. Time limitation and extensions - Preliminary Plan approval shall expire within 5 years after approval unless a time extension is requested by the Applicant and approved by the Supervisors. Any request for time extensions must be submitted to the Supervisors no less than 30 calendar days prior to any prevailing expiration date. Time extensions may be granted for one 6-month period upon a finding by the Supervisors that such extension is warranted. If the Applicant does not submit a Final Plan for all or a portion of the Preliminary Plan within 5 years after the approval of said Preliminary Plan is granted, or after expiration of the final extension period, the approval of the Preliminary Plan is automatically void.
 - F. Preliminary plan requirements - Site plans for proposed manufactured home parks shall be clearly and legibly drawn at a scale of not smaller than 1 in. = 40 ft., except that a scale of 1" = 50 ft. may be used for smaller parks, and a minimum of 1 in = 100 ft. for larger parks in excess of 40 acres. Plans shall include:
 1. Name of current or proposed manufactured home park.

2. Name and address of owner of record and/or applicant.
3. Name and address of registered surveyor or engineer, or other qualified person preparing the plan as authorized in Section 503(1) of the Pennsylvania Municipalities Planning Code, as amended.
4. Names of all abutting property owners with County Recorder of Deeds book and page numbers where recorded within 100 ft. of all property lines.
5. North arrow, graphic scale, written scale, and month, day, year of original drawing was completed. Also month, day, year of each revision of original drawing.
6. Location map (at a scale of 1" = 2000 ft.) showing the relationship to adjoining property, streets, roads, Township boundaries, and recorded subdivision plans existing within 1,000 ft of any part of the property.
7. Total tract boundaries of property, giving bearings and distances, and statement of total acreage of property.
8. All relevant zoning information.
9. Topography showing existing and proposed contour lines at vertical intervals of 1 ft. for 4% or less slope 2 ft intervals for 4.1% to 10% slopes, and 5 ft. intervals for slopes greater than 10%.
10. Location and elevation of datum where contour elevations refer. When practical, datum used shall be a known established benchmark.
11. Location of existing bodies of water or watercourses, wetlands, floodplain areas, tree masses, buildings or structures, public facilities such as sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, sinkholes and depressions, and any other man-made or natural features within the proposed park and within 50 ft. from the boundaries of the proposed park..
12. Show, to scale, location of all existing buildings and structures.
13. Existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width, cartway width, types of paving, and approximate grades, and the purpose for any easements established.
14. Proposed preliminary plans shall include and depict:
 - a. Location and width of all streets and rights-of-way with a statement of any condition(s) governing their use;
 - b. Suggested street names, utility easement locations, and off-street parking area locations;
 - c. Building setbacks;
 - d. General lot line dimensions of all manufactured home lots.
 - e. Statement of intended use of all nonresidential lots and parcels.
 - f. Lot or unit numbers and statement of total number of lots, parcels, and off-street parking spaces.
 - g. General location of sanitary and/or storm sewers (and other drainage facilities), with size and material of each indicated, and any proposed connection with existing facilities.

- h. General location of parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any condition(s) governing such use.
 - i. Schematic plans for all buildings, improvements, and facilities constructed or proposed within the park, consisting of site locations, heights and dimensions.
 - j. General location of all proposed utilities. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water or sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water/sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future.
 - k. If applicable, proposed phases of development.
- G. Supplemental data - Before approval is granted, the following supplemental data shall be submitted, reviewed, and approved by the Benner Township Engineer:
- 1. Street cross-sections
 - 2. Refer to the Benner Township Street Standards Ordinance, as amended.
 - 3. Street profiles
 - 4. Refer to the Benner Township Street Standards Ordinance, as amended. Profiles shall show natural and finished grades listed here should be labeled as approximate and provided to accuracy to the nearest percent, at the following scale, or a ratio thereof:
 - a. Maximum 1"= 50 ft. horizontal, and 1" = 5 ft. vertical, for the smaller parks and a minimum scale of 1" = 100 ft. for the larger parks in excess of 40 acres.
 - b. General location of any required bridges or culverts.
 - 5. Miscellaneous information
 - a. General location and dimension of pedestrian walkways and sidewalks.
 - b. General location, identification, and size of vegetative plantings and landscaping.
 - c. General location, dimensions, and proposed use of service and accessory structures.
 - d. Engineer's or surveyor's certification seal to plan accuracy.
- H. Traffic Impact study - A traffic impact study shall be required for all manufactured home parks containing more than 50 individual units.
- I. Other documentation - A Pennsylvania Natural Diversity Index (PNDI) should be done for each park.
5. **Final Plan submission** - Final plans consistent with the requirements of this Section 212 shall be submitted to the Supervisors for review and approval. Final plans shall conform with the Preliminary Plan previously approved with only minor plan revisions allowed, except the Final plan may cover only a portion of the total manufactured home park

shown on the Preliminary Plan. Final Plans shall be accepted for processing upon receipt of all of the following from the Applicant:

- 9 Copies of the Final Plan
 - 9 Copies of Supporting Documentation
 - Completed Application form;
 - Payment of the processing fee.
 - Payment of the processing fee;
 - Supporting Data (if necessary).
- A. Distribution of copies - For consideration at the next regularly scheduled meeting of the Supervisors, the Applicant shall submit Final Plans and supporting documentation to the Township no less than 12 days prior to the scheduled meeting.
- B. Submission in phases - Final Plan submission may cover only a portion of the entire proposed manufactured home park plan as shown on the approved Preliminary Plan. In such cases, the Applicant must submit a tentative schedule for the development of the balance of the manufactured home park. Final plan submission requirements and procedures must be followed for each phase prior to recording.
- C. Supervisors' action on final plan - Supervisors shall review the Final Plan, render its decision and communicate decision to the Applicant no later than 90 calendar days after such application for final approval is accepted or such additional period of time as may be agreed upon by the Supervisors and the applicant in writing. The Applicant shall be notified, in writing, of the action of the Supervisors within 15 calendar days following its decision, and if conditionally approved, specify any changes required before execution of the Final Plan. If disapproved, the Supervisors shall specify the defects found and describe the requirements not met and shall cite the provisions of Section 212 relied upon. Supervisors shall not take final action on the plan until expiration of the 30 calendar days from the date the plan was forwarded to the Centre County Planning Office to allow for review and comment by such agency.
- D. Final plan requirements - The following materials shall be submitted to the Supervisors with an "Application for Final Plan" approval. Final Plans shall conform with the Preliminary Plan previously approved, except the Final Plan may cover only a portion of the total manufactured home park shown on the Preliminary Plan. Any conditions specified in the approval of the Preliminary Plan shall be incorporated on the Final Plans.
- E. Contents of manufactured home park final plan - Site plans for proposed parks shall be clearly and legibly drawn at a scale of not smaller 1" = 40 ft., except that a scale of 1" = 50 ft. may be used for smaller parks, and a minimum of 1" = 100 ft. for larger parks in excess of 40 acres. Plans shall include:
1. Name of current or proposed manufactured home park.
 2. Name and address of owner of record and/or applicant.
 3. Name and address of registered surveyor or engineer, or other qualified person preparing the plan.
 4. Names of all abutting property owners with County Recorder of Deeds book and page numbers where recorded within 100 ft. of all property lines.

5. North arrow, graphic scale, written scale, and month, day, year of original drawing was completed. Also month, day, year of each revision of original drawing.
6. Location map (at a scale of 1"-2,000 ft) showing the relationship to adjoining property, streets, roads, Township boundaries, and recorded subdivision plans existing within 1,000 ft of any part of the property.
7. Total tract boundaries of property, giving bearings and distances, and statement of total acreage of property.
8. All relevant zoning information.
9. Topography showing existing and proposed contour lines at vertical intervals of 1 ft. for 4% or less slope, 2 ft. intervals for 4.1% to 10% slopes, and 5 ft. intervals for slopes greater than 10%.
10. Location and elevation of datum where contour elevations refer. When practical, datum used shall be a known established benchmark.
11. Location of existing bodies of water or watercourses, wetlands, floodplain areas, tree masses, buildings or structures, public facilities such as sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, sinkholes and closed depressions, and any other man-made or natural features within the proposed park and within 50 ft from the boundaries of the proposed park.
12. Stormwater management plan and erosion and sedimentation control plan, in accordance with the Benner Township Stormwater Management Ordinance, as amended.
13. Existing and proposed property, lot, and boundary lines, including building setback lines, lot dimensions, lot areas, and location and dimension of all proposed lots.
14. Location and dimension of all existing buildings and structures.
15. Existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width, cartway width, types of paving, and approximate grades, and the purpose for any easements established.
16. Proposed final plans shall include and depict:
 - a. Accurate location and width of all streets and rights-of-way with a statement of any condition(s) governing their use;
 - b. Suggested street names, utility easement locations, and off-street parking area locations;
 - c. Building setbacks;
 - d. Accurate lot line dimensions and proposed placement of all manufactured home lots.
 - e. Statement of intended use of all nonresidential lots and parcels.
 - f. Lot numbers and statement of total number of lots, parcels, and off-street parking spaces.
 - g. Accurate location of sanitary and/or storm sewers (and other drainage facilities), with size and material of each indicated, and any proposed connection with existing facilities.

- h. Accurate location of parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any condition(s) governing such use.
 - i. Plans and specifications for all buildings, improvements, and facilities constructed or proposed within the park, consisting of site locations, heights, dimensions, and profiles shall be submitted for all zoning permits.
- F. Supplemental data - Before final approval is granted, the following supplemental data shall be submitted:
 - 1. Documentation from utility providers (electrical, water, sewer, cable and telephone) should be provided;
 - 2. Calculated density of the entire tract;
 - 3. Conservation District approval.
 - 4. A Site Illumination Plan for the park showing how the park will be illuminated.
 - 5. Street cross-sections - Refer to the Benner Township Street Standards Ordinance, as amended.
 - 6. Street profiles - Refer to the Benner Township Street Standards Ordinance, as amended. Profiles shall show natural and finished grades at the following scale, or a ratio thereof:
 - a. Maximum 1" = 50 ft. horizontal and 1" = 5 ft. vertical.
 - b. Accurate location of required bridges or culverts. Designs shall meet Penn DOT requirements.
 - 7. Miscellaneous information
 - a. Accurate location and dimension of pedestrian walkways and sidewalks.
 - b. Accurate location, identification, and size of vegetative plantings and landscaping.
 - c. Accurate location, dimensions, and proposed use of service and accessory structures.
 - d. Accurate location of service utility shut-offs, by individual site or area.
 - e. Accurate location of bench mark and datum used.
 - f. Accurate location of existing and proposed monuments and markers.
 - g. Engineer's or surveyor's certification seal to plan accuracy.
- G. Supplemental documentation - Final plans shall be accompanied with the following material, as applicable:
 - 1. Final profiles and cross sections for street improvements, sanitary and storm sewerage, underground utilities and water distribution systems shall be shown on one or more separate sheets or on the Final Plan;
 - 2. Where public water and sewer facilities are proposed, acceptable assurances that such facilities will be installed shall be shown to the Supervisors. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is

available. If the developer proposes to create/connect to water or sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water/sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future.

3. Certificates of approval by proper authorities required by the Supervisors, including utility companies involving underground utilities;
 4. Proposed street names, accompanied by a letter from the postmaster of the area in where the manufactured home park is located, stating the proposed names are acceptable;
 5. Detailed design of any bridge, culverts, stormwater management facilities or other improvements, as required. Designs may be submitted as separate sheets;
 6. Copy of proposed deed restrictions or lease provisions related to the approval of the proposed manufactured home park plan.
 7. Certificate(s) for the Stormwater Management components of the plan signed by the property owner and/or engineer.
- H. Improvements - When appropriate, the Applicant of a manufactured home park shall be required to provide the following improvements, or a suitable guarantee in accordance with Section 212.8., that said improvements shall to be constructed pursuant to the standards contained in this Section 212;
1. Streets and access roads, including where applicable, shoulders, curbs, parking areas, driveways, curb cuts and traffic control devices;
 2. Utilities, including stormwater management facilities and/or storm sewers; sanitary sewer facilities including pumping stations, pre-treatment facilities and sewer lines; water, including fire protection facilities, and electric, gas, telephone and other such lines;
 3. Proposed park amenities such as recreation facilities, swimming pools, meeting facilities, screening and landscaping, including assurances and agreements related to responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above;
 4. Any other improvements required for approval.
- I. Certificates - The following certificates in block form shall be shown on the Final Plan:
1. Certifications by means of a seal of a registered professional land surveyor and professional engineer, where applicable, to the effect that the survey and plan are correct.
 2. Certificates for approval by the Supervisors and the Planning Commission of the Benner Township;
 3. A statement, duly acknowledged before an Officer authorized to take acknowledgements of deed and signed by the owner or owners of the property, to the effect that the manufactured home park as shown on the Final Plan is the act and deed of the owner, that the Applicant is the owner of the property of the survey and plan, and that the Applicant desires the same to be recorded as such;
 4. Certificate to accommodate the recording information with the Centre County Recorder of Deeds;

5. Certificate of dedication public property;
6. Certificate for approval by the Centre County Conservation District.

212.8. IMPROVEMENT GUARANTEES

1. Improvements required

- A. Before approving any manufactured home park plan for recording, the Supervisors shall require that the Township be assured (by means of a proper Development Agreement and Performance Guarantee) that the improvements required by this Section 212 and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Section 212.
- B. Purpose of Bond. A bond and/or other surety agreement shall stand as security for compliance with all Township Ordinances, other laws, covenants, stipulations, conditions and rules applicable to the manufactured home park plan filed.
- C. No construction of buildings or paving or sales of any unit within the manufactured home park shall take place unless: 1) a current executed performance bond (or security escrow agreement, is on file with the Township; or 2) unless all required public improvements, utilities, streets, drainage improvements and easements, sewer and street lights and all grading supporting the public improvements have been completed and accepted by the Supervisors.
- D. If the developer chooses to install all required improvements prior to any building, in place of using performance guarantees, the Township shall require the developer to have adequate insurance, hold harmless agreements, and an escrow account to cover the costs of inspections.

2. Improvements by Applicant

- A. The Applicant shall be responsible for the installation of all improvements required by this Section 212.
- B. Township Engineer shall make inspections of required improvements at reasonable intervals to assure compliance with this Section 212.
- C. Reasonable costs of inspections shall be paid by the Applicant, and held in an escrow account.

3. Development Agreement

- A. Development agreement required
 1. The Applicant proposing a manufactured home park plan providing for the installation of improvements required by this Section 212 or any improvements or amenities appearing on the plan shall be required to enter into a legally binding Development Agreement with the Township prior to recording of the approved Final Plan.
 2. Development Agreement shall guarantee the installation of said improvements in strict accordance with all Township requirements.
 3. The Final Plan shall not be recorded nor signed by representatives of the Supervisors until the Development Agreement is executed and the Performance Guarantee is in place.

B. Terms of development agreement - Development Agreement shall be in the manner and form approved by the Township Solicitor and it shall consist of the following, as applicable.

1. Construction depicted upon the approved plans in itemized format. Construction of streets with related curbs, street signs, drainage facilities and related improvements. Installation of utility lines.
2. Work schedule setting forth the beginning and ending dates and such other details as the Township deems fits and appropriate for the improvements covered by the Development Agreement. Inspection schedule subject to the approval of the Township Engineer.
3. Provision of a Performance Guarantee for completion of required improvements complying with this Section 212. Detailed breakdown of the estimated cost of the improvements, estimated within the requirements of the Pennsylvania Municipalities Planning Code, as amended. Amount of Performance Guarantee. All improvements subject to the Development Agreement shall be approved according to the approved inspection schedule within this Section 212.
4. Developer's responsibilities for damage to other property. Developer shall secure or maintain public liability insurance for the duration of improvements construction. A copy (of other evidence of coverage) shall be submitted to the Township. A save harmless clause to protect the Township from liability. Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
5. Provisions for any future dedication or transfer of streets, water and sewer lines and easements.
6. Developer shall provide the Township with a set of reproducible record plans prepared by and certified to by a Professional Engineer.
7. Developer shall be responsible for all-reasonable engineering and legal costs and expenses for review, inspection, consultations and preparation of agreements.
8. Provisions for violation of the Development Agreement.
9. Any other lawful terms which the Supervisors may require to carry out the provisions of this Section 212.
10. Signatures. Development Agreement shall be signed by all landowners and/or developers.

C. Ownership of land and guarantee

1. Certificate of Ownership shall be executed in the exact name in which title is held. If the developer(s) of a manufactured home park plan is someone other than the landowner(s) of the manufactured home park plan, the developer shall also execute the affidavit given above, along with a performance bond and security agreements.
2. Change in Ownership or Developer. Any conveyance of all or substantially all of the unimproved lots or public improvements or roads of any manufactured home park plan or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Supervisors. In giving or denying said approval, the Supervisors shall determine whether the proposed new landowner and/or developer will be financially able to fully carry out the plan with all required public

improvements, and before giving final approval, the Supervisors shall require the posting of appropriate bonds and security agreements.

D. Performance guarantee for completion of required improvements shall meet the following requirements:

1. Surety

- a. Guarantee shall be secured by the credit of any of the following:
 - i. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
 - ii. Restrictive or escrow account in a Federal or State chartered lending institution, or
 - iii. Such other financial security approved by the Supervisors (which approval shall not be unreasonably withheld.)
- b. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements required within one (1) year of the date fixed in the Development Schedule for the completion of such improvements.
- c. Such financial security shall be posted with a bonding company or a federally-insured Federal or State chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the State.
 - i. Supervisors may require evidence be provided that such institution or company has sufficiently adequate and secure assets to cover the security.
 - ii. Township shall be an authorized signatory on any account in which the escrow funds are held and all escrow funds from sales of lots shall be paid directly to such fund, and a monthly statement shall be furnished to the Township.

2. Amount

- a. Amount of financial security to be posted for the completion of the requirement improvements shall be equal to 110% of the cost of completion estimated as of 90 calendar days following the date scheduled for completion by the developer in the official development schedule, and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code, as amended.
- b. Cost of the improvements shall be established by an estimate prepared by a Pennsylvania Professional Engineer, within the arbitration process permitted by the Pennsylvania Municipalities Planning Code, as amended
- c. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the requirement improvements, the amount of financial security shall be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or

about the expiration of the preceding one-year period by using the above bidding procedure.

- 3 Multi-year or phasing development - In the case where development is projected over a period of years, the Supervisors may authorize submission of final plats by section or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

E. Approval of improvements

1. General. As the work of installing the required improvements proceeds, the party posting the financial security may request the Supervisors to release or authorize the release, from time-to-time, portions of the financial security necessary for payment to the contractor(s) performing work.
2. Notice of Completion. When the developer has completed an improvement, the developer shall notify the Supervisors, in writing by certified or registered mail, of such completion and any request for release. Such notice shall also be sent to the Township Engineer.
3. Engineer's Report
 - a. Within 30 calendar days of the receipt of such request, the Township Engineer shall submit a written report to the Supervisors certifying which improvements have been completed in accordance with the approved plan to the Supervisors and mail a copy of such report by certified or registered mail to the developer.
 - b. Report shall be based on the inspections made according to the approved inspection schedule included in the Development Agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
 - c. If the Engineer finds any or all of the improvements to be not as required, the Engineer shall include a statement of the reasons for recommending their rejection in the report.
4. Decision by Supervisors
 - a. At its first regularly scheduled meeting after receiving the Engineer's Report (but no later than 45 calendar days of the receipt of the request) the Supervisors shall review the Engineer's report and shall authorize release of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed.
 - b. The Supervisors shall be deemed to have approved the release of funds as requested if the Supervisors fail to act within 45 calendar days of receipt of the developer's request.
 - c. Until final release (completion of all improvements), the Supervisors may require retention of 10% of the cost of each completed improvement.
 - d. The Supervisors shall notify the developer in writing by certified or registered mail of the decision.
5. Final release

- a. When the developer has completed all of the necessary and appropriate improvements, the developer shall request Final Release in conformance with the procedures specified in this Section 212. See time limitations and procedures in Section 510 of the Pennsylvania Municipalities Planning Code, as amended.
 - b. Such Final Release shall include all moneys retained
 - 6. Appeal - Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Supervisors or the Township Engineer.
 - 7. Certificate of occupancy and completion of improvements
 - a. No temporary Certificate of Occupancy shall be issued for any structure on a lot adjoining a dedicated street in a manufactured home park until the structure is safe and substantially completed in conformity to all applicable ordinances, laws and plans with service by electricity and telephone service and any required water, fire hydrants and sewage service and access to the structure to a public street over a clearly permanently passable street with at least a complete paving course and any required curbing installed.
 - b. No final Certificate of Occupancy shall be issued until the structure is completed as aforesaid with service by all utilities and access on a street completed to required standards.
- F. Remedies to effect completion of improvements
- 1. Enforcement of surety
 - a. In the event, any improvements required have not been installed as provided in this Section 212 or in accordance with the approved Final Plan, or in the event of the bankruptcy of the owner or developer, the Supervisors are hereby granted the power to elect to enforce any corporate bond (or other security) by appropriate legal and equitable remedies.
 - b. Enforcement may include taking all actions necessary to obtain moneys under said bond, including but not limited to seizure of undeveloped lots, confession of judgement, suit on the bond, seizure of escrow funds, revocation of zoning permits and prosecution under this Section 212.
 - c. Rate of construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Section 212 and a cause for default.
 - 2. Completion by Township - If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Supervisors may, at its option, install part of such improvements in all or part of the manufactured home park and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

3. Proceeds for installation of improvements - All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

G. Maintenance agreement

1. Maintenance agreement required
 - a. Applicants proposing any manufactured home park providing for the dedication of improvements required by this Section 212 or any improvements or amenities appearing on the plan shall be required to enter into a legally binding Maintenance Agreement with the Township prior to acceptance of dedication by the Township.
 - b. Dedication of any improvement shall not be accepted by the Township prior to the execution of a Maintenance Agreement and the delivery of the Maintenance Guarantee.
2. Terms of maintenance agreement
 - a. Maintenance Agreement shall be in the manner and form approved by the Township Solicitor.
 - b. Maintenance Agreement shall require the Applicant to make any repair or reconstruction of any improvement stipulated in the Maintenance Agreement which is specified by the Supervisors as necessary by reason of faulty construction, workmanship, or materials prior to acceptance of such improvement by the Township.
 - c. Maintenance Agreement shall require the Applicant to maintain at his own cost all improvements stipulated in the Maintenance Agreement. This period shall not exceed 18 months from the date of acceptance or dedication by the Township, except for any special purpose escrow or Maintenance Agreement required by the Township.
 - d. Maintenance Agreement shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed 18 months from the date of acceptance of dedication.
 - e. Snowplowing. It shall be the responsibility of the developer to plow snow and maintain all streets until such time as the Township accepts such streets.
3. Public utilities and authorities - If water or sewer lines are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

H. Maintenance Guarantee

1. Security - Maintenance Guarantee shall be secured by the credit of any of the following:
 - a. An irrevocable and unconditional letter of credit of a federal or state chartered lending institution;
 - b. A restrictive or escrow account in a federal or state chartered lending institution, or
 - c. Such other financial security approved by the Supervisors (which approval shall not be unreasonably withheld.)
2. Terms - Such Maintenance Guarantee shall be in the form approved by the Township Solicitor and Supervisors, payable to the Township, to guarantee the maintenance and repair improvements in the manufactured home park for 18 months from the date of acceptance thereof by the Township.
3. Amount - Amount of the Maintenance Guarantee shall be determined by the Township, but shall not exceed 15% of the actual cost of installation of such improvements.
4. Release - After the expiration of 18 months from the date of acceptance of said improvements, the Township shall release said Maintenance Guarantee to the developer (or party posting said Maintenance Guarantee) if all improvements are in satisfactory condition.

212.9. RECORDING OF FINAL PLAN

The Applicant is responsible to ensure the Final Plan, as approved by the Supervisors, is recorded in the Office of the Recorder of Deeds for Centre County within 90 calendar days of such final approval, unless an extension has been granted in writing by the Supervisors. The Applicant shall then send or deliver a receipt of the recording to the Township. Final Plan shall not be recorded without the required signatures of the Township officials. Final Plan shall not be recorded unless the Applicant has met all required conditions the Township determines would impact the recorded Final Plan.

1. **Record plan** - The Applicant shall provide a copy of the approved plan to the Township to serve as the Record Plan.
2. **Effect of recording**
 - A. Official map - After a manufactured home park plan has been duly recorded, the streets, open space, and other public improvements shown thereon shall be considered to be a part of any Official Map of the Township.
 - B. Private improvements - Every street, park, or other improvement shown on a manufactured home park plan that is recorded, as provided herein, shall be deemed to be a private street, open space, or improvement until such time it has been offered for dedication to the Township and accepted by resolution or ordinance, and recorded, or it is condemned for a public purpose.
 - C. Dedication of improvements - Streets, parks, and other public improvements shown on a manufactured home park plan to be recorded:
 1. May be offered for dedication to the Township by formal notation thereof on the plan, or
 2. The owner shall note on the plan that such improvements have not been offered for dedication to the Township.

212.10. PARK DESIGN STANDARDS

1. **Size and continuity** - Manufactured Home Parks shall have a minimum size of 10 contiguous acres. Land utilized shall not be bisected by any public highway, street, alley, or way, except for internal private street systems.
2. **Avoidance of adverse conditions** - Manufactured Home Parks shall:
 - A. Be free of adverse influences from swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects, rodents, pests, or other conditions constituting health hazards;
 - B. Not be subject to flooding (FEMA Mapping);
 - C. Be free of nuisances, including excessive noise, vibration, smoke, toxic material, radiation, heat, odor, or glare; and
 - D. Not encroach upon protected wetlands.

212.11. STORMWATER MANAGEMENT REQUIREMENTS

Ground surfaces in parks shall be graded and equipped to drain all surface water in a safe, and efficient manner. Parks shall comply with Benner Township's Stormwater Management Ordinance, as amended.

212.12. MANUFACTURED HOME LOT / SPACE DESIGN

1. **Placement of lots / spaces** - Park designers are encouraged to place the manufactured homes at varying angles to increase the aesthetics of the park.
2. **Lot / space size**: Manufactured home lots within the park shall have a lot minimum size of 7,500 sq. ft.
3. **Width**: Each manufactured home lot / space shall have a minimum width of 60 ft at the street whether a public or private street.
4. **Coverage**: Each manufactured home lot shall have a maximum lot coverage of 50%.
5. No structures built in the parks shall exceed a maximum height of 35 ft.
6. **Minimum setbacks**
 - A. Street. Manufactured homes shall be located a minimum of 20 ft. from the street or curb edge of any private street, and 20 ft. from the edge of the right-of-way of any public street; unless walkways abut a street, in which case, a 20 ft. setback shall be required from the back edge of the sidewalk to allow off-street parking.
 - B. Manufactured homes. Manufactured homes shall be separated from each other by at least 20 ft. on all sides. No manufactured home shall be located closer than 5 ft. to any lot line.
 - C. Tract boundary property lines. Manufactured homes shall be located at least 25 ft. from any park boundary line.
 - D. Accessory structures. Accessory structures, including decks, porches, unenclosed porches, carports and garages shall be located no closer than 10 ft. to any lot line lot.
 - E. Sheds: Sheds, 300 sq. ft or less, shall be located no closer than 5 ft to any lot line.
8. **Pad or Foundation**. Manufactured home lots shall be improved with an adequate and stable pad or foundation to meet or exceed the specifications of the manufactured home

manufacturer. Foundations or pads shall be designed not to heave, shift, or settle unevenly under the weight of the home due to frost action, inadequate drainage or vibration.

9. **Anchoring.** Manufactured homes shall be securely fastened with a ground anchoring system meeting the following requirements:
 - A. **Weight loads.** Ground anchors shall be capable of resisting an allowable working loads equal to or exceeding 3,150 lbs. and applied in the direction of the tie down. Ground anchors shall be capable of withstanding 50% overload without failure.
 - B. **Anchor placement.** Unless designed by a registered, professional engineer or architect, the entire tie down system, including ground anchors shall be placed not more than 24 ft. on centers beginning from a line congruent with the front wall of the manufactured home.
 - C. **Diagonal and vertical ties.** Ground anchors for diagonal ties shall be provided in conjunction with each vertical tie down.
10. **Concrete monuments.** Concrete monuments shall be a minimum size of 4 inch by 4 inch by 30 inch (4" x 4" x 30") or 4 inch diameter x 30 inch (4" x 30") plastic pipe filled with concrete using an iron rod in the center, a brass, or copperplate on the top for marking the exact point. Concrete monuments shall be required at such places necessary to establish permanent control points for the re-establishment of tract boundaries, lot and street lines.
11. **Iron markers.** Iron markers shall be a minimum size of 1/2 in. diameter pipe or #6 rebar and should have a minimum length of 30 in. Iron markers shall be set at all points where lot lines intersect curves, at all angles in lot lines and tract boundary lines, at all lot corners, and at the beginning and ending of all curves.

212.13. SCREENING, BUFFER YARDS, VEGETATIVE COVER

1. **Screening** – Manufactured home parks shall maintain attractive screening along property boundary lines separating the park from adjacent uses. Screening may include existing wooded areas along the boundary within the park property. Visual screenings shall be designed with trees, shrubbery, and where possible, vegetative ground cover to offer a buffer zone to minimize noise, dust, dirt, and other harmful effects resulting from adjacent uses, such as streets and highways.
2. **Buffer yards** - Buffer yards shall be placed along public streets, external to the park. Earthen mounds are recommended. Buffer yards shall not be less than 25 ft in width. Buffer yards may be within the required setback. Buffer yards shall be placed according to the following requirements:
 - A. All plants shall be at least 3 ft. in height when planted. Plants shall consist of a mix of pines, firs, spruce, and hemlock that will achieve a mature height of at least 25 ft.
 - B. Any plant material which does not live shall be replaced within one year.
 - C. Buffer yards shall not be used for parking, loading, storage, or structures. Buffer yards may be crossed by access driveways and utility easements, provided such crossings are not more than 25 ft in width at the point of intersection.
3. **Vegetative cover**
 - A. **Exposed surfaces.** Exposed ground surfaces in the Manufactured home park shall be covered with acceptable material or planted with vegetative growth. Coverings shall prevent soil erosion and dust during dry weather. All cover or growth shall be maintained or controlled at all times.

- B. Hazardous nuisances. Manufactured home park grounds shall be maintained free of poisonous vegetative growth, which may harbor rodents, insects, or other hazardous nuisances to children.
- C. Preservation of natural features. Design and development of proposed manufactured home parks shall preserve natural features such as mature trees, outcroppings, streams, vegetation, etc.
- D. Shaded environment. Manufactured home park shall have grass, trees, and shrubs to provide a shaded environment. Random tree plantings is highly encouraged.

212.14. MANUFACTURED HOME PARK STREET SYSTEM

Park streets shall conform to the following minimum standards for the promotion of safe and convenient vehicular access from abutting public streets or roads. All streets within the manufactured home park shall be private. A Plan Note will be placed on the plan indicating that private streets may not be dedicated to the Township unless the streets are constructed to the Township street specifications in effect at the time of dedication.

- 1. **Park access** - Park entrance roads connecting to public streets shall have a minimum cartway width of 24 ft. with no on-street parking permitted. Whenever a park street intersects a public street, stop signs shall be installed and maintained in conformity with Penn DOT regulations.
- 2. **Internal private park streets** - Internal private streets shall be of adequate width to accommodate intensified traffic and shall meet the following minimum requirements:
 - A. **Minimum cartway widths**
 - 1. No street parking. Internal streets shall be provided and manufactured home lots shall face or abut upon streets having a minimum 22 ft. of unencumbered cartway where no on-street parking is allowed. No manufactured home lot shall have direct access to a public highway, street, alley, or way other than those constructed for the park.
 - 2. On-street parking. When parking is permitted on both sides of the street, a minimum cartway width of 34 ft. shall be required. Minimum cartway width of 26 ft. shall be required where parking is limited to one side of the street.
 - 3. One-way street parking. Where one-way streets are used, minimum cartway width may be reduced by 10 ft.
 - B. **Culdesacs** shall not be longer than 1,000 ft. and shall be provided at the closed end with a turn-around having an outside radius of at least 60 ft. to property line, and a minimum of 50 ft. radius for cartway turnaround. The Township will accept the hammer-head type configuration as an acceptable alternative to the standard culdesac. The Applicant shall have the local fire department serving the park approve the plan, in writing, if hammer-head type configuration is used, and if culdesac lengths are greater than 400 ft.
- 3. **Street private specifications**
 - A. Streets within a park shall be privately owned and shall be approved by the Township Engineer.
 - B. Grades of streets shall be at least 0.5%, but not more than 10%. Short runs, not exceeding 500 ft. with a maximum grade of 12%, may be permitted provided traffic safety is assured by appropriate surfacing, adequate leveling areas, and avoidance of lateral curves.

- C. Streets shall be at right angles within 100 ft. of intersections. Distance of at least 150 ft. shall be maintained between centerlines of offset intersecting streets. No more than two streets or ways shall intersect at one point.
- 4. **Street trees are required to be planted along all park streets.**
 - A. Spacing. Trees shall be no more than 40 ft apart and within 8 ft. of the edge of the right-of-way, with either a random or consistent pattern.
 - B. Size. Trees shall be at least 1 1/2 inches caliper at time of planting, and shall reach a minimum height of twenty-five (25') feet at maturity.
 - C. Species. Trees shall be deciduous shade trees. Tree species should vary within the entire, but be consistent along individual streets or sections of streets. Tree species may not include silver maple, poplar, mountain ash, tree of haven, or catalpa.
 - D. Replacement. Dead trees shall be replaced within one year.

212.15. PARKING AREAS

- 1. **Areas shall be provided for the parking of motor vehicles.**
 - A. Minimum requirements. Parking areas shall provide a minimum of two (2) off-street parking spaces for each manufactured home lot / space.
 - B. Spacing. Spaces shall be located on each manufactured home lot / space, or be located no farther than 200 ft. from the manufactured home which such said parking is intended to serve.
 - C. Maximum coverage. Parking areas, when located within the confines of the manufactured home park, shall not occupy more than 20% of the total area of the manufactured home park.
 - D. Off-street parking spaces. Visitor off-street parking spaces may be clustered at various locations within the manufactured home park.
 - E. Paving requirements. Paved parking areas and paved off-street parking spaces shall meet the Township's specifications for paving of residential, uncurbed streets, as outlined in the Benner Township Street Standard's Ordinance, as amended. Gravel parking areas shall be constructed with a gravel or other crushed stone compacted to a depth of 6 inches. Drainage shall meet the Benner Township Stormwater Management Ordinance, as amended.
 - F. Other types of parking areas. Areas for the storage of boats and trailers (travel, horse, or utility) may be provided in each manufactured home park.

212.16. WALKWAYS

All manufactured home parks shall provide an interior walkway system between individual manufactured homes, park streets, and community facilities. All walks shall provide safe, convenient, and all-season pedestrian access. Sudden changes in alignment and gradient shall be avoided.

- 1. **Common walkway system** - A common walkway system, where pedestrian traffic is concentrated, shall be provided and maintained between locations. Such walkways shall have a minimum width of 3 1/2 ft, and be constructed of a mud-free material, such as asphalt, concrete, crushed stone, with adequate provisions for drainage. Common walkway systems may connect manufactured home lots to streets, driveways, or parking spaces.

212.17. ILLUMINATION OF PARK AND STREET SYSTEMS

Streets and walkways shall be adequately lighted.

1. **Minimum requirements.** Streets shall be lighted with a minimum of one streetlight at each street intersection, which is 300 ft or more from a street intersection. All illumination shall be placed at mounting heights which will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Illumination shall be arranged in such a manner that the main directed rays of light source to the ground does not enter any dwelling unit or fall outside of the manufactured home park.
2. An additional form of illumination may be provided by park owner through installation of lights at each manufactured home lot which shall serve as front lights as well as street lights. Such alternative must include:
 - A. Installation of light activated devices automatically turning on at dusk and turn off at sunrise;
 - B. A policy of the lot owner in writing, enforcing the replacement of burnt out or broken bulbs to assure the alternative lighting system functions.

212.18. RECREATIONAL AND OPEN SPACE AREAS

1. **Minimum requirement** - Manufactured home parks shall provide, and show on the manufactured home park plan, suitable areas for recreation and open space uses totaling 10% of the total area of the manufactured home park excluding buffer yard areas; one-half of which area shall be in one place. Open space shall be divided into active and passive open space areas. Active open space area would include usable areas, having slopes of less than 10%, used for active recreation. Passive open space would be used as green space/wooded areas. One quarter of the total open space set aside shall be used as active open space.
2. **Location** - Recreational and open space areas shall be located centrally within the park to provide easy accessible to all the residents.
3. **Landscaping** - Open space and recreational areas shall be landscaped with water absorbent surfaces except for recreational facilities, garden space, and walkways utilizing hard surfaces. Open spaces shall be planted with a mixture of grass, trees, and shrubs to provide a park-like appearance.
4. **Maintenance** - Open space and recreational areas shall be maintained by the park owner unless approved and accepted by the Township through Offer of Dedication.

212.19. MISCELLANEOUS

1. **Skirting and hitch** - After the manufactured home has been anchored, the hitch shall be unbolted, and a decorative skirt shall be placed around the base of the manufactured home. Skirting shall be of compatible design and material. Skirting shall provide sufficient ventilation to inhibit decay and deterioration of the structure and shall be maintained in good repair.
2. **Areas for non-residential use** - Any part of the manufactured home park shall not be used for nonresidential purposes except such uses required for directly servicing the park. Uses shall serve primarily the residents of the park and may include a community building, maintenance and recreation facilities, and office facilities for park management.

212.20. WATER SUPPLY

Public water shall be provided for manufactured homes, service buildings, and other accessory facilities as required by this Section 212. When a public water supply system is available, connection shall be made and used exclusively. All water supply systems shall comply with the requirements of the authority providing such water. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water system has been set up in a manner that it will be self-sustaining, both in the near and long future.

212.21. SEWAGE DISPOSAL

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained in accordance with the requirements of the authority providing such service. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water system has been set up in a manner that it will be self-sustaining, both in the near and long future.

212.22. ELECTRICAL DISTRIBUTION SYSTEM

1. **General requirements** - The electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.
2. **Underground lines** - Power lines shall be located underground, and installed according to the local electric power company's specifications.

212.23. REFUSE DISPOSAL

1. **Refuse handling** - Storage, collection, and disposal of refuse in the park shall be so managed as not to create any health hazards, rodent harborage, insect-propagating areas, accidents, fires, or air pollution. Storage shall be in accordance with all Township ordinances.
2. **Refuse storage** - Refuse shall be stored within an insect-tight, watertight, rodent-proof containers located no more than 150 ft. from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse generated. Containers shall be routinely emptied and/or removed as necessary to insure that such containers shall not overflow.

212.24. FIRE PROTECTION

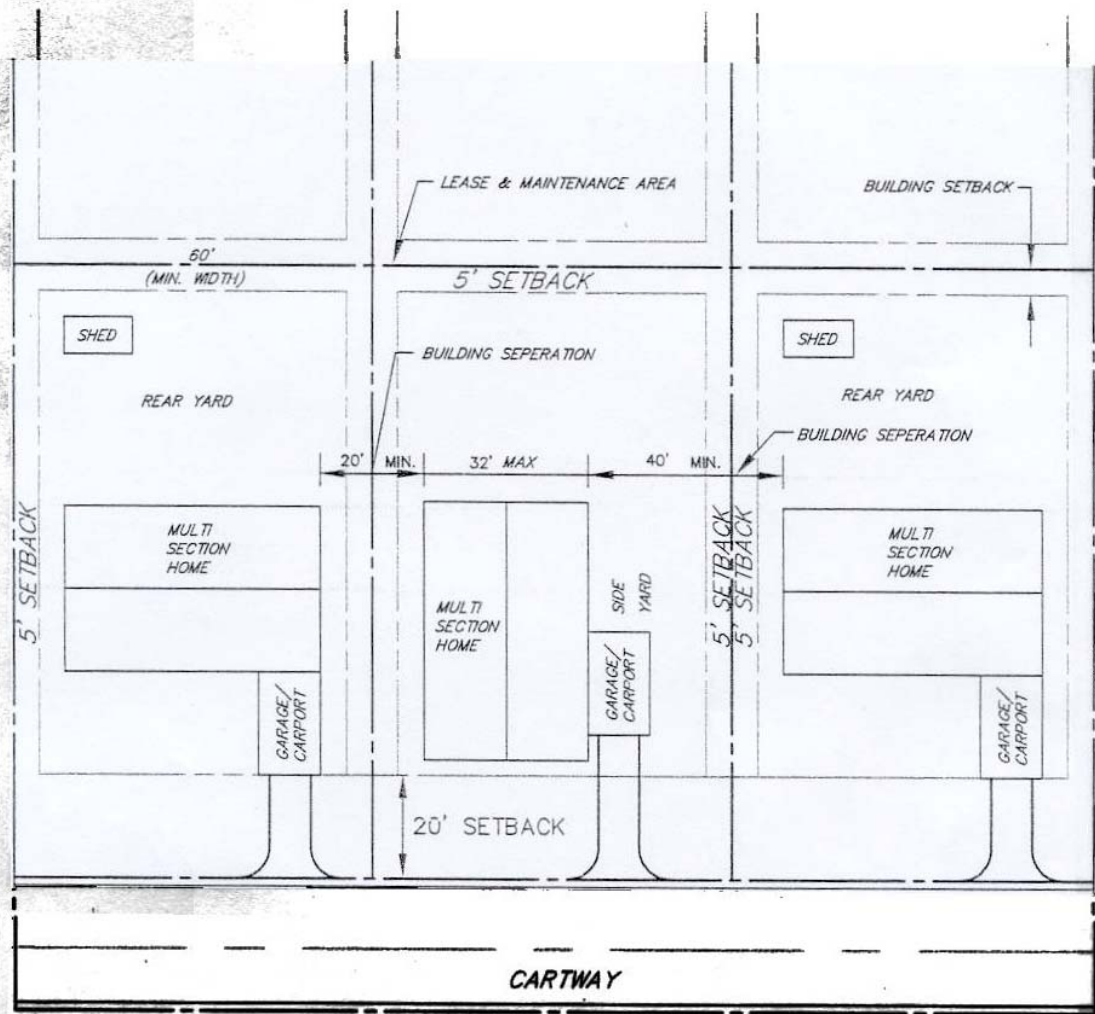
1. **Fire extinguishers** - Portable fire extinguishers of a type approved by the Fire Underwriters Laboratories (A-B-C) classification and bearing the Underwriters' label, shall be maintained in all public service buildings under park control. Manufactured home park owner shall adopt park regulations including a recommendation that each manufactured home owner maintain a portable fire extinguisher suitable for Class, A., B, and C fires, and a smoke detector within each manufactured home.
2. **Fire hydrants** - Fire hydrants shall be installed as agreed upon by the Township and the agency or individual responsible for supplying public water. The Fire Company servicing

the area where the park is to be located shall be contacted and given the opportunity to review and approve the plan. Such approval shall be in writing.

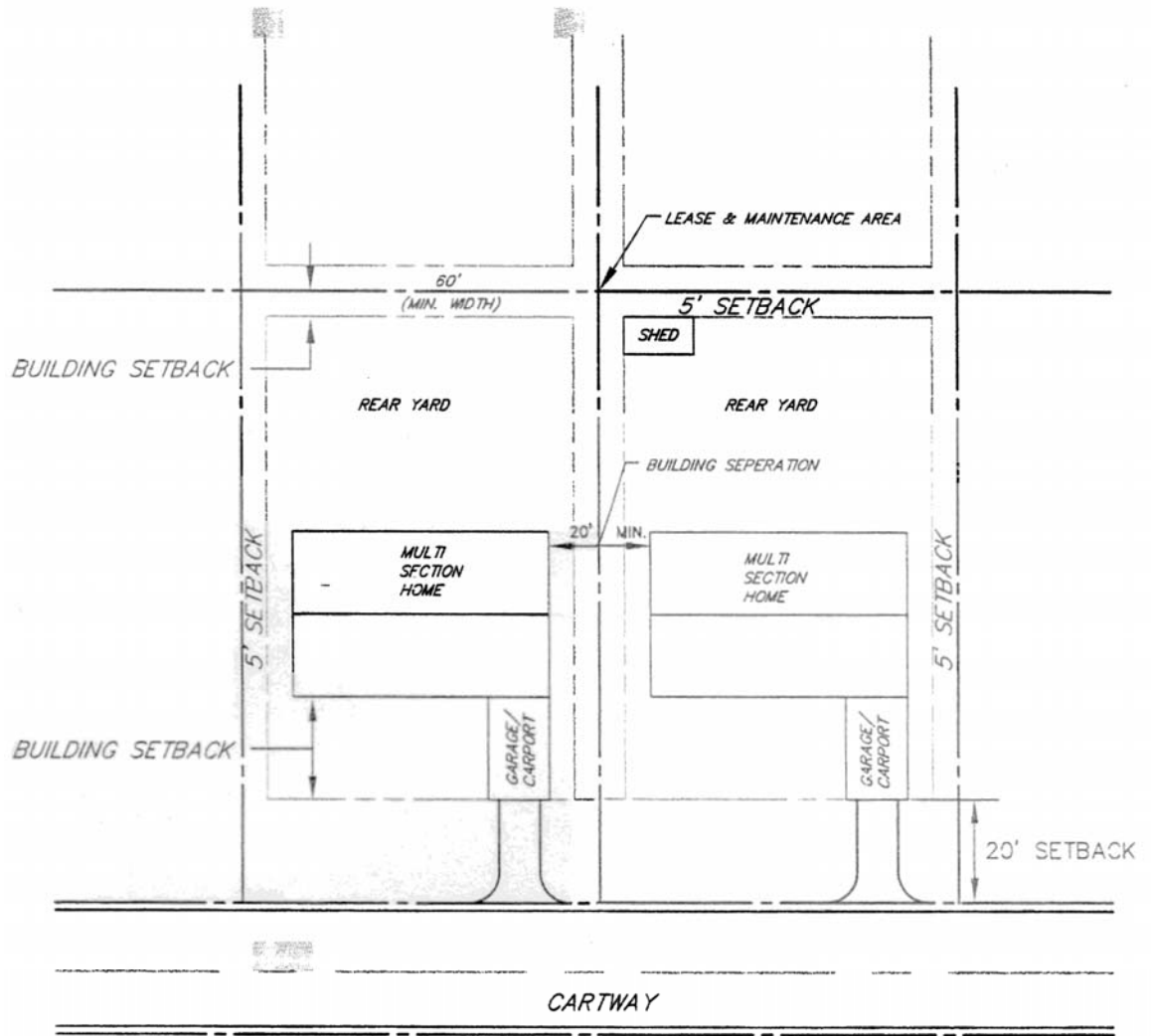
3. **Burning** - Burning shall comply with the Township regulations.

212.25. ADMINISTRATION OF MANUFACTURED HOME PARK

1. **Responsibility of park management** - The park shall operate in compliance with this Section 212, and provide supervision to maintain the park, its facilities, and equipment in good repair and in a clean, safe, and sanitary condition.
2. **Manufactured home placement and anchoring** - Park management shall supervise the placement and anchoring of each manufactured home on its manufactured home pad including securing its stability and installing all utility connections.
3. **Park access by Township** - Park management shall provide the Township or its representatives, free access to inspect all manufactured home lots, service buildings, and other community service facilities for compliance with this Section 212.
4. **Registration of occupants** - Park management shall maintain a register containing the names and addresses of all park occupants. Such registry shall be available to any authorized person inspecting the park.
5. **Reporting to governmental offices**
 - A. **Tax Collector and Township** - Park management shall report each new tenant to the tax collector and to the Township office. Report shall be made no less than quarterly and on a report form provided by the Township.
 - B. **Report to Assessment Office** - Park management shall also notify the Centre County Board of Assessment Office of the arrival of each manufactured home, along with the name and address of the owner.
6. **Zoning permits for construction within park** - Zoning Permits are required for any construction, alteration, addition, and for each time a unit is moved onto pad within the manufactured home park. Zoning permits are also required for the construction of accessory structures to manufactured homes in existing manufactured home parks and for each new manufactured home. Zoning permits required may be obtained either by the manufactured home park operators or the tenants, but failure to obtain Zoning Permits shall be a violation of this Section 212.
7. **Snow removal** - Snow removal shall be handled by park management for all private internal street systems within the park. Snow removal will only be handled by the Township, if streets within the park are duly accepted as public streets by the Township.
8. **Postal delivery** - Mailboxes for manufactured home parks shall be located as directed by the Post Office servicing the area. The Township strongly encourages mailboxes be placed internally within manufactured home parks.



TYPICAL HOMESITE LAYOUT
(COMBINATION TO STREET)



TYPICAL HOMESITE LAYOUT
(PARALLEL TO STREET)

Section 213 Traditional Neighborhood Design Overlay Zone (TND)

213.1. PURPOSE

In compliance with Sections 605.(2) and 605.(3) of the Act, this Zone provides an optional set of design standards that seek to achieve a “village”-type setting that is characteristic of much of central Pennsylvania’s built environment and heritage. All of the design standards of this Zone are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as optional “overlay” regulations with substantial density bonuses, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township. The substantial density bonuses have been provided to offset the increased costs of providing a “high-quality” development that features historic building and streetscape design with authentic construction materials (e.g., stone, brick, wood, slate), abundant and diverse native landscape materials, and other streetscape and public amenities often overlooked within contemporary suburban neighborhoods.



Village Atmosphere

It is the further intent of the Board of Supervisors to encourage flexibility, economy and ingenuity in the development of tracts within this Zone of the Township. To this end, the Board of Supervisors may permit the developer to modify the design standards of this Section 213, if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design, so long as the following development objectives are served.

Some of the specific development objectives of the Zone include the design and construction of neighborhoods that:

1. Are distinct in their incorporation of important natural and cultural features;
2. Ensure a diversity of housing types, sizes, and costs with particular emphasis on scattered-site, affordable housing opportunities;
3. Provide for convenient vehicular access to the neighborhood's edge but increased reliance upon pedestrian movements within its bounds;
4. Integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
5. Make efficient use of local infrastructure and services;
6. Reflect the historic and traditional building styles abundant within the region;
7. Reserve and feature civic uses and open spaces as community focal points;
8. Provide safe, efficient and compatible linkages with existing, nearby land uses, streets, sidewalks, etc.;
9. Invite regular and frequent social interaction among its inhabitants; and,

10. Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.

These development objectives will be used as a measure of conformance with any proposed development within this Zone.

213.2. RELATIONSHIP TO OTHER ORDINANCES AND SECTIONS OF THIS ZONING ORDINANCE –

The provisions of this Section 213 establish an overlay zone that may be applied to any property within the R-1 and/or R-2 Residential Zones. This Section 213 has different land use and design requirements from those contained in this, and other ordinances of the Township. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this Section shall govern. However, all other provisions of this, and other ordinances of the Township shall remain in full force.

213.3. REVIEW PROCEDURES

All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to Section 905 of this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s). It is the intent of this Zone to coordinate zoning approval with subdivision and land development approval. All proposals within this Zone are strongly encouraged to submit a sketch plan under the SLDO. During the sketch plan review, the applicant and Township should identify an overall design objective for the site, and “iron-out” any fundamental problems associated with the proposed development. Approval of a development within this Zone is tied to the successful approval of a subdivision and land development plan that meets with the specific requirements of this Zone and all other applicable requirements of this Ordinance, the SLDO, and any other applicable ordinances. The applicant shall be required to submit any and all of those materials that are needed to effectively demonstrate compliance with such requirements, to the satisfaction of the Board of Supervisors.

213.4. OVERALL COMMUNITY FORM

A successful design must extend or enhance the “quality-of-life” attributed to the layout and context of the surrounding area. This measure considers the overall character of the proposed neighborhood with its mixture of uses, as compared with the character of its surroundings. The development should create the opportunity to be part of, and be accessible to, a complete community with housing, employment, schooling, shopping, worship, and recreation.

1. Permitted Public, Civic and Open Space Uses:

1. **Cemeteries;**
2. **Churches and related uses;**
3. **Community gardens;**
4. **Community gathering facilities (e.g., meeting house, bandshell, etc.);**
5. **Emergency services,**
6. **Forestry uses** subject to the requirements of Sections 200.5. and 517 of this Ordinance.
7. **Libraries, museums, and galleries;**
7. **Mass transit stops and passenger shelters;**
8. **Natural settings and open spaces;**
9. **Parks and playgrounds;**

10. **Public utilities structures;**
11. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants and associated rights-of-way subject to the requirements of Section 200.5. of this Ordinance.
12. **Governmental use**, as defined herein.
13. **Accessory uses customarily incidental to the above permitted uses.**
2. **Permitted Residential Uses:**
 1. **Single-family detached dwellings;**
 2. **Duplexes;**
 3. **Townhouses;**
 4. **Multiple-family dwellings;**
 5. **Conversion apartments;**
 6. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **Family day-care facilities**, as defined herein subject to the requirements of Section 431 of this Ordinance.
 - B. **Gardening and raising of plants for personal use.**
 - C. **No-impact home-based business**, as defined herein.
3. **Permitted Commercial Uses:**
 1. **Banks and similar financial uses, including outdoor tellers if pedestrian-oriented, and no more than two (2) drive-thru lanes;**
 2. **Barber, beauty, tanning, and health salons;**
 3. **Delicatessens, bakeries, ice cream shops, caterers, restaurants, and fast-food restaurants;**
 4. **Photographic, music, art, and dance studios;**
 5. **Professional, medical and/or dental offices;**
 6. **Repair of clocks, jewelry, cameras, electronics, and small household appliances;**
 7. **Retail sales and/or rental of goods such as**, but not limited to, antiques, apothecaries, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult-related uses);
 8. **Tailors, off-site dry cleaning, and shoe repair services;**
 9. **Convenience stores as defined herein;**
 10. **Commercial day care facilities, subject to the requirements of Section 421 of this Ordinance.**
 11. **Accessory uses customarily incidental to the above permitted uses.**

4. **Required Mixture of Land Uses and Housing Types:** The following tabulates permitted uses and residential structure types within the proposed development:

Zone	Proposed Common Open Space, Public and/or Civic Uses as Listed in Section 213.4.1. but excluding public utilities (% of Gross Area of the Site)	Percentage of Dwelling Units Permitted by Structural Type (Uses Listed in Section 213.4.2.)			Proposed Local Commercial Uses (see Section 213.4.3.)
		Single-Family Detached	Duplex	Townhouse, or Multi-Family	
R-1	Minimum 35%	At least 35%; no more than 50%	No more than 35%	No more than 35%	Maximum 5% of gross site area ¹
R-2	Minimum 25%	At least 50%; no more than 65%	No more than 35%	No more than 35%	Maximum 5% of gross site area ¹

¹Local commercial land uses can be increased in size if the applicant can demonstrate that the proposed location and configuration provides for convenient and safe pedestrian access for multiple neighborhoods that are not being served by other nearby commercial uses.

5. **Maximum Coverage:** In no case shall more than seventy-five percent (75%) of the gross acreage of a Traditional Neighborhood Design Zone development site be covered with buildings and/or other impervious surfaces.

6. **Minimum Lot Area:** All proposed developments must contain at least ten (10) acres.

213.5. RESIDENTIAL FORM – A successful project must employ an integrated and diverse mixture of housing types and costs. All dwellings must reflect the region's historic settlement pattern. Applicants shall be required to submit evidence of qualified architectural designs that reflect this region's history. Compact residential lots should be narrow and long with small side yard setbacks; building orientation should also run perpendicular to the street. Exterior pedestrian access should connect the front and rear yards for each attached housing unit (i.e., rowhouse, townhouse and duplex). Uses should rely heavily upon adjoining on-street parking, and driveways, and off-street parking should be confined to the rear yard off of alleys.

1. **Architectural Considerations:** All proposals within the Traditional Neighborhood Design Zone must incorporate architectural treatments and styles that complement the region's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented for Township consideration during the conditional use review process;



Historic Architecture

2. **Required Integration of Housing Types:** Proposed residential areas are required to integrate a variety of housing types. The objective is to ensure various unit types share the streetscape and that no one type dominate large portions of the neighborhood. Developments that isolate the respective types of housing units (e.g., detached, duplex, townhouse, and multiple-family) from one another, will not be permitted;

3. **Residential Lot Design Requirements** - See following table:

Permitted Dwelling Type	Maximum Permitted Density (units/gross acre)		Maximum Lot Coverage ²	Front Built-to Line ¹	Required Setbacks		
	R-1 Zone	R-2 Zone			One Side	Both Sides	Rear
Single-Family Detached	4 ³	8 ³	70%	10-15 ft.	6 ft.	12 ft.	20 ft.
Duplex	4	8	70%	10-15 ft.	6 ft. per unit	N/A	20 ft.
Townhouse ^{4,5}	4	8	70%	10-15 ft.	10 ft. end units	N/A	20 ft.
Multiple-Family	4 ⁵	8 ⁵	70%	10-15 ft.	10 ft. end units	20 ft.	20 ft.
Accessory Structures	N/A	N/A	Same as above.	Not permitted in front yard.	5 ft.	10 ft.	5 ft.

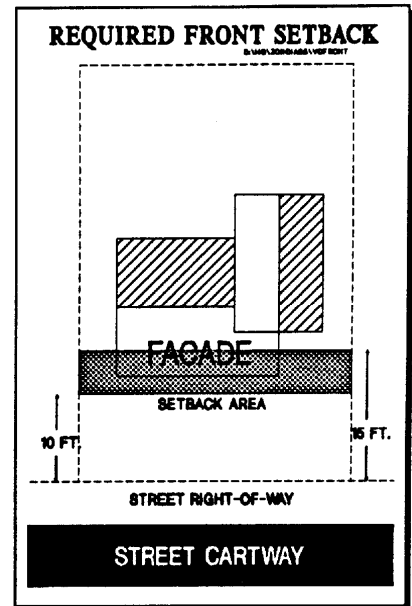
¹No less than seventy percent (70%) of a building's front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to line; except, however, no less than fifty percent (50%) of any townhouse or multiple-family dwelling building must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building; including porches. No part of any building shall extend closer to a street than the minimum front build-to line.

²Maximum lot coverage requirements shall not apply to porches located within the front yard.

³In addition to the principal dwelling, one conversion apartment is permitted. Such accessory building apartments shall be calculated as part of the maximum permitted density depicted for single-family detached dwellings in this table.

⁴No townhouse building shall contain more than six (6) units. For each townhouse building containing more than four (4) units, no more than two-thirds (2/3) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane.

⁵All townhouse and multiple family dwelling buildings shall be set back a minimum of ten feet (10') from any interior access drives, or parking facilities contained on commonly-held lands.



4. **Residential Building Design Standards:** All residences shall comply with the following:

- A. **Building Height** - All principal residences shall be between one and one-half (1½), and three (3) stories in height. In no case shall any principal building exceed forty feet (40') in height. Accessory buildings shall be no more than twenty-five feet (25') high;
- B.. **Building Orientation and Porches** - All residential buildings' main entrances shall face the lot's front yard. At least fifty percent (50%) of all detached dwellings located



Front Porches

along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines; and,

- C. Residential Building Width - No residential dwelling shall be greater than seventy-five feet (75') wide, as measured parallel, or approximately parallel, with any street line.

5. **Vehicular Access and Park Requirements for Residences:** Each proposed dwelling unit shall be required to provide space for two (2) parking spaces. At least one (1) of such spaces must be provided as an off-street parking space, either on the proposed site of the residence, or as part of an off-street parking lot/garage. No more than two (2) off-street parking spaces shall be permitted on an individual dwelling lot. Where practicable, driveways and off-street parking shall only be provided in the rear yard and will rely upon alleys for vehicular access. All on-street parking must be provided within one hundred feet (100') of the dwelling unit served to be calculated as part of the required number of parking spaces;



Rear Yard Alleys and Garages

213.6. COMMERCIAL FORM -

When provided, commercial land uses shall be confined to one cohesive node or street corridor. Ideal location for commercial uses is central to the neighborhoods served; however, peripheral locations along existing streets are also acceptable, so long as the

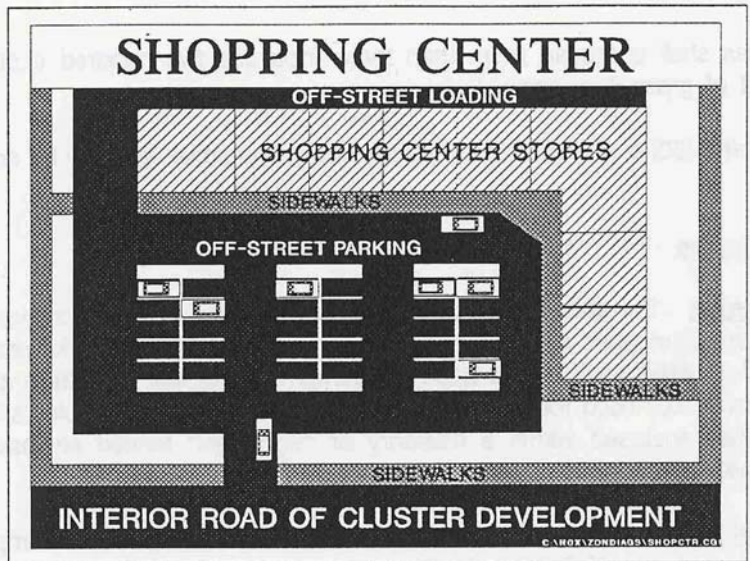
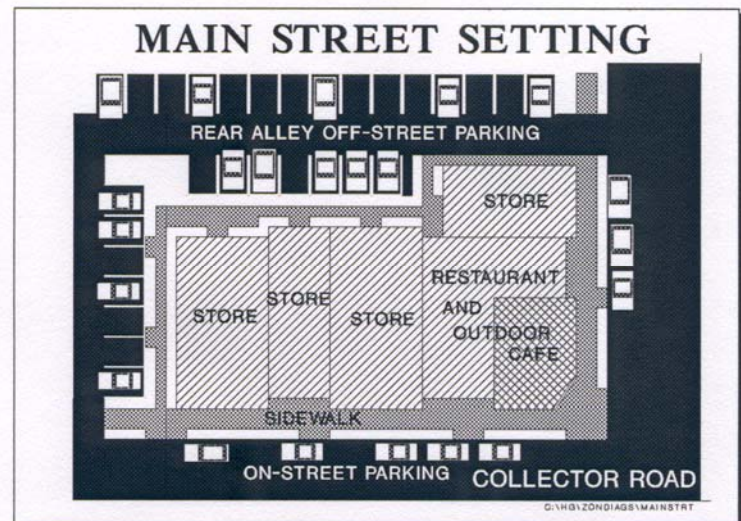
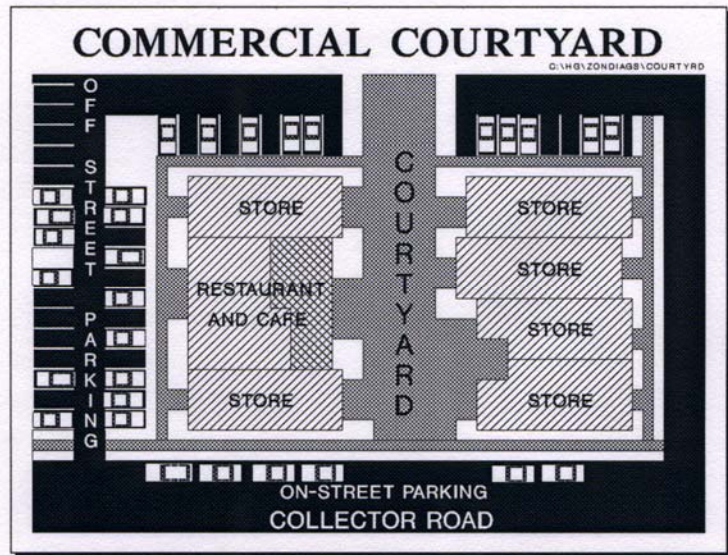


Pedestrian Scale Shopping Center

design of such areas serve pedestrians and vehicles equally well. Commercial areas should be fitted with buildings, signs and sidewalks that are oriented to invite pedestrian access from the adjoining neighborhoods. Off-street parking lots, loading areas and dumpsters should all be separated from view of the adjoining neighborhoods, and screened from adjoining roads.

1. **Business Timing:** No commercial area shall be approved until such time as at least one hundred new dwelling units are also approved in this Zone;
2. **Location and Layout:** All commercial land uses shall be confined to one area that is conveniently accessible to residents of the development. Preferred designs include those that replicate "downtown" settings, or commercial courtyards; however, small-scale neighborhood retail areas that adjoin existing roads are also acceptable if the design of the shopping center invites safe and convenient pedestrian access from adjoining neighborhoods;

3. **Pedestrian Access:** All commercial areas must be integrated upon a system of sidewalks and/or pedestrian pathways, so that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access;
4. **Proximity to Focal Point:** Where practicable, commercial areas shall be part of, contiguous with, or directly across a street from, the prominent focal point, as required in Section 213.8. of this Ordinance;
5. **Building Setback and Orientation:** Commercial areas shall be configured in one of three designs. (1) **Commercial Courtyards** should feature an exclusive pedestrian courtyard that is straddled by commercial land uses with on and off-street parking that is separated from the courtyard. (2) **Main Street** settings should incorporate tightly-knit storefronts directly adjoining a collector road with on-street parking. Off-street parking should be confined to the rear of such buildings and/or separate parking lots. (3) **Shopping Centers** should assemble commercial uses around an off-street parking lot with



vehicular access to a collector road and prominent pedestrian access to the residential neighborhoods.

All commercial areas shall consist of storefronts that are principally oriented toward pedestrian customers. Buildings should present a uniform pattern of setbacks (except in the case of cafes) that are close to an adjoining sidewalk or courtyard. Such sidewalks and courtyards should incorporate lamp posts, trash receptacles, shade trees, pedestrian benches, and other similar amenities. Designs must provide for an inviting pedestrian entrance and shopping area that does not require the crossing of heavily-traveled access drives, and is visually separated from off-street parking and loading areas;

6. **Outdoor Cafes:** Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial area. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter;
7. **Outdoor Display:** One sidewalk display bin for retail merchandise shall be permitted per commercial use between the main facade of the building and the adjoining sidewalk/courtyard. Such bin shall be located against the facade and shall not extend more than four feet (4') perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen feet (15'), nor an overall height of three feet (3'). Sidewalk bins shall only be exhibited during the use's business hours;
8. **Business Signs:** Signs for individual commercial uses shall only include wall signs or roof signs. Overall size shall be limited to six (6) square feet per sign. Each business will be permitted one such sign per entrance. The entire commercial area is also permitted two freestanding planned center signs, at least one of which must be oriented to the pedestrian access. Shopping center signs shall comply with those requirements listed in Section 323.4. for planned center signs of this Ordinance;
9. **Required Parking:** Minimum required off-street parking spaces for commercial uses that are part of a main street or commercial courtyard are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores and/or offices of physicians, dentists and veterinarians shall require one space per two hundred (200) square feet of total floor area. In addition, Main Street commercial areas and commercial courtyards shall provide for on-street parking adjoining such commercial uses. Within shopping centers, a minimum of one (1) off-street parking space shall be provided for each two-hundred (200) square feet of total floor area, and no on-street parking is required. All off-street parking must be provided within common parking lots, which shall be designed in accordance with Section 312 of this Ordinance. All off-street parking for commercial uses shall be set back no less than twenty-five feet (25'), and screened from any adjoining property used principally for residential purposes. Furthermore, any access drive to an off-street parking lot must be set back at least forty feet (40') from the right-of-way lines of any intersecting street, or five feet (5') from a fire hydrant;
10. **Upper-floor Apartment:** For each commercial use within a Main Street or commercial courtyard setting, one upper-floor apartment with a separate ground level access and one off-street parking space may be provided. No upper-floor apartments are permitted within a shopping center;
11. **Business Size:** While there are no limits on the size of commercial buildings and lots, all businesses shall be selected, sized and designed only to furnish local commercial goods and services that can be delivered to pedestrian patrons. No business shall be permitted that, in the opinion of the Board of Supervisors, exceeds this local pedestrian market;
12. **Maximum Lot Coverage:** Ninety percent (90%);

13. Minimum Required Setbacks: See following table:

Commercial Use	Front Yard Setback / Front Built-to Line ²	Yards Abutting Other Commercial Uses	Yards Abutting Open Space, Public, Civic or Residential Uses
Building	20 feet / 10-15 feet ²	None	None ¹
Off-Street Parking	10 feet ³	None	25 ft.
Off-Street Loading	Not permitted	None	50 ft.
Dumpster	Not permitted	None	50 ft.

¹ Buildings within a shopping center shall be set back at least fifty feet (50') from any adjoining residential use.

² Within a Main Street setting no less than seventy percent (70%) of a building's front facade must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building. No part of any building shall extend closer to a street than the minimum front build-to line.

³ Off-street parking is prohibited within the front yard within Commercial Courtyards and Main Street settings.

14. Required Off-Street Loading: See Section 314 of this Ordinance;

15. Height Requirements: All buildings within a main street or commercial courtyard setting shall have two (2), two and one-half (2½), or three (3) stories. All buildings within a shopping center shall have between one (1) and three (3) stories;

16. Outdoor Storage: No outdoor storage is permitted;

17. Waste Products: Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining properties used for a principal residence, common open space or public or civic use. All waste receptacles shall be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate;

18. Architectural Considerations: All proposals within the Traditional Neighborhood Design Zone must incorporate architectural treatments and styles that complement the region's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented for Township consideration during the conditional use review process.

213.7. OPEN SPACE FORM – Important and sensitive natural and cultural resources shall be integrated and protected as part of the common open space. Such spaces should invite public use and enjoyment, unless such use would threaten their integrity. Other open spaces should be designed to meet their desired purpose.



Integrated Open Space & Parklands

Parklands, where provided, should be located and improved to invite public use and enjoyment. Where parklands are not offered, fees-in-lieu thereof shall be provided for Township use. All open spaces should include a description of an acceptable means for their ownership and maintenance.

1. Natural and Cultural Features Inventory: As part of the sketch plan review process, or if the applicant decides to only submit a preliminary plan as part of the preliminary plan review, applicants shall be required to prepare a natural and cultural features inventory of

the site. Qualified experts must identify and plot each of the following found on the proposed site:

- 100-year floodplains
- steep slopes [greater than fifteen percent (15%)]
- wetlands, streams, ponds, riparian buffers, or other water bodies
- sinkholes, caves, vistas, or other significant geologic features
- threatened or endangered species habitats
- archaeological resources
- historic resources
- significant stands of mature trees

From this inventory and plot, it shall be incumbent upon the applicant to demonstrate that the proposed schematic design of the Traditional Neighborhood Design Zone development minimizes disturbance of, but integrates and protects these features as part of a meaningful open space network;

2. **Proposed Parklands:** All proposed developments must either dedicate public parklands at a rate of .023 acres per dwelling unit or provide a fee-in-lieu-thereof in accordance with the Act. Such dedicated parklands can be part of the open space required by Section 213.4.4. of this Ordinance, if such space complies with the following parkland design requirements:

- A. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
- B. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
- C. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;
- D. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site; and,
- E. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance.

3. **Ownership and Maintenance of Open Space:** An essential element of the Traditional Neighborhood Design Zone development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication, or to be owned by the specific form of organization proposed. The common open space shall be owned and maintained in accordance with Section 317 of this Ordinance. Required common open space shall be subject to permanent

conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board, prohibit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.)

- 213.8. PROMINENT FOCAL POINT** - Each Traditional Neighborhood Design Zone development shall have a prominent focal point: some special feature that distinguishes it from other neighborhoods (e.g., Town Square). This can be an existing natural feature(s) (big trees/groves, ponds and lakes, scenic views, etc.) or an existing manmade feature(s) (important civic buildings, historic sites). The design of the neighborhood shall prominently feature this resource by orienting streets and finished elevations to maximize its visibility. In addition, new focal points can be created by assembling important public/civic amenities with commercial uses, and then constructing them with impressive architectural style.



Prominent Building or Feature

- 213.9. STREETSCAPE FORM** - The streetscape must be oriented to the pedestrian. It should be safe, functional and attractive. Front-to-front building setbacks should be kept small so as to provide for intimacy and neighborly interaction. Front porches and stoops should be frequently incorporated into the front yards. Streetscapes shall generally include sidewalks on both sides of the cartway; all sidewalks shall include aprons for access by handicapped persons, according to standards contained within the latest version of the Americans with Disabilities Act. Parallel on-street parking lanes should be used to keep lot coverages low and street widths should be narrow. Benches, transit stops, streetlights, and street signs shall be carefully selected to complement the intimate scale of the streetscape and the historic character of the neighborhood. Individual postal mailboxes shall be affixed to the building façade, and street-side fencing must be of a design that, again, complements the theme of the development. Street trees are required to be planted along all streets that comply with the following specifications:

1. **Spacing.** Trees shall be no more than 40 ft apart and within 8 ft. of the edge of the right-of-way, with either a random or consistent pattern.
2. **Size.** Trees shall be at least 1 1/2 inches caliper at time of planting, and shall reach a minimum height of twenty-five (25') feet at maturity.
3. **Species.** Trees shall be deciduous shade trees. Tree species should vary within the entire, but be consistent along individual streets or sections of streets. Tree species may not include silver maple, poplar, mountain ash, tree of heaven, or catalpa.
4. **Replacement.** Dead trees shall be replaced within one year.

- 213.10. CIRCULATION SYSTEM FORM** - A successful project must extend existing streets/ sidewalks and provides for complete vehicular and pedestrian connection with adjoining neighborhoods. It shall employ street design standards that favor pedestrian movements along sidewalks and at intersections. It shall also separate off-street parking, as viewed from the streetscape, with the use of alleys and rear-yard parking spaces/garages. The street system must also allow for extension/connection associated with future developments, where appropriate. Street system layout shall also be generally rectilinear (as opposed to curvilinear), except where significant natural or cultural features dictate otherwise.

1. **Design Standards for Streets, Sidewalks and Alleys:**

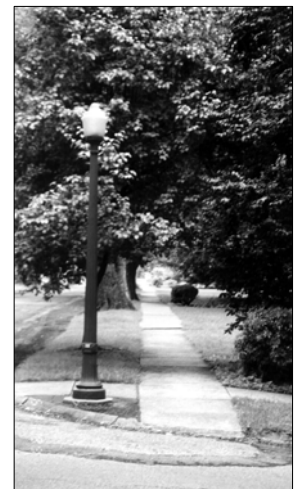
Street Classification (Design Speed)	Minimum Required Width of Cartway	Minimum Required Width of Each Parking Lane	Minimum Required Width of Each Sidewalk/Planting Strip	Required Curb Return Radius	Minimum Required Street Centerline Turning Radius	Minimum Width of Right-of-Way
Arterial or Collector (25-35 mph)	16 ft.	8 ft.	10 ft.	25 ft.	150 ft.	33 ft.
Local (Max 25 mph)	16 ft.	8 ft.	10 ft.	15 ft.	80 ft.	33 ft.
One-way alley (Max 10 mph)	16 ft.	not permitted	0 ft.	15 ft.	22 ft.	33 ft.

- Required right-of-way widths shall be computed by adding all of the travel lanes, parking lanes and sidewalk/planting strips proposed for any given segment of road.
- Where practicable, the design of streets, alleys and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby streets, alleys and sidewalks. The use of cul-de-sac streets is forbidden, unless accompanied by plans of future adjacent street connections;
- All intersections of access drives and/or streets shall provide a three foot (3') high clear sight triangle of thirty feet (30'), as measured along the centerline of, and from intersecting rights-of-way and/or access drives;

213.11. LANDSCAPE FORM - Generous landscaping shall be distributed throughout the development to offer thermal and visual relief. In those areas of significant natural features, existing vegetation should be retained and enhanced, if needed. In developed areas, vegetation shall be selected that best suits its setting and purpose. A variety of species that are native to the area are required.

213.12. PUBLIC UTILITY AND SERVICE REQUIREMENTS - All proposals within the Traditional Neighborhood Design Zone must comply with the following:

- Both public sewer and public water shall be used throughout the development;
- Where practicable, the retention and regenerative percolation of storm water runoff shall be designed to blend and function within the natural setting of the site. In such instances, such facilities can be part of the common open space required by Section 213.4.4. Stormwater facilities that, in the opinion of the Board of Supervisors, do not blend and function within the natural setting shall not be computed as part of the common open space required by Section 213.4.4. of this Ordinance;
- All utility lines shall be located underground and within public streets, alleys or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads;
- All streets shall be provided with street lights. Such street lights shall be of such design and light intensity to serve adjoining uses, yet complement the development's historic setting and;
- Bus stops shall be placed at appropriate location(s) along major



Attractive Streetlights

roads serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand feet (1,000') from its bus stop. Furthermore, the selection of bus stops shall be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one ten foot by twenty foot (10' x 20') sidewalk section, one permanently anchored park bench, street light and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently serve the area; and,

6. Applicants are required to obtain a letter from the fire chief of the company that would provide first-call service to the proposed development. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and street turning radii.

213.13. SUBSEQUENT REVISIONS WITHIN THE TRADITIONAL NEIGHBORHOOD DESIGN ZONE

1. Once a development is constructed and occupied within the Traditional Neighborhood Design Zone, subsequent revisions are permitted by right, if they:
 - A. Do not violate any provisions of this Ordinance;
 - B. Do not violate any of the standards imposed upon the entire development;
 - C. Do not violate any conditions attached to the original approval of the Traditional Neighborhood Design Zone; and,
 - D. Do not adversely affect the architecture of the approved existing development.

213.14. MODIFICATIONS OF DESIGN STANDARDS

1. The Board of Supervisors may permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such approval shall, when making application for approval for a Traditional Neighborhood Design Zone development, as required by Section 213, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 213.1.;
 - B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Traditional Neighborhood Design Zone development;
 - C. Such modifications will not result in an increase in residential densities permitted for the site; and,
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 213.14.1.A.-C.

SECTION 220 – HIGHWAY COMMERCIAL ZONE (HC)

220.1. PURPOSE OF ZONE

This Zone provides suitable locations for retail, service, and entertainment businesses. The uses permitted vary widely and some may involve outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents, as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks and design standards are imposed to promote shared vehicular access and off-street parking lots, enhance public safety through the ready identification of access drives and adjoining travel lanes, ensure protection by orienting outdoor storage and off-street loading spaces away from adjoining residential properties.

220.2. USES PERMITTED BY RIGHT

1. **Banks and similar financial institutions.**
2. **Bookbinding, printing, and publishing operations.**
3. **Commercial greenhouses.**
4. **Dance, music, art, fashion and photographic studios and galleries.**
5. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
6. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
7. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
8. **Medical, dental, optical and counseling clinics and offices.**
9. **Offices.**
10. **Public, private and commercial schools** subject to the requirements of Section 464 of this Ordinance.
11. **Parks and playgrounds.**
12. **Public utilities structures.**
13. **Restaurants and taverns** (but not including drive-thru or fast-food restaurants or nightclubs);
14. **Retail sale of goods and services (including convenience stores and auto parts stores, without installation, but excluding adult uses).**
15. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
16. **Governmental use**, as defined herein.
17. **Accessory uses** customarily incidental to the above permitted uses.

220.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Amusement arcades** subject to the requirements of Section 404 of this Ordinance.
2. **Amusement, theme and/or zoo parks**, subject to the requirements of Section 405 of this Ordinance.
3. **Auction houses**, excluding automobile auctions subject to the requirements of Section 406 of this Ordinance.
4. **Automobile and/or other vehicle and/or animal racing facility with or without related wagering** subject to the requirements of Section 407 of this Ordinance.
5. **Automobile filling stations** (including minor incidental repair) subject to the requirements of Section 409 of this Ordinance.
6. **Automobile sales, service and repair facilities** including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops, subject to the requirements of Section 410 of this Ordinance.
7. **Bring your own bottle uses**, as defined herein subject to the requirements of Section 413 of this Ordinance;
8. **Car washes**, subject to the requirements of Section 416 of this Ordinance.
9. **Commercial day care facilities**, subject to the requirements of Section 421 of this Ordinance.
10. **Commercial recreation facilities**, subject to the requirements of Section 423 of this Ordinance.
11. **Drive-thru and/or fast-food restaurants**, subject to the requirements of Section 427 of this Ordinance.
12. **Dry cleaners, laundries and laundromats**, subject to the requirements of Section 428 of this Ordinance.
13. **Farmers and/or flea markets**, subject to the requirements of Section 433 of this Ordinance.
14. **Funeral homes**, subject to the requirements of Section 437 of this Ordinance.
15. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 440___ of this Ordinance.
16. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
17. **Home improvement and building supply stores**, subject to the requirements of Section 445 of this Ordinance.
18. **Hotels, motels and similar lodging facilities** subject to the requirements of Section 448 of this Ordinance.
19. **Mini-warehouses**, subject to the requirements of Section 456 of this Ordinance.
20. **Nightclubs**, subject to the requirements of Section 457 of this Ordinance.
21. **Shopping centers**, subject to the requirements of Section 475 of this Ordinance.
22. **Valet Parking compounds**, subject to the requirements of Section 480 of this Ordinance.

220.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS - See the following table:

Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer and Public Water	20,000 square feet	100 ft.	70%

220.5. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least thirty-five feet (35') from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of ten feet (10') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least twenty-five feet (25') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, and outdoor storage areas shall be set back at least twenty-five feet (25') from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten feet (10') from the rear lot line.
4. **Residential buffer strip** – Any lot adjoining land within an A, C, R-1, R-2, MHP or TND Zone shall maintain a twenty-five foot (25') setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the A, C, R-1, R-2, MHP or TND Zone parcels. Such areas shall be used for a landscape strip and screen.

220.6. MAXIMUM PERMITTED HEIGHT

Thirty-five feet (35'), provided a structure may extend up to forty-five feet (45') if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.

220.7. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 314 of this Ordinance.

220.8. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 312 of this Ordinance.

220.9. SIGNS

Signs shall be permitted as specified in Section 323_ of this Ordinance.

220.10. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

220.11. SCREENING

A visual screen must be provided along any adjoining lands within an A, C, R-1, R-2, MHP or TND Zone, regardless of whether or not the A, C, R-1, R-2, MHP or TND Zone property is developed (see Section 322 of this Ordinance).

220.12. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 322 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

220.13. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining A, C, R-1, R-2, MHP or TND Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

220.14. OPERATIONS STANDARDS

The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.

220.15. OUTDOOR STORAGE

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. The outdoor storage areas for retail automobile, motorcycle, or boat sales need not be screened from adjoining roads.

220.16. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

220.17. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 221 REGIONAL COMMERCIAL ZONE (RC)

221.1. PURPOSE - In accordance with the recommendations of the Nittany Valley Region Comprehensive Plan, the Regional Commercial Zone creates a premier retail business and cultural activity center that can rely upon a regional market. Superior location, convenient regional vehicular access and the ready availability of public utilities combine to offer the best sites for high quality large-scale commercial and related uses. Accordingly, the Township intends that this Zone will be comprised of equally impressive uses of high design. Rigorous design standards will be strictly applied along with density bonuses in return for suitable architectural treatments and themes.

Building orientation will create a “Main Street” setting with storefronts, restaurants, cafes and other uses all located within confined proximity to adjoining sidewalks and streets. While limited outdoor activities, display and sales will be permitted, outdoor storage is prohibited. Standards imposed within this Zone will generally exceed those applied throughout the rest of the Township. All utility lines should be installed under ground and generous landscaping treatments will not only beautify the landscape but act to direct traffic circulation through the Zone.

This Zone will feature large land uses or a suitable assemblage of smaller uses that have been carefully selected to ensure the highest use of this valuable real estate. Furthermore, this Zone will promote vertical expansion of building area and off-street parking garages so as to provide for efficient use of land area amid generous amounts of landscaped green space and to encourage impressive building design.

221.2. SPECIAL REVIEW PROCESS - Prior to the issuance of a Zoning Permit for any of those uses permitted under Section 221.3., the applicant must comply with the following 2-stage review process:

1. **Stage 1- Concept Master Plan** - Prior to, or coincidental with, the approval of a land development for any use or for development of any area contained within the Regional Commercial Recreation Zone (RC Zone), the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. In addition to any specific criteria attached to the grant of a use permitted within this Zone as listed in Article 4 of this Ordinance, the requirements of this Zone shall be used as the specific criteria for evaluating the Concept Master Plan conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
 - A. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
 - B. The specific types and mixture of uses proposed of the land to be included within the proposed use (a schematic drawing of proposed use types shall be provided).
 - C. The road network contained upon the land to be included within the proposed use including major points of access, intersections and any traffic improvements proposed to accommodate the proposed use.
 - D. The name, location, centerline and present right-of-way width of all abutting streets.
 - E. A Natural and Cultural Features Site Plan in accordance with Section 502.2., and an accompanying Management Report in accordance with Section 504.1. of this Ordinance with particular attention devoted to the protection of areas underlain by the Nolin Soils group.

- F. Any regional facilities that are proposed and will serve more than one principal use within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, and waste water or water facilities, off-street parking lots or structures, signs, bus stops and etc.
 - G. Other information illustrating that the basic concept of the proposed uses are well-integrated, functional, efficient and attractive. Such information shall also include information about any existing and/or proposed uses and/or activities that will adjoin the site within College Township.
2. Stage 2 Site Development Plan - As part of the approval of a land development for any use or for development of any area contained within the Regional Commercial Recreation Zone (RC Zone) the Township shall review a site plan submitted by the applicant to determine that it complies with the approved Concept Master Plan, and any applicable regulation. Prior to the granting of a zoning permit for a uses proposed and contained in the Concept Plan, the Zoning Officer shall review a site development plan submitted by the applicant to determine that it complies with the approved Concept Master Plan, and any applicable regulation. Upon determining compliance, the Zoning Officer shall issue the permit. Upon determining non-compliance, the Zoning Officer may reject the permit for cause and/or may require additional review by other Municipal Officials or their agents. Such site plan shall include but not be limited to the following:
- A, Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance;
 - B. A textual and graphic description of how the proposed use(s) complies with the Concept Master Plan approved for the proposed development, plus any conditions of approval attached to the grant of the Concept Master Plan.
3. Subsequent Approval of Uses – After approval of a Concept Master Plan and the associated Site Development Plan, an applicant may add, alter and/or substitute uses that are consistent with the originally approved Concept Master Plan and any attached conditions of approval without the need for a subsequent conditional use approval; however, all uses must comply with any applicable specific criteria listed in Article 4 of this Ordinance. Depending upon that characteristics of the proposed use, approval of a revised Site Development Plan and a land development plan, may be required. Such determinations will be made by the Zoning Officer who may refer the matter to other Municipal Officials or their agents. All new uses will require approval of a new zoning permit and certificate of use and occupancy.

221.3. USES PERMITTED

- 1. **Agriculture and horticulture**, but expressly excluding concentrated animal operations and concentrated animal feeding operations, both as defined herein. subject to the applicable regulations of Section 201 of this Ordinance;
- 2. **Automobile sales, service and repair facilities**, if accessory to a department or variety store subject to the requirements of Section 410 of this Ordinance.
- 3. **Banks and similar financial institutions**;
- 4. **Commercial day care facilities**, subject to the requirements of Section 421 of this Ordinance.
- 5. **Convention and/or conference centers** subject to the requirements of Section 426 of this Ordinance.

6. **Dance, music, art, fashion and photographic studios and galleries.**
7. **Drive-thru and fast-food restaurants** subject to the requirements of Section 427 of this Ordinance.
8. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
9. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
10. **Fast-food restaurants**, if located within a completely enclosed building and no direct external access is provided to the restaurant
11. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
12. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 440 of this Ordinance.
13. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
14. **Hospitals and related uses** subject to the requirements of Section 447 of this Ordinance.
15. **Hotels, motels or similar lodging facilities, including related dining facilities** subject to the requirements of Section 448 of this Ordinance.
16. **Medical, dental, optical and counseling clinics and offices.**
17. **Nightclubs** subject to the requirements of Section 457 of this Ordinance.
18. **Offices.**
19. **Parks and playgrounds.**
20. **Public, private and commercial schools** subject to the requirements of Section 464 of this Ordinance.
21. **Public utilities structures.**
22. **Restaurants and taverns** (but not including drive-thru or fast-food restaurants or nightclubs);
23. **Retail sale of goods and services (including convenience stores and auto parts stores, without installation, but excluding adult uses).**
24. **Shopping centers** subject to the requirements of Section 475 of this Ordinance.
25. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, including refuse incinerators, subject to the requirements of Sections 200.5. of this Ordinance.
26. **Valet parking**, subject to the requirements of Section 480 of this Ordinance.
27. **Governmental use**, as defined herein.
28. **Accessory uses customarily incidental to the above permitted uses**, but excluding the retail sales of vehicle fuels.

221.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS – See the following table:

FLOOR AREA, LOT AREA, LOT WIDTH & LOT COVERAGE REQUIREMENTS WITHIN THE (RC) ZONE		
Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
35 acres ¹	250 ft.	60% ²
¹ For the purpose of this section, a “use” can include several businesses that are developed in a coordinated fashion (e.g., joint parking lots, access drives, loading areas, landscaping, signage, etc.) that functions as one development site and satisfies all of those requirements imposed upon this Zone.		
² The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 221.19. of this Ordinance.		

221.5. MINIMUM YARD REQUIREMENTS – (Principal and Accessory Uses)

1. Front Yard Setback along Shiloh Road – All buildings and structures shall be set back at least fifty feet (50') from the street right-of-way. No off-street parking, off-street loading and dumpsters shall be located within any front yard. Such area shall be used for a minimum ten foot (10') wide sidewalk and landscape strip with shade trees provided in accordance with Section 221.6. of this Ordinance.
2. Front Yard Setback for other Roads – At least fifty percent (50%) of a building's front façade shall be located within ten feet (10') to twenty feet (20') of an adjoining street right-of-way or cartway. Such area shall directly adjoin a minimum ten foot (10') wide sidewalk and landscape strip with shade trees provided in accordance with Section 221.6. of this Ordinance. No off-street parking and off-street loading shall be located within any front yard.
 - A. Outdoor Cafes: Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted in any yard, so long as they architecturally and visually complement the overall appearance and function of the commercial area. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter;
 - B. Outdoor Display: One sidewalk display bin for retail merchandise shall be permitted per commercial use between the main I of the building and the adjoining sidewalk. Such bin shall be located against the I and shall not extend more than four feet (4') perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen feet (15'), for each 100 feet of storefront, nor an overall height of three feet (3'). Sidewalk bins shall only be exhibited during the use's business hours;
3. Side Yard Setbacks – All buildings and structures shall be set back at least fifty feet (50') from the side lot lines. At grade off-street parking lots and loading areas shall be at least twenty-five feet (25') from side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the required side yard setbacks can be waived for parking lots only.

4. Rear Yard Setback – All buildings and structures shall be set back at least fifty feet (50') from the rear lot line. At grade off-street parking lots and loading areas shall be set back at least twenty-five feet (25').
5. Residential Buffer Strip – Any lot adjoining land within a R-1, R-2, MHP and/or TND Zone shall maintain a fifty foot (50') setback for buildings, structures, off-street parking lots, and loading areas from the a R-1, R-2, MHP and/or TND Zone. Such areas shall contain a fifty foot (50') wide landscape strip, and a screen.

221.6. STREETSCAPE FORM – All commercial uses shall consist of storefronts that a present a generally uniform but interesting pattern of front yard setbacks (except in the case of cafes) that are close to an adjoining sidewalk or courtyard. Such sidewalks and courtyards should incorporate lamp posts, trash receptacles, shade trees, pedestrian benches, and other similar amenities. Designs must provide for an inviting pedestrian entrance and shopping area that does not require the crossing of heavily-traveled access drives, and is visually separated from off-street parking and loading areas. Streetscapes shall generally include sidewalks on both sides of the cartway; all sidewalks shall include aprons for access by handicapped persons, according to standards contained within the latest version of the Americans with Disabilities Act. Parallel on-street parking lanes may be used to reduce lot coverages and street widths should be narrow at pedestrian crossings with traffic claming devices. Benches, transit stops, streetlights, and street signs shall be carefully selected to complement the scale of the streetscape and the architectural theme of the site. Street trees are required to be planted along all streets that comply with the following specifications:

1. Spacing. Trees shall be no more than 40 ft apart and within 8 ft. of the edge of the right-of-way, with either a random or consistent pattern.
2. Size. Trees shall be at least 1 ½ inches caliper at time of planting, and shall reach a minimum height of twenty-five (25') feet at maturity.
3. Species. Trees shall be deciduous shade trees. Tree species should vary within the entire, but be consistent along individual streets or sections of streets. Tree species may not include silver maple, poplar, mountain ash, tree of haven, or catalpa.
4. Replacement. Dead trees shall be replaced within one year.

221.7. HEIGHT REQUIREMENTS

1. Uses that existed on the effective date of this ordinance and uses with up to seventy-five thousand (75,000) square feet of gross floor area shall have a maximum permitted height of forty-five (45') feet provided a structure may extend up to seventy-five feet (75') if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.
2. Uses with more than seventy-five thousand (75,000) square feet, but less than one hundred fifty thousand (150,000) square feet of gross floor area shall locate no less than forty percent (40%) of the total area comprised of the gross floor area of the principal building plus the required off-street parking, either above, below, or both the ground level floor (i.e. 2 stories minimum). The maximum permitted height is seventy-five feet (75'). Except in the case of the required front yard and unless Section 221.5. imposes greater restriction, each structure (except permitted signs) shall be set back a distance at least equal to its height from each side and rear property line.
3. Uses with one hundred fifty thousand (150,000) square feet or more, of gross floor area shall locate no less than sixty percent (60%) of the total area comprised of the gross floor area of the principal building plus the required off-street parking either above, below or both, the ground level floor of the use (i.e. 3 stories minimum). The maximum permitted height is seventy-five feet (75'). Except in the case of the required front yard and unless Section

221.5. imposes greater restriction, each structure (except permitted signs) shall be set back a distance at least equal to its height from each side and rear property line.

4. All uses with multiple stories shall comply with the following table which depicts minimum (Min) and maximum (Max) required floor area per story:

Required Floor Area Per Story for Multiple-Story Buildings and Structures					
No. of Stories	1 st Story	2 nd Story	3 rd Story	4 th Story	5 th Story
1	100%				
2	Max 60%	Min 40%			
3	Max 40%	Min 30%	Min 20%		
4	Max 30%	Min 25%	Min 20%	Min 15%	
5	Max 25%	Min 20%	Min 15%	Min 10%	Min 5%

5. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.

221.8. OUTDOOR STORAGE

No outdoor storage shall be permitted, except as provided for in Section 319 of this Ordinance.

221.9. OFF-STREET LOADING

Off-street loading shall be provided, as specified in Section 314 of this Ordinance.

221.10. OFF-STREET PARKING

Off-street parking shall be provided, as specified in Sections 221.7. and 312 of this Ordinance.

221.11. SIGNS

Signs shall be permitted, as specified in Section 323 of this Ordinance.

221.12. ACCESS DRIVE REQUIREMENTS – All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

221.13. SCREENING

A vegetative screen must be provided along any lands adjoining a A, C, R-1, R-2, MHP and/or TND Zone, regardless of whether or not the adjoining land is developed. (See Section 322 of this Ordinance.)

221.14. LANDSCAPING

Any portion of the site not used for buildings, structures, parking lots, loading areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A twenty-five foot (25') landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot, shared by adjoining uses (see Section 322).

221.15. WASTE PRODUCTS

Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from adjoining roads and properties. All dumpsters shall be set back at least fifty feet (50') from all lot lines. All waste receptacles shall be completely enclosed within a fenced or masonry enclosure, equipped with a self-latching door or gate.

221.16. COMMERCIAL OPERATIONS STANDARDS

The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.

221.17. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

221.18. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

221.19. ARCHITECTURAL DESIGN STANDARDS

1. Applicant's are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval for a land development, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section and any valid conditions of approval attached by the Board of Supervisors;
2. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - A. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;
 - C. Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - D. Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - E. Employ "earth-tone," "pottery-tone" or "Williamsburg-type" colors for primary wall surfaces;

- F. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - G. Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties.
- 3. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
 - 4. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of seventy (70%) for the proposed use.
 - 5. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another approval at that time.
 - 6. Should any part of this Section 221.19. be declared invalid by the courts, the entire Section 221.19. shall be automatically repealed.

221.20. MODIFICATION OF DESIGN STANDARDS

At their sole discretion the Board of Supervisors may permit the modification of the design standards contained within this Section 221 in order to encourage the use of efficient and innovative design. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:

- 1. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;
- 2. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the Zone;
- 3. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections;
- 4. Such modifications will enable a better coordination of land use design with adjoining existing and/or proposed developments in College Township; and,
- 5. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 221.20. 1.-4.

SECTION 230 – LIGHT INDUSTRIAL ZONE (I-1)

230.1. PURPOSE OF ZONE

This Zone provides key locations for a mix of various types of light industries to diversify the Region's economy and offer valuable employment opportunities. This Zone will principally permit light and small-scale industries as opposed to heavy industry that is designated in other areas of the Region. Required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger industries have also been permitted. Light industrial uses are permitted by right while conditional use approval is required for uses of greater impact. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

230.2. USES PERMITTED BY RIGHT

1. **Banks and similar financial institutions.**
2. **Bookbinding, printing, and publishing operations.**
3. **Commercial day care facilities**, subject to the requirements of Section 421 of this Ordinance.
4. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
5. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
6. **Laboratories for medical, scientific, or industrial research and development;**
7. **Machine, tool and die, and metal fabrication shops;**
8. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - A. Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber and other household appointments;
 - B. Scientific, medical, optical, specialized, and technical instruments and equipment;
 - C. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 - D. Office equipment, supplies, furnishings, and equipment;
 - E. Packaging materials, supplies and equipment;
 - F. Finished textile products;
 - G. Cosmetics, drugs, dyes, toiletries, perfumes and other pharmaceuticals;
 - H. Brushes, brooms, and combs;
 - I. Hot tubs, spas, saunas, and swimming pools;
 - J. Jewelry, and other precious or semi-precious metals and stones;
 - K. Photographic, lighting, and timekeeping equipment;
 - L. Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors;
 - M. Musical instruments, sporting equipment, bicycles and toys; and,

- N. Small or novelty products from prepared materials (excluding the use of sheet metals).
- 9. **Mass transit and/or taxicab terminals.**
- 10. **Medical, dental, optical and counseling clinics and offices.**
- 11. **Offices.**
- 12. **Parks and playgrounds.**
- 13. **Public, private, commercial and vocational and mechanical trade schools** subject to the requirements of Section 464 of this Ordinance.
- 14. **Public utilities structures.**
- 15. **Repair shops for products permitted to be manufactured in this Zone.**
- 16. **Shops, offices and showrooms for contractors** of painting, power-washing, plumbing, heating, air conditioning, electrical, electronic, telephone, antennas and cable, communications, roofing, flooring, drywall and plaster, basement waterproofing, carpet, countertops, glass and windows, insulation, gutters and downspouts, well drilling and septic system installation, maintenance and pumping, woodworking, carpentry and cabinet-making, swimming pools, hot tubs and spas, lawn care and landscaping, masonry, concrete and paving, pest control and snow removal.
- 17. **Sign makers.**
- 18. **Small engine repair shops.**
- 19. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, including refuse incinerators, subject to the requirements of Sections 200.5. of this Ordinance.
- 20. **Veterinary offices, animal hospitals or kennels.**
- 21. **Vocational, technical and mechanical trade schools.**
- 22. **Welding shops.**
- 23. **Governmental use**, as defined herein.
- 24. **Accessory uses customarily incidental to the above permitted uses**, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 - A. **Recycling collection facilities as an accessory use**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
 - B. **Power generation facilities.**
 - C. **Athletic fields and courts and recreation facilities.**

230.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Adult uses**, subject to the requirements of Section 401 of this Ordinance.

2. **Airports and heliports**, subject to the requirements of Section 402 of this Ordinance.
3. **Automobile auction, rental and/or storage yards**, subject to the requirements of Section 408 of this Ordinance.
4. **Casinos, off-track betting parlors and/or slot machine parlors**, subject to the requirements of Section 417 of this Ordinance.
5. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420 of this Ordinance.
6. **Freestanding communication towers and equipment that is not co-located upon an existing structure** subject to the requirements of Section 436 of this Ordinance.
7. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 440 of this Ordinance.
8. **Heavy equipment leasing, rental, sales, service, repair and warehousing**, such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers, and other similar machinery, subject to the requirements of Section 441 of this Ordinance.
9. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
10. **Mass transit and/or taxicab terminals**, subject to the requirements of Section 453 of this Ordinance.
11. **Methadone treatment facility**, subject to the requirements of Section 455 of this Ordinance.
12. **Mini-warehouses**, subject to the requirements of Section 456 of this Ordinance.
13. **Principal waste handling, recycling, processing, transfer and disposal facilities**, subject to the requirements of Section 461 of this Ordinance.
14. **Processing, packaging, bottling, storage and/or wholesaling of food products excluding**, subject to the requirements of Section 463 of this Ordinance:
 - A. Pickling processes;
 - B. Rendering or slaughtering operations; and,
 - C. Sugar refineries.
15. **Recycling facilities for electronics, paper, plastic, glass and metal products**, subject to the requirements of Section 466 of this Ordinance.
16. **Sales, storage and/or wholesaling for the local delivery of the following**, subject to the requirements of Section 472 of this Ordinance:
 - A. Home and auto-related fuels;
 - B. Nursery and garden materials, and stock;
 - C. Redi-mix concrete;
 - D. Contractor supplies; and,
 - E. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.
17. **Sawmills**, subject to the requirements of Section 473 of this Ordinance.

18. **Truck stops or motor freight terminals**, subject to the requirements of Section 478 of this Ordinance.
19. **Warehousing and wholesale trade establishments**, subject to the requirements of Section 482 of this Ordinance.

230.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS – See the following table:

FIGURE 230.4. LOT AREA, WIDTH & COVERAGE REQUIREMENTS WITHIN THE (I-1) ZONE			
Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer and Public Water	1 acre	150 ft.	60%, Subject to increase in Section 230.14. of this Ordinance.

230.5. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of twenty feet (20') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least thirty feet (30') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least thirty feet (30') from the rear lot line.
4. **Residential buffer strip** – Any lot adjoining land within an A, C, R-1, R-2, MHP or TND Zone shall maintain a thirty (30') foot setback for nonresidential buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage and display areas, athletic fields and courts and recreation facilities, from the A, C, R-1, R-2, MHP or TND Zone parcels. Such areas shall be used for a landscape strip and screen.

230.6. MAXIMUM PERMITTED HEIGHT

The height of any principal or accessory structure shall not exceed seventy-five feet (75'). All structures extending above forty-five feet (45') from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines. All uses must comply with Section 240 of this Ordinance.

230.7. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 314 of this Ordinance.

230.8. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 312 of this Ordinance.

230.9. SIGNS

Signs shall be permitted as specified in Section 323 of this Ordinance.

230.10. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with the Benner Township Street Standards Ordinance No. 60 as amended.

230.11. SCREENING

A visual screen must be provided along any adjoining lands within an A, C, R-1, R-2, MHP or TND Zone, regardless of whether or not the A, C, R-1, R-2, MHP or TND Zone property is developed (see Section 322 of this Ordinance).

230.12. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage and display areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 322 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

230.13. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining A, C, R-1, R-2, MHP or TND Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

230.14. ARCHITECTURAL DESIGN STANDARDS

1. Applicant's are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval for a land development, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section and any valid conditions of approval attached by the Board of Supervisors;
2. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - A. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;
 - C. Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - D. Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;

- E. Employ “earth-tone,” “pottery-tone” or “Williamsburg-type” colors for primary wall surfaces;
 - F. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - G. Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties.
3. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
 4. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of seventy (70%) for the proposed use.
 5. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another approval at that time.
 6. Should any part of this Section 230.14. be declared invalid by the courts, the entire Section 230.14. shall be automatically repealed.

230.15. OPERATIONS STANDARDS

The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.

230.16. OUTDOOR STORAGE AND DISPLAY

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section.

230.17. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

230.18. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

230.19. MODIFICATION OF DESIGN STANDARDS

At their sole discretion the Board of Supervisors may permit the modification of the design standards contained within this Section 230 in order to encourage the use of efficient and innovative design. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:

6. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;
7. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the Zone;
8. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections; and,
9. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 230.19. 1.-3.

SECTION 231 – CAMPUS INDUSTRIAL ZONE (I-2)

231.1. PURPOSE OF ZONE

The Campus Industrial Zone creates a premier employment, research, academic and corporate destination within a spacious and campus-like setting. Superior location, convenient regional vehicular access and the ready availability of public utilities combine to offer the best sites for high quality business park development within the Township. Accordingly, the Township intends that this Zone will be comprised of equally impressive uses of high design. Rigorous design standards will be strictly applied along with density bonuses in return for suitable architectural treatments and themes. Outdoor storage is prohibited. Standards imposed within this Zone will generally exceed those applied throughout the rest of the Township. All utility lines should be installed under ground and generous landscaping treatments will not only beautify the landscape but act to direct traffic circulation through the Zone.

This Zone will feature large land uses or a suitable assemblage of smaller uses that have been carefully selected to ensure the highest use of this valuable real estate. Furthermore, this Zone will permit vertical expansion of building area and off-street parking lots so as to provide for efficient use of land area amid generous amounts of landscaped green space and to encourage impressive building design.

This Zone will also permit the development of related commercial uses that offer retail goods and services in support of the Zone's primary employment and corporate activities as well as conveniences to local employees. These commercial uses will be deliberately limited in size and location so as to ensure their secondary impact within this important Zone. Commercial uses will also be held to a similarly-higher set of design standards than is customary elsewhere within the Township.

231.2. USES PERMITTED BY RIGHT

1. **Banks and similar financial institutions.**
2. **Bookbinding, printing, and publishing operations.**
3. **Commercial day care facilities**, subject to the requirements of Section 421 of this Ordinance.
4. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
5. **Facilities devoted to entertainment, cultural and spectator sporting uses**, including but not limited to theatres, playhouses, amphitheatres, concert halls, band shells, recital halls, athletic stadiums and/or arenas, cinemas, art galleries, libraries, museums, and art, dance, fashion and photographic studios. This use shall expressly exclude motor vehicle and animal racing venues, off-track betting and/or slot machine parlors, casinos, and adult uses.
6. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
7. **Hotels and related uses.**
8. **Medical, dental, optical and counseling clinics and offices.**
9. **Laboratories for medical, scientific, or industrial research and development.**
10. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - A. Scientific, medical, optical, specialized, and technical instruments and equipment;
 - B. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 - C. Office equipment, supplies, furnishings, and equipment;

- D. Photographic, lighting, and timekeeping equipment;
 - E. Musical instruments, sporting equipment, bicycles and toys;
 - F. Cosmetics, dyes, toiletries, perfumes and other pharmaceuticals;
 - G. Jewelry and other precious or semi-precious metals and stones;
 - H. Optical, dental, and medical supplies and equipment; and,
 - I. Small or novelty products from prepared materials (excluding the use of sheet metals).
- 11. **Offices.**
 - 12. **Parks and playgrounds.**
 - 13. **Public utilities structures.**
 - 14. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, subject to the requirements of Sections 200.5. of this Ordinance.
 - 15. **Governmental use**, as defined herein.
 - 16. **Accessory uses customarily incidental to the above permitted uses**, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 - A. **Recycling collection facilities as an accessory use**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
 - B. **Power generation facilities.**
 - C. **Athletic fields and courts and recreation facilities.**
 - D. **Park-n-Ride lots**

231.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Casinos, off-track betting parlors and/or slot machine parlors**, subject to the requirements of Section 417 of this Ordinance.
- 2. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420 of this Ordinance.
- 3. **Convenience commercial center**, subject to the requirements of Section 425 of this Ordinance.
- 4. **Convention and/or conference centers**, subject to the requirements of Section 426 of this Ordinance.
- 5. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 440 of this Ordinance.

6. **Heliports, as an accessory**, subject to the requirements of Section 443 of this Ordinance.
7. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.
8. **Hospitals and related uses** subject to the requirements of Section 447 of this Ordinance.
9. **Mass transit and/or taxicab terminals**, subject to the requirements of Section 453 of this Ordinance.

231.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS – See the following table:

FLOOR AREA, LOT AREA, LOT WIDTH & LOT COVERAGE REQUIREMENTS WITHIN THE (I-2) ZONE			
Maximum Permitted Floor Area Ratio	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
75%	5 acres ¹	250 ft.	50% ²
¹ For the purpose of this section, a “use” can include several businesses that are developed in a coordinated fashion (e.g., joint parking lots, access drives, loading areas, landscaping, signage, etc.) that functions as one development site and satisfies all of those requirements imposed upon this Zone.			
² The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 231.18. of this Ordinance.			

231.5. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least one hundred feet (100') from the street right-of-way; off-street parking lots shall be set back a minimum of twenty-five feet (25') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least sixty feet (60') from the side lot lines. Off-street parking lots, and off-street loading spaces shall be set back at least twenty-five feet (25') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings and structures shall be set back at least sixty feet (60') from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least twenty-five feet (25') from the rear lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the rear yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an A, C, R-1, R-2, MHP or TND Zone shall maintain a fifty (50') setback for nonresidential buildings, structures, off-street parking lots, off-street loading spaces, athletic fields and courts and recreation facilities, from the A, C, R-1, R-2, MHP or TND Zone parcels. Such areas shall be used for a landscape strip and screen.
5. **Logan Branch** – Properties along the Logan Branch shall be required to provide for public pedestrian access along Logan Branch in accordance with the recommendations contained within the Nittany Valley Region Comprehensive Plan and the Nittany and Bald Eagle Greenways Plan.

6. **I-99 Access Road setback** – All properties along Route I-99 shall maintain a minimum thirty (30') foot wide landscaped buffer in which only access drives may be located.

231.6. HEIGHT REQUIREMENTS

1. Uses that existed on the effective date of this ordinance and uses with up to one hundred thousand (100,000) square feet of gross floor area shall have a maximum permitted height of seventy five (75') feet provided that all structures extending above sixty feet (60') from grade (except permitted signs) shall be set back a distance at least equal to their height from each side and rear property line. All uses must comply with Section 240 of this Ordinance.
2. Uses with more than one hundred thousand (100,000) square feet of gross floor area, but less than two hundred thousand (200,000) square feet of gross floor area shall locate no less than forty percent (40%) of the gross floor area of the principal building, either above, below, or both the ground level floor (i.e. 2 stories minimum). The maximum permitted height is seventy five (75') feet provided that all structures extending above sixty feet (60') from grade (except permitted signs) shall be set back a distance at least equal to their height from each side and rear property line. All uses must comply with Section 240 of this Ordinance.
3. Uses with two hundred thousand (200,000) square feet or more, of gross floor area shall locate no less than sixty percent (60%) of the total area comprised of the gross floor area of the principal building, below or both, the ground level floor of the use (i.e. 3 stories minimum). Such uses shall also locate no less than forty percent (40%) of the total number of off-street parking spaces either above, below or both, the ground level floor of the use (i.e. 2 stories minimum). The maximum permitted height is seventy five (75') feet provided that all structures extending above sixty feet (60') from grade (except permitted signs) shall be set back a distance at least equal to their height from all side and or rear property lines. All uses must comply with Section 240 of this Ordinance.
4. All uses with multiple stories shall comply with the following table which depicts minimum (Min) and maximum (Max) required floor area per story:

Required Floor Area Per Story for Multiple-Story Buildings and Structures					
No. of Stories	1st Story	2nd Story	3rd Story	4th Story	5th Story
1	100%				
2	Max 60%	Min 40%			
3	Max 40%	Min 30%	Min 20%		
4	Max 30%	Min 25%	Min 20%	Min 15%	
5	Max 25%	Min 20%	Min 15%	Min 10%	Min 5%

5. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.

231.7. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 314 of this Ordinance.

231.8. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 312 of this Ordinance.

231.9. SIGNS

Signs shall be permitted as specified in Section 323 of this Ordinance.

231.10. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

231.11. SCREENING

A visual screen must be provided along any adjoining lands within an A, C, R-1, R-2, MHP or TND Zone, regardless of whether or not the A, C, R-1, R-2, MHP or TND Zone property is developed (see Section 322 of this Ordinance).

231.12. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 322 of this Ordinance). A minimum twenty-five (25') foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

231.13. WASTE STORAGE

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining A, C, R-1, R-2, MHP or TND Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

231.14. OPERATIONS STANDARDS

The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.

231.15. OUTDOOR STORAGE

Within this Zone, outdoor storage is prohibited.

231.16. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

231.17. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

231.18. ARCHITECTURAL DESIGN STANDARDS

Developers are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors;

1. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - A. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the District;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;
 - C. Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - D. Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - E. Employ "earth-tone," "pottery-tone" or "Williamsburg-type" colors for primary wall surfaces;
 - F. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - G. Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties.
2. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
3. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of sixty percent (60%).
4. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another land development approval at that time.
5. Should any part of this Section 231.18. be declared invalid by the courts, the entire Section 231.18. shall be automatically repealed.

231.19. MODIFICATION OF DESIGN STANDARDS

At their sole discretion the Board of Supervisors may permit the modification of the design standards contained within this Section 231 in order to encourage the use of efficient and innovative design. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:

1. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;

2. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the Zone;
3. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections; and,
4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 231.19. 1.-3.

SECTION 232 – AIRPORT INDUSTRIAL ZONE (I-3)

232.1. PURPOSE OF ZONE

This Zone acknowledges the location and influence of the University Park Airport within the Township. This use generates demand for commercial and industrial uses and activities that contribute to the Township's and County's economy and transportation system. This Zone also sets atop the Alexander Wellfield which is the groundwater source for the State College Water Authority which provides water to the Benner Township Water Authority. Accordingly, this Zone will principally permit light and small-scale industries as opposed to heavy industry that is designated in other areas of the Region. Required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger industries have also been permitted. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

232.2. USES PERMITTED BY RIGHT

1. **Banks and similar financial institutions.**
2. **Bookbinding, printing, and publishing operations.**
3. **Commercial day care facilities**, subject to the requirements of Section 421 of this Ordinance.
4. **Emergency services**, subject to the requirements of Section 430 of this Ordinance.
5. **Forestry uses** subject to the requirements of Sections 201.5. and 517 of this Ordinance.
6. **Laboratories for medical, scientific, or industrial research and development;**
7. **Machine, tool and die, and metal fabrication shops;**
8. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - A. Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber and other household appointments;
 - B. Scientific, medical, optical, specialized, and technical instruments and equipment;
 - C. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 - D. Office equipment, supplies, furnishings, and equipment;
 - E. Packaging materials, supplies and equipment;
 - F. Finished textile products;
 - G. Cosmetics, drugs, dyes, toiletries, perfumes and other pharmaceuticals;
 - H. Brushes, brooms, and combs;
 - I. Hot tubs, spas, saunas, and swimming pools;
 - J. Jewelry, and other precious or semi-precious metals and stones;
 - K. Photographic, lighting, and timekeeping equipment;
 - L. Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors;

- M. Musical instruments, sporting equipment, bicycles and toys; and,
 - N. Small or novelty products from prepared materials (excluding the use of sheet metals).
9. **Medical, dental, optical and counseling clinics and offices.**
 10. **Offices.**
 11. **Parks and playgrounds.**
 12. **Public utilities structures.**
 13. **Repair shops for products permitted to be manufactured in this Zone.**
 14. **Sign makers.**
 15. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, including refuse incinerators, subject to the requirements of Sections 200.5. of this Ordinance.
 16. **Governmental use**, as defined herein.
 17. **Accessory uses customarily incidental to the above permitted uses**, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 - A. **Recycling collection facilities as an accessory use**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
 - B. **Power generation facilities.**
 - C. **Athletic fields and courts and recreation facilities.**
 - D. **Retail sales** of items produced or assembled on the premises.

232.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Airports and heliports**, subject to the requirements of Sections 240.13. and 402 of this Ordinance.
2. **Automobile rental yards**, subject to the requirements of Section 408 of this Ordinance.
3. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 440 of this Ordinance.
4. **Hotels, motels and similar lodging facilities**, subject to the requirements of Section 448 of this Ordinance.
5. **Mass transit and/or taxicab terminals**, subject to the requirements of Section 453 of this Ordinance.
6. **Mini-warehouses**, subject to the requirements of Section 456 of this Ordinance.
7. **Valet parking compounds**, subject to the requirements of Section 480 of this Ordinance.
8. **Warehousing and wholesale trade establishments**, subject to the requirements of Section 482 of this Ordinance.

232.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS – See the following table:

FIGURE 232.4. LOT AREA, WIDTH & COVERAGE REQUIREMENTS WITHIN THE (I-3) ZONE			
Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Both Public Sewer and Public Water	1 acre	100 ft.	60%, Subject to increase in Section 232.14. of this Ordinance.

232.5. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots and outdoor storage and display areas shall be set back a minimum of twenty feet (20') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least thirty feet (30') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least thirty feet (30') from the rear lot line.
4. **Residential buffer strip** – Any lot adjoining land within an A, C, R-1, R-2, MHP or TND Zone shall maintain a thirty (30') foot setback for nonresidential buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage and display areas, athletic fields and courts and recreation facilities, from the A, C, R-1, R-2, MHP or TND Zone parcels. Such areas shall be used for a landscape strip and screen.

232.6. MAXIMUM PERMITTED HEIGHT

The height of any principal or accessory structure shall not exceed seventy-five feet (75'). All structures extending above forty-five feet (45') from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines. All uses must comply with Section 240 of this Ordinance.

232.7. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 314 of this Ordinance.

232.8. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 312 of this Ordinance.

232.9. SIGNS

Signs shall be permitted as specified in Section 323 of this Ordinance.

232.10. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with the Benner Township Street Standards Ordinance No. 60 as amended.

232.11. SCREENING

A visual screen must be provided along any adjoining lands within an A, C, R-1, R-2, MHP or TND Zone, regardless of whether or not the A, C, R-1, R-2, MHP or TND Zone property is developed (see Section 322 of this Ordinance).

232.12. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage and display areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 322 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

232.13. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining A, C, R-1, R-2, MHP or TND Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

232.14. ARCHITECTURAL DESIGN STANDARDS

1. Applicant's are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval for a land development, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section and any valid conditions of approval attached by the Board of Supervisors;
2. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - A. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;
 - B. Feature prominent customer entrances and exterior pedestrian amenities;
 - C. Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - D. Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - E. Employ "earth-tone," "pottery-tone" or "Williamsburg-type" colors for primary wall surfaces;

- F. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - G. Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties.
- 3. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
 - 4. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of seventy (70%) for the proposed use.
 - 5. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another approval at that time.
 - 6. Should any part of this Section 232.14. be declared invalid by the courts, the entire Section 232.14. shall be automatically repealed.

232.15. OPERATIONS STANDARDS

The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.

232.16. OUTDOOR STORAGE AND DISPLAY

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section.

232.17. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

232.18. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 233 – QUARRY ZONE (Q)

233.1. PURPOSE OF ZONE

This Zone is designated in areas where mining activities have taken place in the past and/or, based upon prior approvals, could occur in the future. These areas are limited to existing approved sites as future expansion of mining and quarry opportunities are provided for elsewhere within the Region. The purpose of this Zone is to reserve appropriate areas of the Township for mining and related processing of raw materials; to provide reasonable standards for mining operations in order to prevent conditions which would interfere with the enjoyment or use of other properties; to allow uses of a temporary nature in locations premature for quarrying and to accommodate suitable uses for reclaimed quarry and mining sites after active operations are concluded.

233.2. USES PERMITTED BY RIGHT (All of these permitted uses are subject to the design requirements of Section 200.5. of this Ordinance.

1. **Agriculture and horticulture** but expressly excluding concentrated animal operations and concentrated animal feeding operations, both as defined herein, subject to the requirements of Section 201.5. of this Ordinance.
2. **Forestry uses** subject to the requirements of Section 517 of this Ordinance.
- 3.. **Uses of Benner Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, public sewer systems, public water systems, and associated rights-of-way, subject to the requirements of Section 200.5. of this Ordinance.
4. **Parks and playgrounds.**
5. **Public utilities structures.**
6. **Uses devoted to the conservation of natural and cultural resources.**
7. **Parks that are devoted to the conservation of local natural and cultural resources as the principal recreation feature.**
8. **Governmental use**, as defined herein.
9. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - A. **No-impact home-based business**, as defined herein.

233.3. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Quarries and mineral-extraction-related uses including the recycling of related construction materials**, subject to the requirements of Section 465 of this Ordinance.
2. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420 of this Ordinance.
3. **Historic structure conversions**, subject to the requirements of Section 444 of this Ordinance.

233.4. MAXIMUM PERMITTED HEIGHT

The height of any principal or accessory structure shall not exceed forty-five feet (45'), except that uninhabitable structures and mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a building. All structures extending above forty-five feet (45') from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines. All uses must comply with Section 240 of this Ordinance.

233.5. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 314 of this Ordinance.

233.6. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 312 of this Ordinance.

233.7. SIGNS

Signs shall be permitted as specified in Section 323 of this Ordinance.

233.8. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

233.9. SCREENING

A visual screen must be provided along any adjoining lands within an A, C, R-1, R-2, MHP or TND Zone, regardless of whether or not the A, C, R-1, R-2, MHP or TND Zone property is developed (see Section 322 of this Ordinance).

233.10. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 322 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

233.11. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining OSR, R-1, R-2, or R-3 Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

233.12. OPERATIONS STANDARDS

The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.

233.13. OUTDOOR STORAGE

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon.

233.14. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

233.15. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 240 – AIRPORT OVERLAY ZONE

240.1. GENERAL PROVISIONS AND AUTHORITY

This Airport Overlay Zone is enacted pursuant to the authority of:

1. The *Aviation Code of Pennsylvania, Act of 1984, Oct. 10, P.L. 837, No. 164 (74 Pa. C.S.A. 5101-6169)*, and specifically that subchapter of the *Aviation Code known as the Airport Zoning Act, 74 Pa. C.S.A. 5911-5920*.
2. The *Pennsylvania Municipalities Planning Code (MPC), Act of 1988, P.L. 1329, No. 170, Sections 604 (1) and (2) and 605(2)(v), 53 P.S. 10101, et seq., specifically 53 P.S. 10604 (1) and (2) and 10605(2)(v)*.
3. The adoption of these regulations is mandated by *Section 5912(a) of the Airport Zoning Act, 74 Pa. C.S.A. Section 5912(a)*, and is intended to carry out the requirements of said Act.

240.2. INTENT AND PURPOSE

The purpose and intent of the Airport Overlay Zone is to regulate airport hazard zones for public airports in the Township. These regulations are directed at the problem of airport operations effecting lands surrounding the airport. Activities at airports may limit the uses of the lands owned by others, and the uses of land in airport hazard zones may limit the operation of airport. Therefore, the purpose of the Airport Overlay Zone is to provide procedures and criteria for balancing the rights of airport owners and landowners in the vicinity of airports, in light of the need for aircraft safety. The creation of this Airport Overlay Zone is the result of more than five years of intensive study of the problems and issues involved with airport zoning and the establishment of airport hazard zones affecting the rights of the neighboring landowners to use their property.

240.3. BASIC POLICY OBJECTIVES

The intention of the Airport Overlay Zone is to assure all persons owning land in the Township are guaranteed the right to use their land for buildings and structures up to the maximum height limitation permissible in their zone under the terms of this Ordinance; and further, to assure all persons owning land in the Township have the right to plant or grow trees or to place any structures which may be exempted from the height limitations of this Ordinance up to a maximum height of 75 ft. above the surface. Seventy-five feet is deemed to be the reasonable height limitation on private property for the protection of airport hazard zones. This Airport Overlay Zone further intends to require airport owners to acquire from other landowners such land or air rights below 75 ft. necessary to protect aircraft in the airport hazard zones defined in this overlay zone. All provisions of this overlay zone shall be construed to carry out these intentions.

240.4. FINDINGS AND DECLARATION

1. Obstructions to aircraft:

The Board of Supervisors have found:

- A. That obstructions to aircraft may potentially endanger the lives of users of public airports in the Township, and the property or occupants of land in its vicinity; and
- B. That obstructions to aircraft may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of public airports in the Township and the public investment therein; and

- C. That obstructions to aircraft concern the Federal Aviation Administration (FAA), and the Pennsylvania Department of Transportation, Bureau of Aviation (Bureau); and
- D. That FAA and the Bureau have issued model regulations and guidelines for Townships to facilitate the control of obstructions to aircraft; and
- E. That the Township cooperated with FAA and the Bureau to develop this Airport Overlay Zone.

2. Policy of obstructions to airports

Based upon its findings, the Supervisors accordingly declare:

- A. That the creation or establishment of an obstruction to aircraft may potentially become a public nuisance and may injure the region served by the public airports in the Township; and
- B. That it is necessary for the interest of public health, safety, morals, and general welfare that the creation or establishment of obstructions are a hazard to air navigation;
- C. That the regulation of these obstructions, upon lands not owned by the airport owner or operator, shall not adversely affect the right of neighboring landowners to reasonably use their lands within the reasonable height limitations of the Zoning Ordinance; and
- D. That the responsibility to prevent obstructions to aircraft up to the height of 75 ft. above ground shall primarily be the responsibility of the airport owner to acquire by purchase; and
- E. That the prevention of obstructions to aircraft extending beyond 75 ft. above ground shall be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and
- F. That the height limitations for structures contained in this Zoning Ordinance, and the height limitations of 75 ft. contained in this Airport Overlay Zone, are reasonable; and it is further declared
- G. That the prevention of the creation or establishment of hazards to air navigation are public purposes necessary for the protection of the safety, health, and welfare of the residents of the Township and the traveling public.

3. Airport expansion and changes to airport hazard zones

The Supervisors have found:

- A. That two public airports exist in the Township located in rapidly growing residential, commercial, and industrial areas; and
- B. That expansion or changes at public airports in the Township may result in changes to airport hazard zones; and
- C. That changes in airport hazard zones affect the rights of property owners to reasonably use or develop their land; and
- D. That the Airport Zoning Act requires all airport zoning regulations be reasonable (74 Pa. C.S.A. 5915).

4. Policy effects on neighboring lands

Based upon its findings, the Supervisors declare:

- A. That the character of the flying operations conducted at airports, the nature of the terrain within airport hazard zones, the character of the neighborhood, and the public interest, are all considerations needing protection by airport hazard zoning regulations; and
- B. That any changes to airport hazard zones resulting in changes at airports shall be carefully reviewed for its affects upon neighboring landowners as well as for the safety of the aircraft; and
- C. That persons and landowners should be secure in the ownership and enjoyment of their property from unreasonable limitations on their use and from unreasonable affects of airport operations upon the enjoyment of their property; and it is further declared
- D. That the regulation, restriction, or prohibition of uses, and structures at, along, or near public airports is an important function for which zoning and land use ordinances are enacted, and that a Township may require permits prior to changes-in-uses or structures at airports, and may enact reasonable regulations to protect the public health, welfare, safety, morals, and general welfare.

240.5. AIRPORT HAZARD ZONES

To carry out the provisions of the Airport Overlay Zone, the following Airport Hazard Zones are created, established and defined:

1. Utility runway visual approach surface zone
Established beneath the visual approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 250 ft. wide. The airport zone expands outward uniformly to a width of 1,250 ft. at a horizontal distance of 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility runway non-precision instrument approach surface zone
Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone expands outward uniformly to a width of 2,000 ft. at a horizontal distance 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway larger than utility visual approach surface zone
Established beneath the visual approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone extends outward uniformly to a width of 1,500 ft. at a horizontal distance of 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway larger than utility with a visibility minimum greater than 3/4 mile non-precision instrument approach surface zone
Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone expands outward uniformly to a width of 3,500 feet to a horizontal distance of 10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Runway larger than utility with a visibility as low as 3/4 mile non-precision instrument approach surface zone
Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 1,000 ft. wide. The airport zone expands outward uniformly to a width of 4,000 ft. at a horizontal distance of

10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

6. Precision instrument runway approach surface zone

Established beneath the precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 1,000 ft. wide. The airport zone expands outward uniformly to a width of 16,000 ft. at a horizontal distance of 50,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

7. Transitional surface zones

Established beneath the transitional surfaces adjacent to each runway and approach surface.

8. Horizontal surface zone

Established beneath the horizontal surface, 150 ft. above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 ft. radii (for all runways designated as utility or visual) or 10,000 ft. radii (for all other runways) from the center of each end of the primary surface of each runway connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

9. Conical surface zone

Established beneath the conical surface. This airport zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 ft.

240.6. AIRPORT SURFACE ZONE HEIGHT LIMITATIONS

The height limitations applicable for each airport hazard zone defined in above Section 240.5. shall be as follows:

1. Utility runway visual approach surface zone

Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.

2. Utility runway non-precision instrument approach surface zone

Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.

3. Runway larger than utility visual approach surface zone

Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.

4. Runway larger than utility with a visibility minimum greater than 3/4 mile non-precision instrument approach surface zone

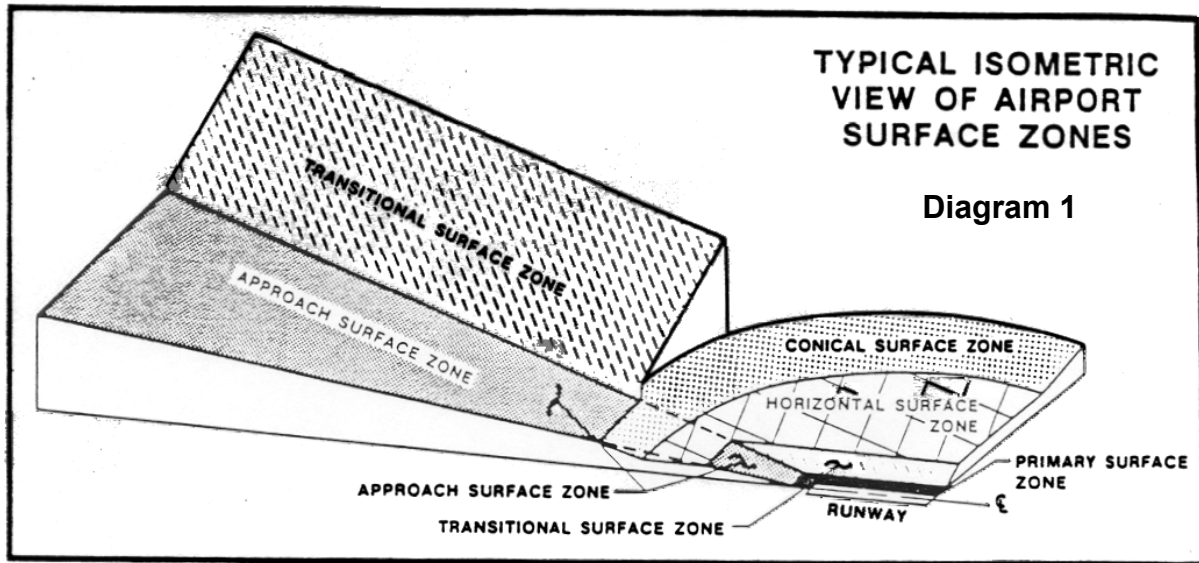
Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.

5. Runway larger than utility with a visibility minimum as low as 3/4 mile non-precision instrument approach surface zone
Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.
6. Precision instrument runway approach surface zone
Slopes 50 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline; thence slopes upward 40 ft. horizontally for each foot vertically to an additional horizontal distance of 40,000 ft. along the extended runway centerline.
7. Transitional surface zones
Slopes 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 ft. above the airport elevation. In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloping 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 ft. measured at 90° angles to the extended runway centerline.
8. Horizontal surface zone
Established at 150 ft. above the established airport elevation.
9. Conical surface zone
Slopes 20 ft. outward for each foot upward beginning at the periphery of the horizontal surface and at 150 ft. above the established airport elevation and extending to a height of 350 ft. above the established airport elevation.
10. Excepted height limitations
Nothing in this Airport Overlay Zone shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 ft. above the surface of the land.

240.7. DIAGRAMS AND TABLES ILLUSTRATING AIRPORT HAZARD ZONES

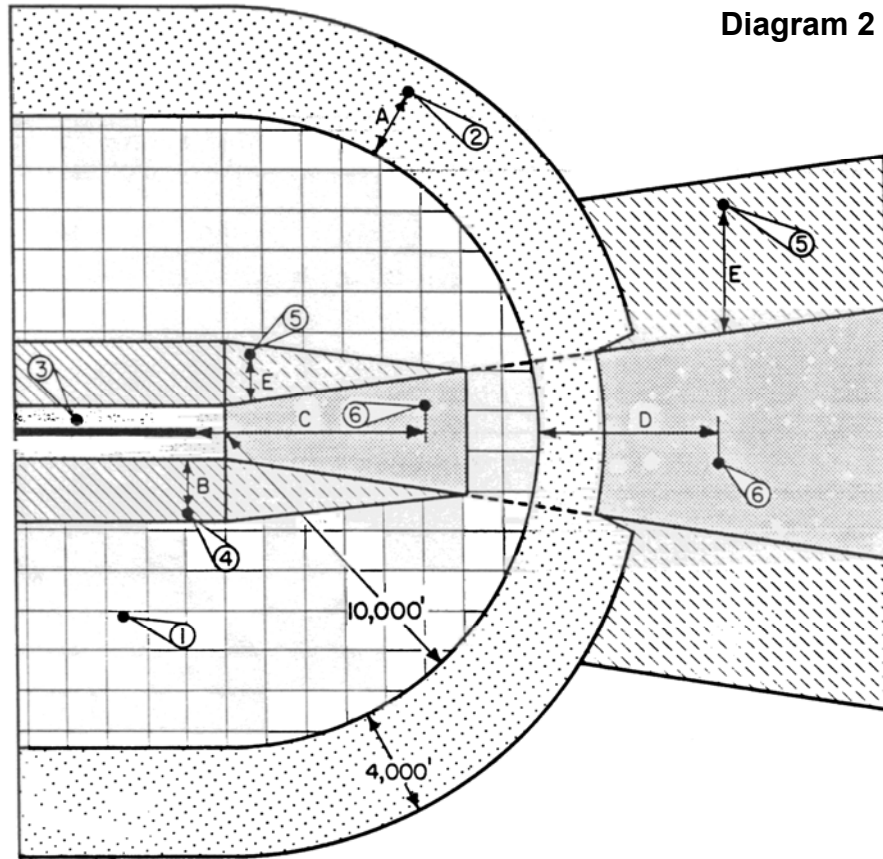
For the purpose of understanding and illustrating the concepts and computations involved in applying the definitions and height limitation formulas relating to airport hazards zones, the following diagrams and tables are attached and incorporated herein as follows:

1. Typical isometric view of airport surface zones
2. Precision instrument runway zones and allowable height formulas
3. Visual and utility non-precision runway zones and allowable height formulas
4. Larger than utility non-precision runway zones and allowable height formulas
5. Table of airport hazard area slopes



PRECISION INSTRUMENT RUNWAY ZONES

Diagram 2

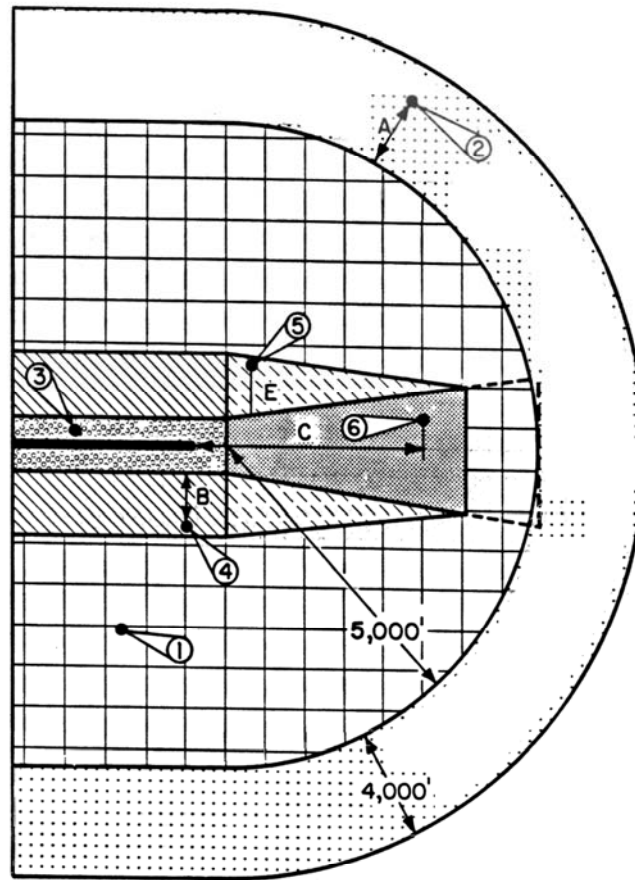


ALLOWABLE HEIGHT FORMULAS

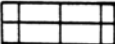
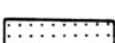




	LOCATION ZONE	FORMULA
1	Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2	Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3	Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4	Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5	Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6	Precision Approach Surface	If Point Location is less than 10,200' from the Runway End: Allowable Height = (Runway End Elevation) + ((C-200) ÷ 50) - (Ground Elevation) If not: Allowable Height = (Runway End Elevation) + 200 + (D ÷ 40) - (Ground Elevation)

VISUAL and UTILITY NON-PRECISION RUNWAY ZONES

Diagram 3



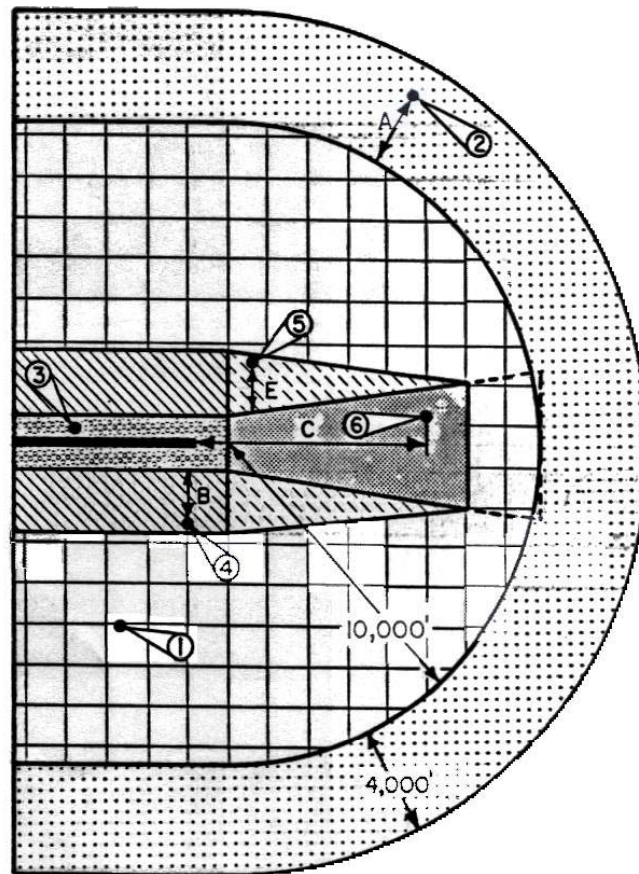
ALLOWABLE HEIGHT FORMULAS

LOCATION ZONE	FORMULA
1  Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150' - (Ground Elevation))
2  Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3  Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4  Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B÷7) - (Ground Elevation)
5  Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E÷7) - (Ground Elevation)
6  Approach Surface	Allowable Height = (Runway End Elevation) + (C-200)* ÷ 20) - (Ground Elevation)

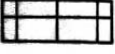
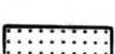
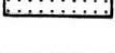
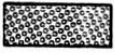


*For Turf Runways do not subtract 200 from C

LARGER THAN UTILITY NON-PRECISION RUNWAY ZONES

Diagram 4



ALLOWABLE HEIGHT FORMULAS

LOCATION ZONE	FORMULA
1  Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2  Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3  Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4  Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5  Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6  Approach Surface	Allowable Height = (Runway End Elevation) + (C-200)* ÷ 34) - (Ground Elevation)

*For Turf Runways do not subtract 200 from C

APPENDIX

Table 5

TABLE OF AIRPORT HAZARD AREA SLOPES

a slope, such as 20:1 expresses the horizontal distance of 20 feet to the vertical distance of 1 foot.

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
100	14.3	5.0	2.9	2.5	2.0
200	28.6	10.0	5.9	5.0	4.0
300	42.9	15.0	8.8	7.5	6.0
400	57.1	20.0	11.8	10.0	8.0
500	71.4	25.0	14.7	12.5	10.0
600	85.7	30.0	17.6	15.0	12.0
700	100.0	35.0	20.6	17.5	14.0
800	114.3	40.0	23.5	20.0	16.0
900	128.6	45.0	26.5	22.5	18.0
1,000	142.9	50.0	29.4	25.0	20.0
1,100	157.1	55.0	32.4	27.5	22.0
1,200	171.4	60.0	35.3	30.0	24.0
1,300	185.7	65.0	38.2	32.5	26.0
1,400	200.0	70.0	41.2	35.0	28.0
1,500	214.3	75.0	44.1	37.5	30.0
1,600	228.6	80.0	47.1	40.0	32.0
1,700	242.9	85.0	50.0	42.5	34.0
1,800	257.1	90.0	52.9	45.0	36.0
1,900	271.4	95.0	55.9	47.5	38.0
2,000	285.7	100.0	58.8	50.0	40.0
2,100	300.0	105.0	61.8	52.5	42.0
2,200	314.3	110.0	64.7	55.0	44.0
2,300	328.6	115.0	67.6	57.5	46.0
2,400	342.9	120.0	70.6	60.0	48.0
2,500	357.1	125.0	73.5	62.5	50.0
2,600	371.4	130.0	76.5	65.0	52.0
2,700	385.7	135.0	79.4	67.5	54.0
2,800	400.0	140.0	82.4	70.0	56.0
2,900	414.3	145.0	85.3	72.5	58.0
3,000	428.6	150.0	88.2	75.0	60.0
3,100	442.9	155.0	91.2	77.5	62.0
3,200	457.1	160.0	94.1	80.0	64.0
3,300	471.4	165.0	97.1	82.5	66.0
3,400	485.7	170.0	100.0	85.0	68.0
3,500	500.0	175.0	102.9	87.5	70.0
3,600	514.3	180.0	105.9	90.0	72.0
3,700	528.6	185.0	108.8	92.5	74.0
3,800	542.9	190.0	111.8	95.0	76.0
3,900	557.1	195.0	114.7	97.5	78.0
4,000	571.4	200.0	117.6	100.0	80.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
4,100	585.7	205.0	120.6	102.5	82.0
4,200	600.0	210.0	123.5	105.0	84.0
4,300	614.3	215.0	126.5	107.5	86.0
4,400	628.6	220.0	129.4	110.0	88.0
4,500	642.9	225.0	132.4	112.5	90.0
4,600	657.1	230.0	135.3	115.0	92.0
4,700	671.4	235.0	138.2	117.5	94.0
4,800	685.7	240.0	141.2	120.0	96.0
4,900	700.0	245.0	144.1	122.5	98.0
5,000	714.3	250.0	147.1	125.0	100.0
5,100	728.6	255.0	150.0	127.5	102.0
5,200	742.9	260.0	152.9	130.0	104.0
5,300	757.1	265.0	155.9	132.5	106.0
5,400	771.4	270.0	158.8	135.0	108.0
5,500	785.7	275.0	161.8	137.5	110.0
5,600	800.0	280.0	164.7	140.0	112.0
5,700	814.3	285.0	167.6	142.5	114.0
5,800	828.6	290.0	170.6	145.0	116.0
5,900	842.9	295.0	173.5	147.5	118.0
6,000	857.1	300.0	176.5	150.0	120.0
6,100	871.4	305.0	179.4	152.5	122.0
6,200	885.7	310.0	182.4	155.0	124.0
6,300	900.0	315.0	185.3	157.5	126.0
6,400	914.3	320.0	188.2	160.0	128.0
6,500	928.6	325.0	191.2	162.5	130.0
6,600	942.9	330.0	194.1	165.0	132.0
6,700	957.1	335.0	197.1	167.5	134.0
6,800	971.4	340.0	200.0	170.0	136.0
6,900	985.7	345.0	202.9	172.5	138.0
7,000	1,000.0	350.0	205.9	175.0	140.0
7,100	1,014.3	355.0	208.8	177.5	142.0
7,200	1,028.6	360.0	211.8	180.0	144.0
7,300	1,042.9	365.0	214.7	182.5	146.0
7,400	1,057.1	370.0	217.6	185.0	148.0
7,500	1,071.4	375.0	220.6	187.5	150.0
7,600	1,085.7	380.0	223.5	190.0	152.0
7,700	1,100.0	385.0	226.5	192.5	154.0
7,800	1,114.3	390.0	229.4	195.0	156.0
7,900	1,128.6	395.0	232.4	197.5	158.0
8,000	1,142.9	400.0	235.3	200.0	160.0
8,100	1,157.1	405.0	238.2	202.5	162.0
8,200	1,171.4	410.0	241.2	205.0	164.0
8,300	1,185.7	415.0	244.1	207.5	166.0
8,400	1,200.0	420.0	247.1	210.0	168.0
8,500	1,214.3	425.0	250.0	212.5	170.0
8,600	1,228.6	430.0	252.9	215.0	172.0
8,700	1,242.9	435.0	255.9	217.5	174.0
8,800	1,257.1	440.0	258.8	220.0	176.0
8,900	1,271.4	445.0	261.8	222.5	178.0
9,000	1,285.7	450.0	264.7	225.0	180.0
9,100	1,300.0	455.0	267.6	227.5	182.0
9,200	1,314.3	460.0	270.6	230.0	184.0
9,300	1,328.6	465.0	273.5	232.5	186.0
9,400	1,342.9	470.0	276.5	235.0	188.0

A2

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
9,500	1,357.1	475.0	279.4	237.5	190.0
9,600	1,371.4	480.0	282.4	240.0	192.0
9,700	1,385.7	485.0	285.3	242.5	194.0
9,800	1,400.0	490.0	288.2	245.0	196.0
9,900	1,414.3	495.0	291.2	247.5	198.0
10,000	1,428.6	500.0	294.1	250.0	200.0
10,100	1,442.9	505.0	297.1	252.5	202.0
10,200	1,457.1	510.0	300.0	255.0	204.0
10,300	1,471.4	515.0	302.9	257.5	206.0
10,400	1,485.7	520.0	305.9	260.0	208.0
10,500	1,500.0	525.0	308.8	262.5	210.0
10,600	1,514.3	530.0	311.8	265.0	212.0
10,700	1,528.6	535.0	314.7	267.5	214.0
10,800	1,542.9	540.0	317.6	270.0	216.0
10,900	1,557.1	545.0	320.6	272.5	218.0
11,000	1,571.4	550.0	323.5	275.0	220.0
11,100	1,585.7	555.0	326.5	277.5	222.0
11,200	1,600.0	560.0	329.4	280.0	224.0
11,300	1,614.3	565.0	332.4	282.5	226.0
11,400	1,628.6	570.0	335.3	285.0	228.0
11,500	1,642.9	575.0	338.2	287.5	230.0
11,600	1,657.1	580.0	341.2	290.0	232.0
11,700	1,671.4	585.0	344.1	292.5	234.0
11,800	1,685.7	590.0	347.1	295.0	236.0
11,900	1,700.0	595.0	350.0	297.5	238.0
12,000	1,714.3	600.0	352.9	300.0	240.0
12,100	1,728.6	605.0	355.9	302.5	242.0
12,200	1,742.9	610.0	358.8	305.0	244.0
12,300	1,757.1	615.0	361.8	307.5	246.0
12,400	1,771.4	620.0	364.7	310.0	248.0
12,500	1,785.7	625.0	367.6	312.5	250.0
12,600	1,800.0	630.0	370.6	315.0	252.0
12,700	1,814.3	635.0	373.5	317.5	254.0
12,800	1,828.6	640.0	376.5	320.0	256.0
12,900	1,842.9	645.0	379.4	322.5	258.0
13,000	1,857.1	650.0	382.4	325.0	260.0
13,100	1,871.4	655.0	385.3	327.5	262.0
13,200	1,885.7	660.0	388.2	330.0	264.0
13,300	1,900.0	665.0	391.2	332.5	266.0
13,400	1,914.3	670.0	394.1	335.0	268.0
13,500	1,928.6	675.0	397.1	337.5	270.0
13,600	1,942.9	680.0	400.0	340.0	272.0
13,700	1,957.1	685.0	402.9	342.5	274.0
13,800	1,971.4	690.0	405.9	345.0	276.0
13,900	1,985.7	695.0	408.8	347.5	278.0
14,000	2,000.0	700.0	411.8	350.0	280.0
14,100	2,014.3	705.0	414.7	352.5	282.0
14,200	2,028.6	710.0	417.6	355.0	284.0
14,300	2,042.9	715.0	420.6	357.5	286.0
14,400	2,057.1	720.0	423.5	360.0	288.0
14,500	2,071.4	725.0	426.5	362.5	290.0
14,600	2,085.7	730.0	429.4	365.0	292.0
14,700	2,100.0	735.0	432.4	367.5	294.0
14,800	2,114.3	740.0	435.3	370.0	296.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
14,900	2,128.6	745.0	438.2	372.5	298.0
15,000	2,142.9	750.0	441.2	375.0	300.0
15,100	2,157.1	755.0	444.1	377.5	302.0
15,200	2,171.4	760.0	447.1	380.0	304.0
15,300	2,185.7	765.0	450.0	382.5	306.0
15,400	2,200.0	770.0	452.9	385.0	308.0
15,500	2,214.3	775.0	455.9	387.5	310.0
15,600	2,228.6	780.0	458.8	390.0	312.0
15,700	2,242.9	785.0	461.8	392.5	314.0
15,800	2,257.1	790.0	464.7	395.0	316.0
15,900	2,271.4	795.0	467.6	397.5	318.0
16,000	2,285.7	800.0	470.6	400.0	320.0
16,100	2,300.0	805.0	473.5	402.5	322.0
16,200	2,314.3	810.0	476.5	405.0	324.0
16,300	2,328.6	815.0	479.4	407.5	326.0
16,400	2,342.9	820.0	482.4	410.0	328.0
16,500	2,357.1	825.0	485.3	412.5	330.0
16,600	2,371.4	830.0	488.2	415.0	332.0
16,700	2,385.7	835.0	491.2	417.5	334.0
16,800	2,400.0	840.0	494.1	420.0	336.0
16,900	2,414.3	845.0	497.1	422.5	338.0
17,000	2,428.6	850.0	500.0	425.0	340.0
17,100	2,442.9	855.0	502.9	427.5	342.0
17,200	2,457.1	860.0	505.9	430.0	344.0
17,300	2,471.4	865.0	508.8	432.5	346.0
17,400	2,485.7	870.0	511.8	435.0	348.0
17,500	2,500.0	875.0	514.7	437.5	350.0
17,600	2,514.3	880.0	517.6	440.0	352.0
17,700	2,528.6	885.0	520.6	442.5	354.0
17,800	2,542.9	890.0	523.5	445.0	356.0
17,900	2,557.1	895.0	526.5	447.5	358.0
18,000	2,571.4	900.0	529.4	450.0	360.0
18,100	2,585.7	905.0	532.4	452.5	362.0
18,200	2,600.0	910.0	535.3	455.0	364.0
18,300	2,614.3	915.0	538.2	457.5	366.0
18,400	2,628.6	920.0	541.2	460.0	368.0
18,500	2,642.9	925.0	544.1	462.5	370.0
18,600	2,657.1	930.0	547.1	465.0	372.0
18,700	2,671.4	935.0	550.0	467.5	374.0
18,800	2,685.7	940.0	552.9	470.0	376.0
18,900	2,700.0	945.0	555.9	472.5	378.0
19,000	2,714.3	950.0	558.8	475.0	380.0
19,100	2,728.6	955.0	561.8	477.5	382.0
19,200	2,742.9	960.0	564.7	480.0	384.0
19,300	2,757.1	965.0	567.6	482.5	386.0
19,400	2,771.4	970.0	570.6	485.0	388.0
19,500	2,785.7	975.0	573.5	487.5	390.0
19,600	2,800.0	980.0	576.5	490.0	392.0
19,700	2,814.3	985.0	579.4	492.5	394.0
19,800	2,828.6	990.0	582.4	495.0	396.0
19,900	2,842.9	995.0	585.3	497.5	398.0
20,000	2,857.1	1,000.0	588.2	500.0	400.0
20,100	2,871.4	1,005.0	591.2	502.5	402.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
20,100	2,871.4	1,005.0	591.2	502.5	402.0
20,200	2,885.7	1,010.0	594.1	505.0	404.0
20,300	2,900.0	1,015.0	597.1	507.5	406.0
20,400	2,914.3	1,020.0	600.0	510.0	408.0
20,500	2,928.6	1,025.0	602.9	512.5	410.0
20,600	2,942.9	1,030.0	605.9	515.0	412.0
20,700	2,957.1	1,035.0	608.8	517.5	414.0
20,800	2,971.4	1,040.0	611.8	520.0	416.0
20,900	2,985.7	1,045.0	614.7	522.5	418.0
21,000	3,000.0	1,050.0	617.6	525.0	420.0
21,100	3,014.3	1,055.0	620.6	527.5	422.0
21,200	3,028.6	1,060.0	623.5	530.0	424.0
21,300	3,042.9	1,065.0	626.5	532.5	426.0
21,400	3,057.1	1,070.0	629.4	535.0	428.0
21,500	3,071.4	1,075.0	632.4	537.5	430.0
21,600	3,085.7	1,080.0	635.3	540.0	432.0
21,700	3,100.0	1,085.0	638.2	542.5	434.0
21,800	3,114.3	1,090.0	641.2	545.0	436.0
21,900	3,128.6	1,095.0	644.1	547.5	438.0
22,000	3,142.9	1,100.0	647.1	550.0	440.0
22,100	3,157.1	1,105.0	650.0	552.5	442.0
22,200	3,171.4	1,110.0	652.9	555.0	444.0
22,300	3,185.7	1,115.0	655.9	557.5	446.0
22,400	3,200.0	1,120.0	658.8	560.0	448.0
22,500	3,214.3	1,125.0	661.8	562.5	450.0
22,600	3,228.6	1,130.0	664.7	565.0	452.0
22,700	3,242.9	1,135.0	667.6	567.5	454.0
22,800	3,257.1	1,140.0	670.6	570.0	456.0
22,900	3,271.4	1,145.0	673.5	572.5	458.0
23,000	3,285.7	1,150.0	676.5	575.0	460.0
23,100	3,300.0	1,155.0	679.4	577.5	462.0
23,200	3,314.3	1,160.0	682.4	580.0	464.0
23,300	3,328.6	1,165.0	685.3	582.5	466.0
23,400	3,342.9	1,170.0	688.2	585.0	468.0
23,500	3,357.1	1,175.0	691.2	587.5	470.0
23,600	3,371.4	1,180.0	694.1	590.0	472.0
23,700	3,385.7	1,185.0	697.1	592.5	474.0
23,800	3,400.0	1,190.0	700.0	595.0	476.0
23,900	3,414.3	1,195.0	702.9	597.5	478.0
24,000	3,428.6	1,200.0	705.9	600.0	480.0
24,100	3,442.9	1,205.0	708.8	602.5	482.0
24,200	3,457.1	1,210.0	711.8	605.0	484.0
24,300	3,471.4	1,215.0	714.7	607.5	486.0
24,400	3,485.7	1,220.0	717.6	610.0	488.0
24,500	3,500.0	1,225.0	720.6	612.5	490.0
24,600	3,514.3	1,230.0	723.5	615.0	492.0
24,700	3,528.6	1,235.0	726.5	617.5	494.0
24,800	3,542.9	1,240.0	729.4	620.0	496.0
24,900	3,557.1	1,245.0	732.4	622.5	498.0
25,000	3,571.4	1,250.0	735.3	625.0	500.0
25,100	3,585.7	1,255.0	738.2	627.5	502.0
25,200	3,600.0	1,260.0	741.2	630.0	504.0
25,300	3,614.3	1,265.0	744.1	632.5	506.0
25,400	3,628.6	1,270.0	747.1	635.0	508.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
25,500	3,642.9	1,275.0	750.0	637.5	510.0
25,600	3,657.1	1,280.0	752.9	640.0	512.0
25,700	3,671.4	1,285.0	755.9	642.5	514.0
25,800	3,685.7	1,290.0	758.8	645.0	516.0
25,900	3,700.0	1,295.0	761.8	647.5	518.0
26,000	3,714.3	1,300.0	764.7	650.0	520.0
26,100	3,728.6	1,305.0	767.6	652.5	522.0
26,200	3,742.9	1,310.0	770.6	655.0	524.0
26,300	3,757.1	1,315.0	773.5	657.5	526.0
26,400	3,771.4	1,320.0	776.5	660.0	528.0
26,500	3,785.7	1,325.0	779.4	662.5	530.0
26,600	3,800.0	1,330.0	782.4	665.0	532.0
26,700	3,814.3	1,335.0	785.3	667.5	534.0
26,800	3,828.6	1,340.0	788.2	670.0	536.0
26,900	3,842.9	1,345.0	791.2	672.5	538.0
27,000	3,857.1	1,350.0	794.1	675.0	540.0
27,100	3,871.4	1,355.0	797.1	677.5	542.0
27,200	3,885.7	1,360.0	800.0	680.0	544.0
27,300	3,900.0	1,365.0	802.9	682.5	546.0
27,400	3,914.3	1,370.0	805.9	685.0	548.0
27,500	3,928.6	1,375.0	808.8	687.5	550.0
27,600	3,942.9	1,380.0	811.8	690.0	552.0
27,700	3,957.1	1,385.0	814.7	692.5	554.0
27,800	3,971.4	1,390.0	817.6	695.0	556.0
27,900	3,985.7	1,395.0	820.6	697.5	558.0
28,000	4,000.0	1,400.0	823.5	700.0	560.0
28,100	4,014.3	1,405.0	826.5	702.5	562.0
28,200	4,028.6	1,410.0	829.4	705.0	564.0
28,300	4,042.9	1,415.0	832.4	707.5	566.0
28,400	4,057.1	1,420.0	835.3	710.0	568.0
28,500	4,071.4	1,425.0	838.2	712.5	570.0
28,600	4,085.7	1,430.0	841.2	715.0	572.0
28,700	4,100.0	1,435.0	844.1	717.5	574.0
28,800	4,114.3	1,440.0	847.1	720.0	576.0
28,900	4,128.6	1,445.0	850.0	722.5	578.0
29,000	4,142.9	1,450.0	852.9	725.0	580.0
29,100	4,157.1	1,455.0	855.9	727.5	582.0
29,200	4,171.4	1,460.0	858.8	730.0	584.0
29,300	4,185.7	1,465.0	861.8	732.5	586.0
29,400	4,200.0	1,470.0	864.7	735.0	588.0
29,500	4,214.3	1,475.0	867.6	737.5	590.0
29,600	4,228.6	1,480.0	870.6	740.0	592.0
29,700	4,242.9	1,485.0	873.5	742.5	594.0
29,800	4,257.1	1,490.0	876.5	745.0	596.0
29,900	4,271.4	1,495.0	879.4	747.5	598.0
30,000	4,285.7	1,500.0	882.4	750.0	600.0
30,100	4,300.0	1,505.0	885.3	752.5	602.0
30,200	4,314.3	1,510.0	888.2	755.0	604.0
30,300	4,328.6	1,515.0	891.2	757.5	606.0
30,400	4,342.9	1,520.0	894.1	760.0	608.0
30,500	4,357.1	1,525.0	897.1	762.5	610.0
30,600	4,371.4	1,530.0	900.0	765.0	612.0
30,700	4,385.7	1,535.0	902.9	767.5	614.0
30,800	4,400.0	1,540.0	905.9	770.0	616.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
30,900	4,414.3	1,545.0	908.8	772.5	618.0
31,000	4,428.6	1,550.0	911.8	775.0	620.0
31,100	4,442.9	1,555.0	914.7	777.5	622.0
31,200	4,457.1	1,560.0	917.6	780.0	624.0
31,300	4,471.4	1,565.0	920.6	782.5	626.0
31,400	4,485.7	1,570.0	923.5	785.0	628.0
31,500	4,500.0	1,575.0	926.5	787.5	630.0
31,600	4,514.3	1,580.0	929.4	790.0	632.0
31,700	4,528.6	1,585.0	932.4	792.5	634.0
31,800	4,542.9	1,590.0	935.3	795.0	636.0
31,900	4,557.1	1,595.0	938.2	797.5	638.0
32,000	4,571.4	1,600.0	941.2	800.0	640.0
32,100	4,585.7	1,605.0	944.1	802.5	642.0
32,200	4,600.0	1,610.0	947.1	805.0	644.0
32,300	4,614.3	1,615.0	950.0	807.5	646.0
32,400	4,628.6	1,620.0	952.9	810.0	648.0
32,500	4,642.9	1,625.0	955.9	812.5	650.0
32,600	4,657.1	1,630.0	958.8	815.0	652.0
32,700	4,671.4	1,635.0	961.8	817.5	654.0
32,800	4,685.7	1,640.0	964.7	820.0	656.0
32,900	4,700.0	1,645.0	967.6	822.5	658.0
33,000	4,714.3	1,650.0	970.6	825.0	660.0
33,100	4,728.6	1,655.0	973.5	827.5	662.0
33,200	4,742.9	1,660.0	976.5	830.0	664.0
33,300	4,757.1	1,665.0	979.4	832.5	666.0
33,400	4,771.4	1,670.0	982.4	835.0	668.0
33,500	4,785.7	1,675.0	985.3	837.5	670.0
33,600	4,800.0	1,680.0	988.2	840.0	672.0
33,700	4,814.3	1,685.0	991.2	842.5	674.0
33,800	4,828.6	1,690.0	994.1	845.0	676.0
33,900	4,842.9	1,695.0	997.1	847.5	678.0
34,000	4,857.1	1,700.0	1,000.0	850.0	680.0
34,100	4,871.4	1,705.0	1,002.9	852.5	682.0
34,200	4,885.7	1,710.0	1,005.9	855.0	684.0
34,300	4,900.0	1,715.0	1,008.8	857.5	686.0
34,400	4,914.3	1,720.0	1,011.8	860.0	688.0
34,500	4,928.6	1,725.0	1,014.7	862.5	690.0
34,600	4,942.9	1,730.0	1,017.6	865.0	692.0
34,700	4,957.1	1,735.0	1,020.6	867.5	694.0
34,800	4,971.4	1,740.0	1,023.5	870.0	696.0
34,900	4,985.7	1,745.0	1,026.5	872.5	698.0
35,000	5,000.0	1,750.0	1,029.4	875.0	700.0
35,100	5,014.3	1,755.0	1,032.4	877.5	702.0
35,200	5,028.6	1,760.0	1,035.3	880.0	704.0
35,300	5,042.9	1,765.0	1,038.2	882.5	706.0
35,400	5,057.1	1,770.0	1,041.2	885.0	708.0
35,500	5,071.4	1,775.0	1,044.1	887.5	710.0
35,600	5,085.7	1,780.0	1,047.1	890.0	712.0
35,700	5,100.0	1,785.0	1,050.0	892.5	714.0
35,800	5,114.3	1,790.0	1,052.9	895.0	716.0
35,900	5,128.6	1,795.0	1,055.9	897.5	718.0
36,000	5,142.9	1,800.0	1,058.8	900.0	720.0
36,100	5,157.1	1,805.0	1,061.8	902.5	722.0
36,200	5,171.4	1,810.0	1,064.7	905.0	724.0

Distance (ft.) from Runway	Ratio 7:	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
36,300	5,185.7	1,815.0	1,067.6	907.5	726.0
36,400	5,200.0	1,820.0	1,070.6	910.0	728.0
36,500	5,214.3	1,825.0	1,073.5	912.5	730.0
36,600	5,228.6	1,830.0	1,076.5	915.0	732.0
36,700	5,242.9	1,835.0	1,079.4	917.5	734.0
36,800	5,257.1	1,840.0	1,082.4	920.0	736.0
36,900	5,271.4	1,845.0	1,085.3	922.5	738.0
37,000	5,285.7	1,850.0	1,088.2	925.0	740.0
37,100	5,300.0	1,855.0	1,091.2	927.5	742.0
37,200	5,314.3	1,860.0	1,094.1	930.0	744.0
37,300	5,328.6	1,865.0	1,097.1	932.5	746.0
37,400	5,342.9	1,870.0	1,100.0	935.0	748.0
37,500	5,357.1	1,875.0	1,102.9	937.5	750.0
37,600	5,371.4	1,880.0	1,105.9	940.0	752.0
37,700	5,385.7	1,885.0	1,108.8	942.5	754.0
37,800	5,400.0	1,890.0	1,111.8	945.0	756.0
37,900	5,414.3	1,895.0	1,114.7	947.5	758.0
38,000	5,428.6	1,900.0	1,117.6	950.0	760.0
38,100	5,442.9	1,905.0	1,120.6	952.5	762.0
38,200	5,457.1	1,910.0	1,123.5	955.0	764.0
38,300	5,471.4	1,915.0	1,126.5	957.5	766.0
38,400	5,485.7	1,920.0	1,129.4	960.0	768.0
38,500	5,500.0	1,925.0	1,132.4	962.5	770.0
38,600	5,514.3	1,930.0	1,135.3	965.0	772.0
38,700	5,528.6	1,935.0	1,138.2	967.5	774.0
38,800	5,542.9	1,940.0	1,141.2	970.0	776.0
38,900	5,557.1	1,945.0	1,144.1	972.5	778.0
39,000	5,571.4	1,950.0	1,147.1	975.0	780.0
39,100	5,585.7	1,955.0	1,150.0	977.5	782.0
39,200	5,600.0	1,960.0	1,152.9	980.0	784.0
39,300	5,614.3	1,965.0	1,155.9	982.5	786.0
39,400	5,628.6	1,970.0	1,158.8	985.0	788.0
39,500	5,642.9	1,975.0	1,161.8	987.5	790.0
39,600	5,657.1	1,980.0	1,164.7	990.0	792.0
39,700	5,671.4	1,985.0	1,167.6	992.5	794.0
39,800	5,685.7	1,990.0	1,170.6	995.0	796.0
39,900	5,700.0	1,995.0	1,173.5	997.5	798.0
40,000	5,714.3	2,000.0	1,176.5	1,000.0	800.0
40,100	5,728.6	2,005.0	1,179.4	1,002.5	802.0
40,200	5,742.9	2,010.0	1,182.4	1,005.0	804.0
40,300	5,757.1	2,015.0	1,185.3	1,007.5	806.0
40,400	5,771.4	2,020.0	1,188.2	1,010.0	808.0
40,500	5,785.7	2,025.0	1,191.2	1,012.5	810.0
40,600	5,800.0	2,030.0	1,194.1	1,015.0	812.0
40,700	5,814.3	2,035.0	1,197.1	1,017.5	814.0
40,800	5,828.6	2,040.0	1,200.0	1,020.0	816.0
40,900	5,842.9	2,045.0	1,202.9	1,022.5	818.0
41,000	5,857.1	2,050.0	1,205.9	1,025.0	820.0
41,100	5,871.4	2,055.0	1,208.8	1,027.5	822.0
41,200	5,885.7	2,060.0	1,211.8	1,030.0	824.0
41,300	5,900.0	2,065.0	1,214.7	1,032.5	826.0
41,400	5,914.3	2,070.0	1,217.6	1,035.0	828.0
41,500	5,928.6	2,075.0	1,220.6	1,037.5	830.0
41,600	5,942.9	2,080.0	1,223.5	1,040.0	832.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
41,700	5,957.1	2,085.0	1,226.5	1,042.5	834.0
41,800	5,971.4	2,090.0	1,229.4	1,045.0	836.0
41,900	5,985.7	2,095.0	1,232.4	1,047.5	838.0
42,000	6,000.0	2,100.0	1,235.3	1,050.0	840.0
42,100	6,014.3	2,105.0	1,238.2	1,052.5	842.0
42,200	6,028.6	2,110.0	1,241.2	1,055.0	844.0
42,300	6,042.9	2,115.0	1,244.1	1,057.5	846.0
42,400	6,057.1	2,120.0	1,247.1	1,060.0	848.0
42,500	6,071.4	2,125.0	1,250.0	1,062.5	850.0
42,600	6,085.7	2,130.0	1,252.9	1,065.0	852.0
42,700	6,100.0	2,135.0	1,255.9	1,067.5	854.0
42,800	6,114.3	2,140.0	1,258.8	1,070.0	856.0
42,900	6,128.6	2,145.0	1,261.8	1,072.5	858.0
43,000	6,142.9	2,150.0	1,264.7	1,075.0	860.0
43,100	6,157.1	2,155.0	1,267.6	1,077.5	862.0
43,200	6,171.4	2,160.0	1,270.6	1,080.0	864.0
43,300	6,185.7	2,165.0	1,273.5	1,082.5	866.0
43,400	6,200.0	2,170.0	1,276.5	1,085.0	868.0
43,500	6,214.3	2,175.0	1,279.4	1,087.5	870.0
43,600	6,228.6	2,180.0	1,282.4	1,090.0	872.0
43,700	6,242.9	2,185.0	1,285.3	1,092.5	874.0
43,800	6,257.1	2,190.0	1,288.2	1,095.0	876.0
43,900	6,271.4	2,195.0	1,291.2	1,097.5	878.0
44,000	6,285.7	2,200.0	1,294.1	1,100.0	880.0
44,100	6,300.0	2,205.0	1,297.1	1,102.5	882.0
44,200	6,314.3	2,210.0	1,300.0	1,105.0	884.0
44,300	6,328.6	2,215.0	1,302.9	1,107.5	886.0
44,400	6,342.9	2,220.0	1,305.9	1,110.0	888.0
44,500	6,357.1	2,225.0	1,308.8	1,112.5	890.0
44,600	6,371.4	2,230.0	1,311.8	1,115.0	892.0
44,700	6,385.7	2,235.0	1,314.7	1,117.5	894.0
44,800	6,400.0	2,240.0	1,317.6	1,120.0	896.0
44,900	6,414.3	2,245.0	1,320.6	1,122.5	898.0
45,000	6,428.6	2,250.0	1,323.5	1,125.0	900.0
45,100	6,442.9	2,255.0	1,326.5	1,127.5	902.0
45,200	6,457.1	2,260.0	1,329.4	1,130.0	904.0
45,300	6,471.4	2,265.0	1,332.4	1,132.5	906.0
45,400	6,485.7	2,270.0	1,335.3	1,135.0	908.0
45,500	6,500.0	2,275.0	1,338.2	1,137.5	910.0
45,600	6,514.3	2,280.0	1,341.2	1,140.0	912.0
45,700	6,528.6	2,285.0	1,344.1	1,142.5	914.0
45,800	6,542.9	2,290.0	1,347.1	1,145.0	916.0
45,900	6,557.1	2,295.0	1,350.0	1,147.5	918.0
46,000	6,571.4	2,300.0	1,352.9	1,150.0	920.0
46,100	6,585.7	2,305.0	1,355.9	1,152.5	922.0
46,200	6,600.0	2,310.0	1,358.8	1,155.0	924.0
46,300	6,614.3	2,315.0	1,361.8	1,157.5	926.0
46,400	6,628.6	2,320.0	1,364.7	1,160.0	928.0
46,500	6,642.9	2,325.0	1,367.6	1,162.5	930.0
46,600	6,657.1	2,330.0	1,370.6	1,165.0	932.0
46,700	6,671.4	2,335.0	1,373.5	1,167.5	934.0
46,800	6,685.7	2,340.0	1,376.5	1,170.0	936.0
46,900	6,700.0	2,345.0	1,379.4	1,172.5	938.0
47,000	6,714.3	2,350.0	1,382.4	1,175.0	940.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
47, 100	6,728.6	2,355.0	1,385.3	1,177.5	942.0
47, 200	6,742.9	2,360.0	1,388.2	1,180.0	944.0
47, 300	6,757.1	2,365.0	1,391.2	1,182.5	946.0
47, 400	6,771.4	2,370.0	1,394.1	1,185.0	948.0
47, 500	6,785.7	2,375.0	1,397.1	1,187.5	950.0
47, 600	6,800.0	2,380.0	1,400.0	1,190.0	952.0
47, 700	6,814.3	2,385.0	1,402.9	1,192.5	954.0
47, 800	6,828.6	2,390.0	1,405.9	1,195.0	956.0
47, 900	6,842.9	2,395.0	1,408.8	1,197.5	958.0
48, 000	6,857.1	2,400.0	1,411.8	1,200.0	960.0
48, 100	6,871.4	2,405.0	1,414.7	1,202.5	962.0
48, 200	6,885.7	2,410.0	1,417.6	1,205.0	964.0
48, 300	6,900.0	2,415.0	1,420.6	1,207.5	966.0
48, 400	6,914.3	2,420.0	1,423.5	1,210.0	968.0
48, 500	6,928.6	2,425.0	1,426.5	1,212.5	970.0
48, 600	6,942.9	2,430.0	1,429.4	1,215.0	972.0
48, 700	6,957.1	2,435.0	1,432.4	1,217.5	974.0
48, 800	6,971.4	2,440.0	1,435.3	1,220.0	976.0
48, 900	6,985.7	2,445.0	1,438.2	1,222.5	978.0
49, 000	7,000.0	2,450.0	1,441.2	1,225.0	980.0
49, 100	7,014.3	2,455.0	1,444.1	1,227.5	982.0
49, 200	7,028.6	2,460.0	1,447.1	1,230.0	984.0
49, 300	7,042.9	2,465.0	1,450.0	1,232.5	986.0
49, 400	7,057.1	2,470.0	1,452.9	1,235.0	988.0
49, 500	7,071.4	2,475.0	1,455.9	1,237.5	990.0
49, 600	7,085.7	2,480.0	1,458.8	1,240.0	992.0
49, 700	7,100.0	2,485.0	1,461.8	1,242.5	994.0
49, 800	7,114.3	2,490.0	1,464.7	1,245.0	996.0
49, 900	7,128.6	2,495.0	1,467.6	1,247.5	998.0
50, 000	7,142.9	2,500.0	1,470.6	1,250.0	1,000.0
50, 100	7,157.1	2,505.0	1,473.5	1,252.5	1,002.0
50, 200	7,171.4	2,510.0	1,476.5	1,255.0	1,004.0
50, 300	7,185.7	2,515.0	1,479.4	1,257.5	1,006.0
50, 400	7,200.0	2,520.0	1,482.4	1,260.0	1,008.0
50, 500	7,214.3	2,525.0	1,485.3	1,262.5	1,010.0
50, 600	7,228.6	2,530.0	1,488.2	1,265.0	1,012.0
50, 700	7,242.9	2,535.0	1,491.2	1,267.5	1,014.0
50, 800	7,257.1	2,540.0	1,494.1	1,270.0	1,016.0
50, 900	7,271.4	2,545.0	1,497.1	1,272.5	1,018.0
51, 000	7,285.7	2,550.0	1,500.0	1,275.0	1,020.0
51, 100	7,300.0	2,555.0	1,502.9	1,277.5	1,022.0
51, 200	7,314.3	2,560.0	1,505.9	1,280.0	1,024.0
51, 300	7,328.6	2,565.0	1,508.8	1,282.5	1,026.0
51, 400	7,342.9	2,570.0	1,511.8	1,285.0	1,028.0
51, 500	7,357.1	2,575.0	1,514.7	1,287.5	1,030.0
51, 600	7,371.4	2,580.0	1,517.6	1,290.0	1,032.0
51, 700	7,385.7	2,585.0	1,520.6	1,292.5	1,034.0
51, 800	7,400.0	2,590.0	1,523.5	1,295.0	1,036.0
51, 900	7,414.3	2,595.0	1,526.5	1,297.5	1,038.0
52, 000	7,428.6	2,600.0	1,529.4	1,300.0	1,040.0
52, 100	7,442.9	2,605.0	1,532.4	1,302.5	1,042.0
52, 200	7,457.1	2,610.0	1,535.3	1,305.0	1,044.0
52, 300	7,471.4	2,615.0	1,538.2	1,307.5	1,046.0
52, 400	7,485.7	2,620.0	1,541.2	1,310.0	1,048.0

240.8. PROCEDURES FOR LANDOWNERS

1. Zoning permits required

No person shall construct, erect, alter, or establish any structure in any airport hazard zone defined herein without first having complied with requirements specified in this Section 240.

2. Procedures

The following procedures apply to applications for zoning permits" by landowners in airport hazard zones:

- A. Filing of aviation forms - Any person planning to erect a new structure, add to an existing structure, or to maintain an object — natural or manmade as defined in 14 CFR 77.13(a) (relating to construction or alteration requiring notice) shall:
 - 1. File Form AV-57 with to the Bureau of Aviation; and
 - 2. File FAA Forms 7460-1 and 7460-2 with the FAA; and,"
 - 3. Apply for an Airport Permit with the Township. A copy of both Form AV-57 and FAA Form 7460-1 as filed with the Bureau of Aviation and FAA shall accompany the "Application for Zoning Permit."
- B. The Zoning Officer shall not issue a Zoning Permit unless and until written responses are received from both FAA and the Bureau of Aviation.
 - 1. If the Bureau of Aviation and the FAA report the landowner's proposed construction or alteration does not constitute an obstruction, the Zoning Officer may issue a Zoning Permit.
 - 2. If either the Bureau of Aviation or the FAA reports the proposed construction or alteration is an obstruction, the following procedures shall apply:
 - a. Landowner shall notify the airport owner affected of the proposed construction or alteration. The landowner shall furnish to the airport owner copies of the following:
 - i. Copy of Form AV-57;
 - ii. Copy of the Bureau of Aviation's response;
 - iii. Copy of FAA Form 7460-1; and
 - iv. Copy of FAA's response to the affected airport owner.
 - b. The airport owner affected by landowner's proposed construction or alteration shall have 30 days to negotiate with the landowner to acquire air rights or to develop alternative plans not create an obstruction.
 - c. If after 30 days, the landowner and airport owner have failed to reach an agreement as to air rights pursuant to Section 240.8.2.B.2.b. above, and if the landowner still desires to proceed, the landowner shall apply to the Zoning Hearing Board for a Variance in accordance with Section 240.9., below:

240.9. VARIANCE AND ZONING PERMIT

1. Variance application procedures - The following procedures shall apply to landowner Applications for Variance or Zoning Permit to the Zoning Hearing Board.
 - A. Contents of application - An "Application for Variance or Zoning Permit" shall contain all information relative to:
 1. Property ownership;
 2. Identification of applicant;
 3. Property code number;
 4. Description of proposed construction or alteration or growth;
 5. Reasons for the proposed construction, alteration, or growth and why it is necessary and important to the reasonable use of the property;
 6. Description of the results of any negotiations with airport owner under Section 240.8. of this Ordinance.
 7. Maps and drawings of proposed construction, alteration, or growth;
 8. Copies of the Bureau of Aviation Form AV-57 and FAA Form 7460-1;
 9. Copies of the written responses from the Bureau of Aviation and FAA; and
 10. Filing fee.
2. Distribution of application

A copy of the landowner's "Application for Variance or Zoning Permit" and all accompanying documents shall be sent by the Zoning Officer to the affected airport owner and to the Bureau of Aviation and FAA by certified mail, at least 14 days prior to the Zoning Hearing Board hearing.
3. Scheduling of hearing

The Zoning Hearing Board shall schedule a hearing on the "Application for Variance or Permit" according to the procedures specified in this Article 8 of this Ordinance.

240.10. ZONING HEARING BOARD REVIEW

1. The Zoning Hearing Board shall consider the following criteria in viewing its applications:
 - A. Basic principle

The landowner has a right to reasonable use of their land.
 - B. Zoning ordinance height limitations

For structures defined and regulated by this Ordinance, the landowner shall have the unqualified right to use their land up to the height as established in the applicable zone of this Ordinance.
 - C. Other structures or growth up to 75 ft.

For structures not regulated by this Ordinance and for vegetation or trees, the landowner shall have a qualified right to use their land up to a height of 75 ft.
 - D. Structures or growth greater than 75 ft.

The landowner shall have no right to construct, erect, alter, or establish any structures or to allow any vegetation or trees above 75 ft. in height unless a Variance is granted by the Zoning Hearing Board.

E. Conditions

The Zoning Hearing Board may establish such reasonable necessary to protect the general health, welfare and safety of the Township.

F. Evidence

In considering "Applications for Variances or Zoning Permits," the Zoning Hearing Board may consider any written communication by the Bureau of Aviation or FAA without the requirement of testifying in person.

G. Criteria

The Zoning Hearing Board shall, at all times, attempt to balance:

1. The safety needs of aircraft to obstruction free passage;
2. The rights of landowners to reasonably use their land;
3. The intent of the Airport Overlay Zone as stated in Section 240.2. of this Ordinance,
4. The purpose, findings, and declaration of policy contained in Section 240.4. of this Ordinance;
5. The affect on reasonable operations of the airport;
6. Whether the structure or vegetation or tree is necessary to the reasonable use of the land;
7. Good faith efforts of the airport owner to avoid impinging upon the rights of the neighboring landowners by the airport owners operations; and
8. Whether or not the flight path or plan of the airport as it affects the landowner's land is necessary to reasonable operation of the airport.
9. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and would be in accordance with the spirit of the regulations and this Airport Overlay Zone.

H. Presumption

Construction or maintenance of structures or natural growth above the height of 75 ft., where such structure or growth are determined to constitute obstruction to aircraft, is presumed not to be necessary to the reasonable use of the land.

I. Hazard marking and lighting

In granting any zoning permit or variance under this Section 240, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this Airport Overlay Zone and reasonable under the circumstances, so condition the zoning permit or variance to require the owner of the structure or object of natural growth in question to allow the airport owner, at its own expense, or require the person or persons requesting the zoning permit or variance, to install, operate and maintain thereon such markers and lights as may be required by the guidelines or regulations adopted by the FAA or the Bureau of Aviation.

J. Notice to FAA and the Bureau of Aviation

Upon receipt of an "Application for variance or zoning permit" under this Section 240, the Zoning Officer shall notify FAA and the Bureau of Aviation of the filing of an "Application for variance or zoning permit." This notice shall be in writing and

shall be sent by certified mail to FAA and the Bureau of Aviation at least 14 days prior to the date of the hearing.

240.11. NONCONFORMING USES AND STRUCTURES

No provision of the Airport Overlay Zone requires the removal or lowering, or other change or alteration of any structure or any object of natural growth not conforming to these regulations. Neither this Zone or otherwise interfere with the continuance of any nonconforming use except as provided in Section 5916 of The Aviation Code and sections of this Airport Overlay Zone (relating to permits and variances).

240.12. OTHER USE RESTRICTIONS

Notwithstanding any other provisions of this Airport Overlay Zone, no use may be made of land or water within any airport hazard zone established by this Airport Overlay Zone in such a manner as to:

1. create electrical interference with navigational signals or with radio communication between the airport and aircraft;
2. provide difficulty for pilots to distinguish between airport lights and other lights;
3. result in glare in the eyes of pilots using the airport;
4. impair visibility in the vicinity of the airport;
5. create hazardous wildlife attractants; or,
6. otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

240.13. AIRPORT OWNER'S PROCEDURES FOR CHANGES TO AIRPORT HAZARD ZONES

1. Conditional use required for any addition of new runways and/or changes at airports

The existence of airport hazard zones limits the uses of surrounding landowners. No public airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones unless conditional use approval has been granted. The following shall constitute changes at an airport requiring a conditional use approval prior to the change:

- A. Any addition of a new runway
- B. Any expansion of a runway, either in length or width;
- C. Any change in the height of a runway;
- D. The paving of any previously unpaved portions of a runway;
- E. Any change of runway direction or alignment;
- F. Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
- G. Any change in airport rating category under 67 Pa. Code Section 471.5 as amended, effecting or altering the location or extent of airport hazard zone.
- H. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

2. Procedures for Conditional Use Review

The following procedures and criteria shall be considered in granting of a conditional use.

A. Application contents

Any owner of any public airport desiring to add and/or change the location or extent of an airport hazard zone shall file an application for conditional use, together with the filing fee. The application for conditional use" shall contain the following documents and information:

1. A full narrative description of the changes proposed;
2. Plans and maps prepared by a registered professional engineer showing the changes proposed to the airport;
3. Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones;
4. Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change;
5. A plan showing of how the lands or air rights negatively affected shall be acquired and how the landowners negatively affected shall be compensated;
6. All plans shall be prepared to a scale of 1 in. equals 100 ft (1" = 100 ft);
7. A list of the names and addresses of all landowners negatively affected by the proposed change within a height of 75 ft. from the surface of said lands by the change in airport hazard zones; and
8. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

B. Copies

The applicant shall submit 7 copies of the entire and complete application for conditional use and all supporting documentation to the Zoning Officer. The Zoning Officer shall distribute the copies as follows:

1. One copy shall be filed in the Township files;
2. One copy to the Township Planning Commission;
3. One copy to the Supervisors
4. One copy shall be sent to the Bureau of Aviation;
5. One copy to the FAA;
6. One copy to the Centre County Planning Office; and
7. One copy to the Township Engineer for review.

3. Engineering review

Upon receipt, the Township Engineer shall review the application for conditional use and report whether the application to the Planning Commission (Airport Zoning Planning Agency) complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from

the change, and upon the adequacy, feasibility and practicality of the applicant's plan to compensate affected properties or to acquire the necessary air rights.

4. Costs

Any change resulting in a change of airport hazard zones shall be considered as land development, and the applicant shall be responsible for paying all engineering fees of the Township relating to its engineering review.

5. Notice to Adjoining Landowners

The Township Secretary shall send notice to adjoining or affected landowners of the date and time of the first hearing on the application for conditional use.

6. Notice to FAA, the Bureau of Aviation, and the County

The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Office by certified mail, at least 14 days before the date of the hearing.

7. Legal advertisement

In addition to the legal notices required by law, the Township Secretary shall place a display advertisement in a newspaper of general circulation in the Township giving notice of any request made for an application for conditional use. Said notice shall be at least 3 columns wide and 3 inches in length. Said notice shall state: "Notice to Benner Township Landowners. A Conditional Use has been filed relating to the _____ airport or airport hazard zones in Benner Township. A hearing is scheduled for the _____ day of _____, _____, at _____ o'clock ____m., at the Benner Township Municipal Building. All citizens and landowners are invited to attend."

8. Cost of notices and advertising

The costs and expenses of all required notices and advertisement, shall be paid by the airport owner who makes an application for conditional use.

9. Criteria to review

In review this conditional use, the Supervisors shall consider:

- A. The effect upon reasonable use of properties affected by the changed area of the airport hazard zones;
- B. How the applicant plans to purchase, acquire or otherwise compensate landowners whose reasonable use of the property is adversely affected;
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;
- E. The character of the neighborhood which is affected by the change in airport hazard zones;
- F. The effect upon roads, development, transportation routes, and other aspects of the Region's Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety; and
- I. The Supervisors may attach such reasonable conditions in the granting of a Conditional Use.

240.14. ADMINISTRATION AND ENFORCEMENT

1. Airport owner to file correspondence with Township

The airport owner shall send to the Township copies of all forms, applications, and requests relating to airport hazard zone movement or hazard zone changes sent to FAA and the Bureau of Aviation by airport owner. Said copies shall be sent to the Township within 3 days of sending said forms, applications and requests to the FAA or the Bureau of Aviation. Airport owner shall also include copies of all maps, documents, correspondence and plans attached to, required by, or accompanying said requests, applications, or forms.

2. Administration

The following procedures are hereby established for the administration for the Airport Overlay Zone.

3. Enforcement

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed in this Article.

4. Filing fees and application

The Township may establish by Resolution a "Schedule of Fees" for all permits, appeals, and other proceedings provided for in this Zone, and may amend such Resolution from time to time. No application for any permit, Variance or Conditional Use or other relief under this Airport Overlay Zone shall be considered filed until all fees are paid.

5. Zoning hearing board

The Zoning Hearing Board, as established under Article 8 of this Ordinance, is hereby appointed to act as the Board of Appeals specified in Section 5917(c) of the Aviation Code. It shall have the power to hear and decide:

- A. All appeals from the determinations of the Zoning Officer;
- B. Applications for permits; and
- C. Variances.

The Zoning Hearing Board shall have all the powers granted to the Board of Appeals as provided by Section 5917 of the Airport Zoning Act, 74 Pa. C.S.A. 5917; and all powers granted to zoning hearing boards as provided by Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. 10901 et. seq., as amended.

6. Airport zoning planning agency

The Planning Commission of the Township is hereby designated as the Airport Zoning Planning Agency, whose duties shall be as set forth in the Airport Zoning Act, 74 Pa. C.S.A. 5911 et seq.

7. Violations and penalties

Failure to comply with any provisions herein shall be a violation of the Airport Overlay Zone.

A. Complaints regarding violations

Whenever a violation of this Airport Overlay Zone occurs, or is alleged to have occurred, any person may file a complaint to the Zoning Officer stating fully the

causes and basis thereof. The Zoning Officer shall record such complaint, investigate, and take action.

B. Notice of violation

If the Zoning Officer finds that any provision of this Airport Overlay Zone has been violated, enforcement proceedings shall be followed as provided for by Section 616.1 of the MPC, 53 P.S. Section 10616.1, as amended.

C. Penalties

Penalties and remedies for violations of this Airport Overlay Zone are stipulated in Section 617 and 617.2 of Article VI of the MPC, as amended, 53 P.S. Section 10617 and 10617.2; or as hereafter amended.

8. Appeals

Any appeal from a decision or action of the governing body or of any officer or agency of the Township in matters pertaining to this Airport Overlay Zone shall be made in accordance with Article IX and X of the MPC, as amended, and Section 5918 of the Airport Zoning Act, 74 Pa C.S.A. Section 5918.

Article 3

General Provisions

The regulations contained within Article 3 shall apply to all uses within the Township.

SECTION 301 ACCESS DRIVE REQUIREMENTS (NON-SINGLE-FAMILY DWELLING)

301.1. SETBACKS

All access drives shall be set back at least:

- A. Two hundred (200) feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted;
- B. Where applicable, a proposed access drive located on one side of a street shall be aligned so that it is directly across from another access drive or intersection on the opposite side of the street;
- C. One hundred (100) feet from any other access drive located upon the same lot (measured from cartway edges); and,
- D. Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.

301.2. ACCESS MANAGEMENT ALONG ARTERIAL ROADS

Vehicular access for nonresidential land uses along arterial roads (See Section 321) shall incorporate, where practicable, shared access drives among adjoining land uses with interconnected off-street parking lots.

301.3. ACCESS DRIVE WIDTH

The following table specifies various access drive width requirements:

Function	Required Minimum Cartway Width
Two lanes of traffic without parallel parking*	24 feet
One lane of traffic without parallel parking**	12 feet
* Off-street parking lots must be provided in accordance with Section 312 of this Ordinance and the prohibition of on-street parking must be identified along the cartway.	
** The one-way direction of traffic must be identified along the cartway.	

301.4. REQUIRED PERMIT

Any access drive intersecting with a State-owned road shall require the obtainment of a highway occupancy permit from the Pennsylvania Department of Transportation. Any access drive intersecting with a Township-owned road shall require the obtainment of a driveway permit from the Township. Refer to *Benner Township Street Standards Ordinance No. 60*, as amended.

301.5. ACCESS DRIVE CONFIGURATION

For uses requiring a traffic impact study as per Section 324 access drives shall incorporate those features deemed warranted to minimize congestion (e.g. traffic signalization, dedicated turning lanes and signal cycles, acceleration / deceleration lanes, medians, one way access drives, etc.).

SECTION 302 ACCESS TO PROPERTIES & STRUCTURES

- 302.1.** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street that is designed in accordance with Benner Township Street Standards Ordinance, as amended.
- 302.2.** All structures shall be sited on lots in such manner to provide for safe and convenient access for servicing, fire protection, waste collection, required off-street parking and loading spaces. The erection of buildings without approved access shall not be permitted.
- 302.3.** Approved access shall be defined in terms of the Benner Township Street Standards Ordinance, as amended, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings and farms shall be via driveways (see Section 303); access to lots containing other uses shall be via access drives (see Section 301).

SECTION 303 DRIVEWAY REQUIREMENTS (SINGLE-FAMILY DWELLINGS AND FARMS)

303.1. SETBACKS

Driveways shall not connect with a public street within sixty (60) feet of the right-of-way lines of any intersecting streets; except that driveways may connect with a local street as listed in Section 321 of this Ordinance directly opposite another local street or access drive. Driveways shall not connect with a public street within five (5) feet of a fire hydrant. Furthermore, no part of a driveway shall be located within five (5) feet from any adjoining side lot line, except as permitted in Sections 303.5., 303.6., 303.7., and 303.8. of this Ordinance;

303.2. ROAD CLASSIFICATION

Driveway access shall be connected to the street of lesser classification when there is more than one street classification involved;

303.3. REQUIRED PERMIT

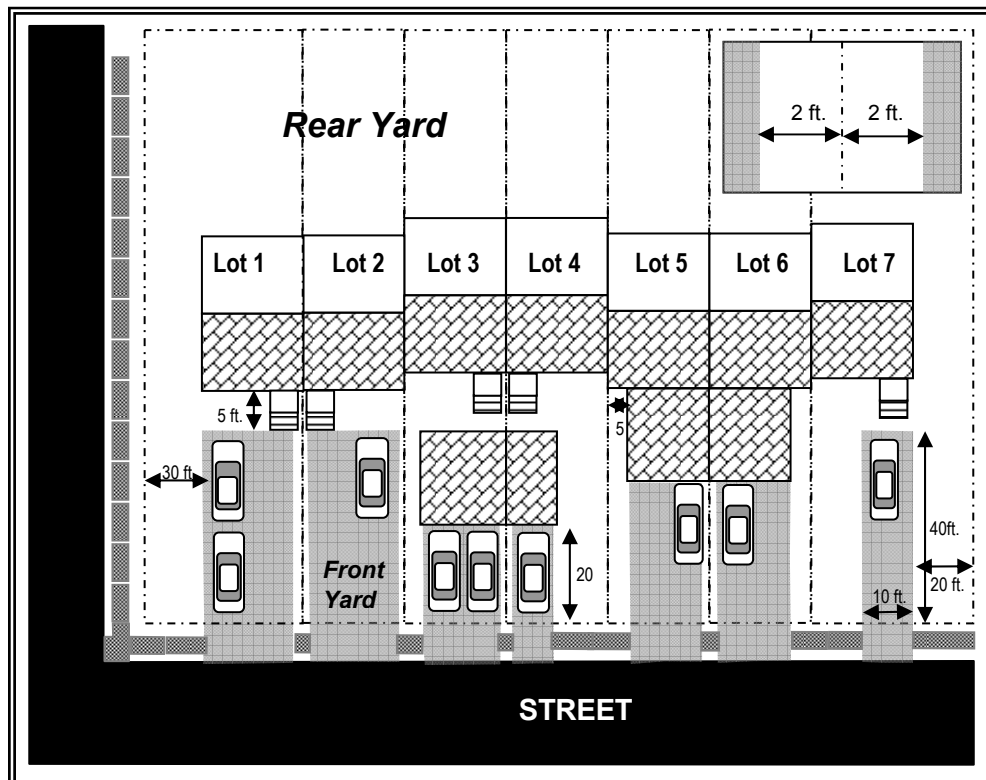
Any driveway intersecting with a State-owned road shall require the obtainment of a highway occupancy permit from the Pennsylvania Department of Transportation. Any driveway intersecting with a Township-owned road shall require the obtainment of a driveway permit from the Township. Refer to *Benner Township Street Standards Ordinance No. 60*, as amended.

303.4. DRAINAGE

Driveways shall be constructed in a manner consistent with the design, maintenance, and drainage of the street;

- 303.5.** Townhouses on individual lots are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following regulations as depicted in the following diagram:

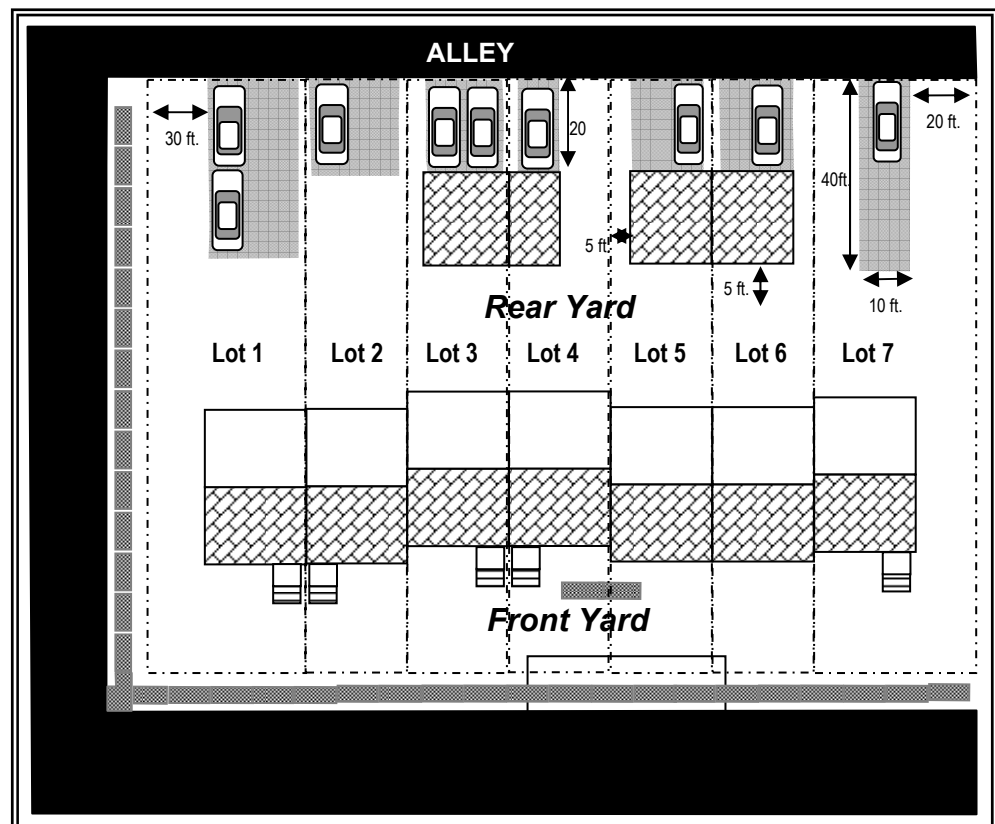
- A. Such driveways must be separate on each lot and shall accommodate at least two (2) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see LOT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage(see LOT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see LOT 3);
- E. Such driveways must be set back at least:
 1. two feet (2') from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6 and see the inset in the above diagram);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 3. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 4. five feet (5') from the closest point of any building other than a garage (see LOT 1).
- F. No individual driveway shall be narrower than ten feet (10') (see LOT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the street right-of-way (see LOT 4);
 2. five feet (5') from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOTS 4 & 5);
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see LOTS 3 & 4); and,
 4. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



303.6. Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways and garages, and comply with the following requirements as depicted in the following diagram:

- A. Such driveways must be separate on each lot and shall accommodate at least two (2) off-street parking spaces;

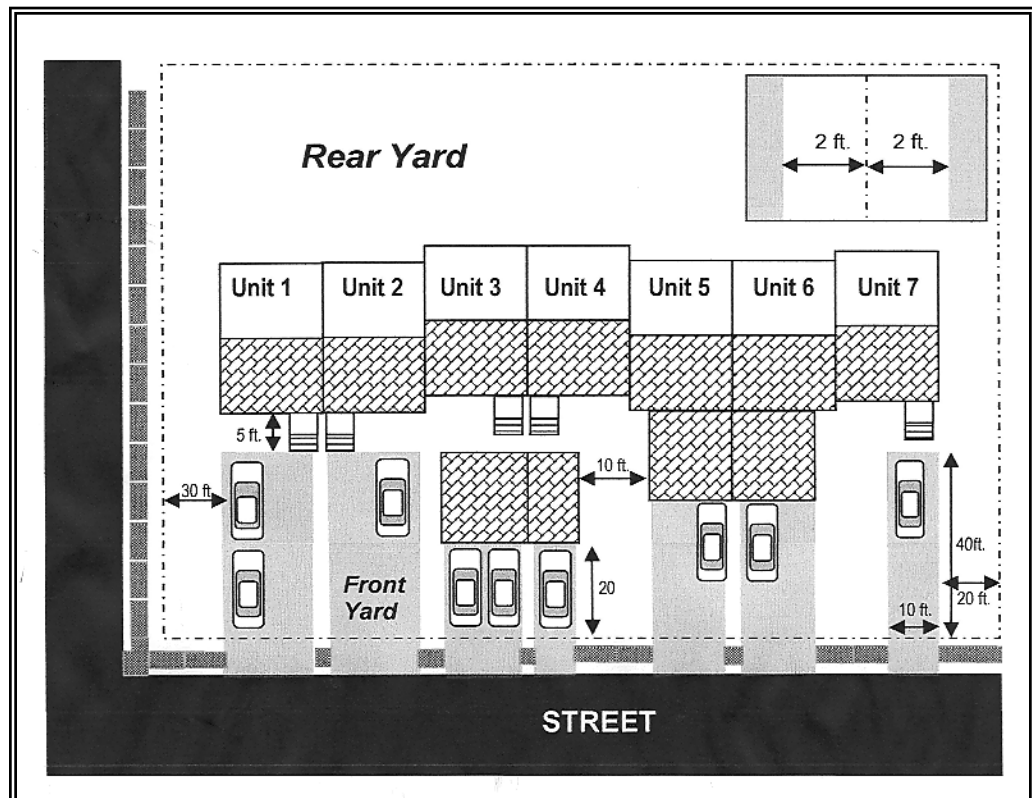
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see LOT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage(see LOT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see LOT 3);
- E. Such driveways must be set back at least:
 - 1. two feet (2') from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6);
 - 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 - 3. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 - 4. five feet (5') from the closest point of any building other than a garage.
- F. No individual driveway shall be narrower than ten feet (10') (see LOT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 - 1. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see LOT 4);
 - 2. five feet (5') from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOT 5);
 - 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see LOT 6); and,
 - 4. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



303.7. Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following requirements as depicted in the following diagram:

- A. Such driveways must be separate for each unit and shall accommodate at least two (2) off-street parking spaces;

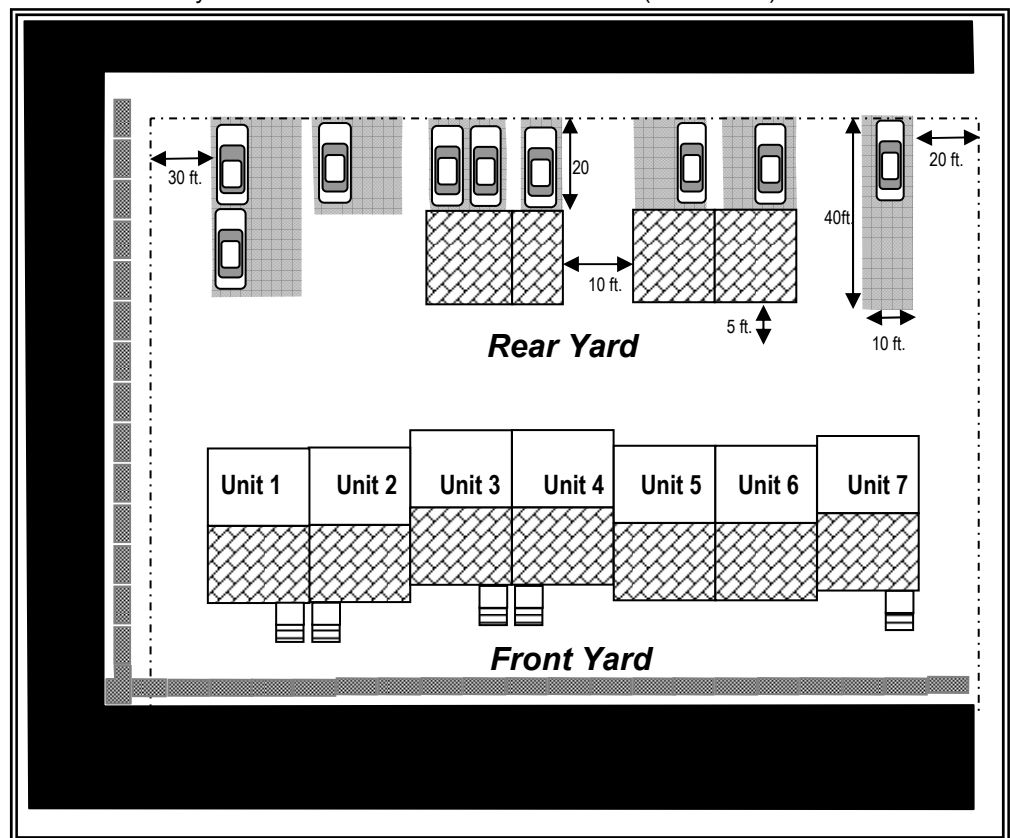
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see UNIT 3);
- E. Such driveways must be set back at least:
 - 1. four feet (4) from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 in the above diagram);
 - 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 - 3. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7); and,
 - 4. five feet (5') from the closest point of any building other than a garage (see UNIT 1).
- F. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 - 1. twenty feet (20') from the street right-of-way (see UNIT 4);
 - 2. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage (see UNITS 4 & 5);
 - 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,
 - 4. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7).



303.8. Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to provide independent access to both required off-street parking spaces, and comply with the following requirements depicted in the following diagram:

- A. Such driveways must be separate for each unit and shall accommodate at least two (2) off-street parking spaces;

- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see UNITS 2 & 3);
- E. Such driveways must be set back at least:
 - 1. four feet (4) from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 and see the inset in the above diagram);
 - 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 - 3. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7); and,
 - 4. five feet (5') from the closest point of any building other than a garage (see UNIT 6).
- F. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 - 1. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see UNIT 4);
 - 2. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage;
 - 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,
 - 4. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7).



SECTION 304

ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

More than one principal use may be established on a single lot only when each use complies with all of the lot area, yard and other requirements of this Ordinance as though it were on an individual lot, and a plan has been recorded in compliance with the SLDO.

SECTION 305 FENCES AND WALLS

- 305.1.** Notwithstanding other provisions of this Ordinance, within the (C, A, R-1, R-2, and MHP) Zones fences and walls are permitted within required yard areas, provided that no fence or wall (except agricultural, required junkyard or tennis court walls or fences, or a retaining walls as noted below) shall be erected to a height of more than:
- A. three (3) feet in a front yard setback area; except that,
 - B. fences and walls erected upon reverse frontage lots may extend up to height of six (6) feet within that front yard that does not contain vehicular access; and,
 - C. eight (8) feet in any side or rear yard.
- 305.2.** Notwithstanding other provisions of this Ordinance, within the (HC, RC, I-1, I-2 and Q) Zone, no fence or wall (except agricultural, required tennis court walls or fences, or a retaining walls as noted below in Section 305.4.) shall be erected to a height of more than ten (10) feet in any yard.
- 305.3.** No fence or wall shall interfere with the required clear sight triangle as listed in the *Benner Township Street Standards Ordinance No. 60*, as amended.
- 305.4.** The use of retaining walls higher than three (3) feet up to a maximum height of twelve feet (12') is permitted, subject to the following findings:
- 1. That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site;
 - 2. That the applicant has submitted written expert evidence from a professional engineer registered to practice within the Commonwealth of Pennsylvania that the proposed retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern and/or underground utility lines nor interfere with their rights-of-way;
 - 3. That the applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and/or vehicle movement areas to ensure adequate vehicle and pedestrian safety; and,
 - 4. That the base of the retaining wall is setback a horizontal distance at least equal to its height from each property line.
- 305.5.** The use of barbed wire and electric fences are expressly prohibited except in the case of agricultural fences used for agricultural purposes.
- 305.6.** Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal.

SECTION 306 FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a

depth equal to the average of the two (2) adjoining lots, provided that in no case shall the front yard be less than twenty (20) feet from an abutting street right-of-way line.

SECTION 307 GRADING PLANS

- 307.1.** Except as noted in Section 513.6. of this Ordinance, any action involving an “area of disturbance” (as defined herein) shall require the submission of an individual lot grading plan to the Zoning Officer as part of the zoning permit review and approval process. Such individual lot grading plan shall be prepared by a professional registered engineer, landscape architect or professional land surveyor. Furthermore, any area of disturbance proposed subsequent to the approval of a prior individual lot grading plan and as-built plan that was not depicted on a prior individual lot grading plan shall require submission of a revised individual lot grading plan and as-built plan and issuance of another zoning permit.
- 307.2.** The Zoning Officer shall refer the individual lot grading plan to the Township Engineer who shall review it in accordance with generally accepted engineering standards and principles. Upon approval of the individual lot grading plan by the, Township Engineer, the accompanying zoning permit may be issued by the Zoning Officer, provided the proposed actions and uses comply with Section 513 and all applicable provisions of this Ordinance.
- 307.3.** Individual lot grading plans shall (unless authorized by prior written approval by the Zoning Officer because of the large size of the property) be drawn at a scale not smaller than 1 inch equals 20 feet (1"=20'). Individual lot grading plans shall include the following information:
- A. The name and address of the applicant;
 - B. All property lines and the lot area calculation;
 - C. A North reference and scale bar;
 - D. The street address and lot number shown on the subdivision plan of record, if applicable;
 - E. The footprints of all existing and proposed structures, with labeled distances thereof from all lot lines;
 - F. Graphic depiction of the applicable front, side and rear yard setbacks, easements, rights-of-way, and other applicable restriction lines. Where any existing or proposed structure does or will encroach upon an applicable setback, easements, rights-of-way or other restriction line, the lot grading plan shall list the date of receipt of the variance to allow the reduced setback distance and the applicant shall attach a copy of said decision with the lot grading plan;
 - G. The size and location of all existing and proposed easements, rights-of-way, utilities (including locations of all percolations of primary and secondary on-lot sewage disposal systems, where applicable), streets, curbs, sidewalks, driveways, access drives, drainage facilities (pipes, swales, etc.), and other improvements on or abutting the lot. For corner lots, a dimension shall be given from the centerline of any proposed driveways and/or access drives to the centerline of the parallel street and the clear sight triangle easement shall be drawn;
 - H. Any existing and proposed restrictions on structures or use of the lot;
 - I. The existing and proposed contour elevations (and an associated benchmark within 200 feet of the lot) at intervals of not greater than two (2) feet. If the lot was created or established pursuant to, or is shown on any Township-approved subdivision and/ or land development plans, the proposed contour elevations should generally conform with those

shown on the most recently Township-approved grading plan for such approved subdivision and/ or land development plans, in particular along the perimeter of the lot, unless revised contour elevations are pre-approved in writing by the Zoning Officer;

- J. Identification of areas with existing slopes of 15%-25% and greater than 25%, with a tabulation of the total areas and proposed disturbed areas for each of these two slope categories; and
- K. The proposed elevations for the garage floor at the overhead door and first floor, top of foundation, top of grade at the foundations, and finished street along the points of the proposed ingress to the lot. Also, proposed basement floor elevations for walkout basements.
- L. The plan shall depict all mature trees (six [6] inches or greater in diameter measured at four and one-half [4.5] feet above ground) proposed for removal in accordance with Section 516 of this Ordinance.
- M. The individual lot grading plan shall contain pre- and post-construction sedimentation and erosion control measures and stormwater management plans, and shall demonstrate the adequacy of said measures and plans in relation to the Benner Township Stormwater Management Ordinance.

SECTION 308 HEIGHT LIMIT EXCEPTIONS

308.1. Except as relating to light poles for outdoor recreation as listed in Section 309.6.L. of this Ordinance, the height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line, are not used for habitable floor space, comply with applicable FAA regulations, comply with Section 240 of this Zoning Ordinance and are constructed in accordance with the prevailing Uniform Construction Code:

- A. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, clock or bell towers, spires, steeples, belfries, cupolas, monuments, dormers, satellite dishes, electrical transmission lines and structures, conveyors, derricks, skylights, solar energy collectors and other similar structures;
- B. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances;
- C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,
- D. Church or school roofs.

308.2. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use; and,

308.3. In lieu of this section, telecommunications towers, wireless communication facilities, and similar antennae shall be subject to the regulations of Section 436 of this Ordinance.

SECTION 309 LIGHTING REQUIREMENTS

309.1. PURPOSES

This Section is enacted for the following purposes:

- A. To establish requirements for outdoor lighting installations which promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting;
- B. To protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting installations located on adjacent properties and roadways;
- C. To prohibit outdoor lighting installations which are of excessive intensity and/or are deficient of photometric control such that the resulting glare and light trespass create a nuisance to pedestrians, cyclists, or motorists on neighboring properties and roadways;
- D. To promote outdoor lighting installations which serve to enhance the nighttime safety and enjoyment of pedestrians, cyclists, and motorists throughout the community;
- E. To set forth outdoor lighting requirements which are consistent with lighting industry standards and practices, available technologies, and the lighting sciences.

309.2. APPLICABILITY

The requirements of this Section 309 shall apply to the following outdoor lighting installations:

- A. Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Ordinance;
- B. Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this Ordinance, and which involve the complete replacement of an existing lighting system with a new lighting system.
- C. Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Ordinance, the new fixture must meet the standards of this Section.

309.3. NON-APPLICABILITY

- A. The requirements of this Section shall not apply to, nor be retroactive to, existing outdoor lighting installations which began operation before the effective date of this Ordinance. Routine maintenance of said existing outdoor lighting installations shall not be required to comply with the requirements of this Section. Routine maintenance activities include the following:
 - 1. Replacement of lamps that are burned-out or inoperative.
 - 2. Replacement/repair of damaged or inoperative fixture components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.
- B. The standards of this section 309 shall not apply to the following:
 - 1. Temporary holiday lighting. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - 2. Civic Event Lighting. This Section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - 3. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, or other federal, state, county or municipal agencies, to include streetlights within the public right-of-way.
 - 4. Outdoor lighting fixtures required by law enforcement, fire and rescue, or other

emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.

309.4. ADOPTIONS BY REFERENCE

- A. Unless superseded by requirements listed in this Section 309 of this Ordinance, the "IESNA Lighting Handbook," most recent edition, as published by the Illuminating Engineering Society of North America (IESNA), is hereby adopted by reference and made a part hereof as if fully set out in this Section. The publication is on file in the Township Office.
- B. Unless superseded by requirements listed in this Section 309 of this Ordinance, the publication, a copy of which is on file in the Township Office, being marked and designated as "American National Standard, Nomenclature and Definitions for Illuminating Engineering", most recent edition, as published by the Illuminating Engineering Society of North America (IESNA) and approved by the American National Standards Institute, Inc. (ANSI), and referred to in this Section as "The ANSI/IESNA Lighting Definitions," is hereby adopted by reference and made a part hereof as if fully set out in this Section.

309.5. DESIGN CALCULATIONS IN ACCORDANCE WITH THE IESNA LIGHTING HANDBOOK

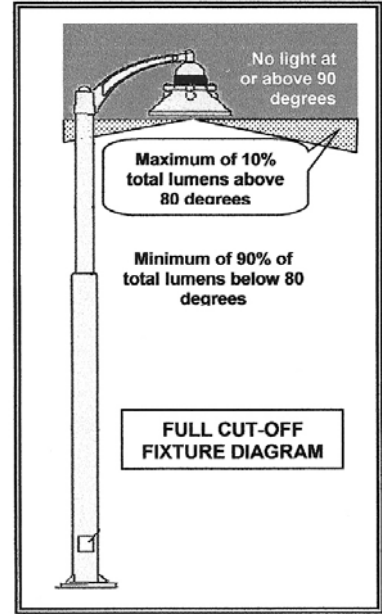
In addition to the specific requirements established in this Section, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Illuminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.

309.6. PERFORMANCE STANDARDS.

- A. In the (C, A, R-1, R-2, and MHP) Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property within the (C, A, R-1, R-2, and MHP) Zones or from the public street. The light source shall be downcast, hooded, shielded or controlled so as not to light adjacent property in excess of the maximum intensity as defined below. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
- B. In the (HC, RC, I-1, I-2 and Q) Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property or from the public street.
 - 1. Use of Full Cutoff Fixtures Required. Except as noted below in Sections 309.6.B.1.c. and d., all fixtures employed in outdoor lighting installations shall be the full cutoff fixture type.
 - a. The candlepower distribution classification of the fixture as a cutoff type shall be in accordance with the ANSI/IESNA Lighting Definitions and the IESNA Lighting Handbook. The manufacturer of the fixture shall provide certification of the cutoff classification based on photometric testing performed in accordance with the IESNA Lighting Handbook and the applicable testing procedures referenced therein. The requirement for the use of full cutoff fixture types shall include, but is not limited to, the following outdoor area and roadway lighting configurations:
 - i. Pole-mounted fixtures.

- ii. Fixtures mounted on the exterior of buildings and structures.
- iii. Fixtures mounted on or within exterior canopies of buildings and structures.
- iv. Pedestal-or bollard-mounted fixtures.

- b. Full cutoff fixtures shall be mounted plumb and level in accordance with the intended application of their design. For the purposes of this requirement, the center of the downward angle of the fixture (zero degree vertical angle of the candlepower distribution) shall be oriented plumb and the vertical angle of 90 degrees above the horizon shall be oriented level. Full cutoff fixtures shall not be installed in a canted or tilted position which permits candlepower distribution above the horizontal.



- c. Fixtures which do not meet the strict definition for full cutoff fixtures, yet employ advanced or alternative technology which causes the photometric performance to approach that of full cutoff fixtures, may be approved by the Township, on a case-by-case basis. Such fixtures include, but are not limited to, period-style fixtures with refractive globes and internal cutoff reflectors.
- d. Fixtures with a total initial lumen output of 10,000 lumens or less shall be permitted for decorative, accent, or supplementary lighting applications provided that glare shields are incorporated which cut off the candlepower distribution at and above the horizontal (level).

C. Illumination Levels

Outdoor lighting, where required by this or any other applicable Ordinance, or provided on property within the Township shall be provided within the range of permitted lighting levels as specified in the following table.

Required Lighting Levels			
Use	Measurement in Footcandles		
	Minimum	Average	Maximum
Local Street, where lighting is provided	0.2	0.4	2.4
Collector and arterial streets, where lighting is provided	0.2	0.9	5.4
Residential off-street parking lots (under 50 spaces)	0.2	0.8	3.0
Residential off-street parking lots (over 50 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (under 50 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (50-100 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (over 100 spaces)	0.5	2.0	7.5
Off-street loading areas	2.0	10	20

Required Lighting Levels			
Use	Measurement in Footcandles		
	Minimum	Average	Maximum
Walkways and bikeways at hazards (stairways, tunnels, bridges, elevation changes, ramps, obstructions and curves, etc.)	0.1	NA	2.0
Building entrances and signs	0.5	NA	2.0
Building facades, monuments, fountains & similar features	0	NA	5
Parks and athletic courts/ fields.*	As recommended by the IESNA.		
*Park and recreation lighting also subject to the requirements of Section 309.6.L. of this Ordinance.			

D. Intensity

No light source or combination thereof which cast light on a public street shall exceed a meter reading of one (1) footcandle as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent residential property exceed one tenth (0.1) footcandle as measured at the property line or one (1.0) footcandle on an adjacent non-residential property.

E. Method of Measuring Light Intensity

The footcandle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.

F. Height

The maximum height above the ground grade permitted for light sources mounted on a pole is twenty-five (25') feet. A light source mounted on a building shall not exceed the height of the face of the building to which it is attached or twenty-five feet (25') whichever is less. No light sources shall be located on the roof unless said light enhances the architectural features of the building.

G. Location

The light source of an outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case less than 10' from a street right of way and 5' from all side or rear lot lines.

H. Hours

Outdoor lighting, which serves commercial or industrial uses that do not operate after dark must be turned off one-half (1/2) hour after closing except for, approved security lighting in accordance with the following Section 309.6.I. For those commercial or industrial uses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the commercial or industrial use is open for service. Once the commercial or industrial uses closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.

I. Security Lighting

In all Zones, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed a maximum average illumination of twenty-five percent (25%) that level required in Section 309.6.C. of this Ordinance. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed a maximum illumination of five (5) footcandles.

J. Illumination Under Outdoor Canopies

Under-canopy lighting, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The illumination in the area directly below the canopy shall not exceed 20 average footcandles and the maximum shall not exceed 30 footcandles. Outdoor canopies include, but are not limited to, the following applications:

1. Fuel island canopies associated with service stations and convenience stores.
2. Exterior canopies above storefronts in shopping centers and malls.
3. Exterior canopies above driveways and building entrances.
4. Pavilions and gazebos.

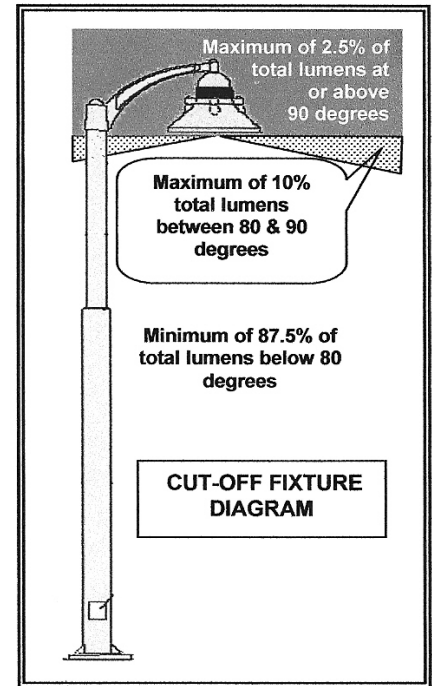
K. Billboards and Signs

The lighting of new, or relighting of existing, billboards and signs shall be subject to the following requirements:

1. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. Lighting shall be by linear fluorescent. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during nighttime.
2. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
3. The illumination of existing billboards (new billboards are prohibited) shall be limited to the I Zone and the illumination of billboards within four hundred (400') feet of a residential use or (R-1, R-2, and MHP) shall not be permitted.
4. The maximum illumination on the face of an externally illuminated billboard or sign shall not exceed 30 footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
5. Rotating, traveling, pulsing, flashing, animated, "marching" or oscillating light sources, lasers, beacons, or strobe lighting shall not be permitted except within the Industrial Zone and not within five hundred (500) feet of a signalized traffic intersection, a residential use or a (R-1, R-2 and MHP) Zone.
6. Animated signs incorporating LCD, LED, plasma, CRT, pixelized lights or other

animated and/or video-like displays shall be limited to the (HC, RC, I-1, I-2 and Q) Zones and shall comply with the requirements of Section 323.3.N. of this Ordinance.

7. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
8. Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting .



L. Outdoor Recreation

No lighting of recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. The nighttime illumination of outdoor recreational facilities for baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. The following requirements shall apply to the lighting of outdoor recreation facilities:

1. Lighting shall be accomplished only through the use of fixtures conforming to IESNA cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.
2. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM.
3. Maximum mounting heights for recreational lighting shall be in accordance with the following:

Outdoor Recreation Activity	Maximum Mounting Height
Basketball	20'
Football	70'
Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports	70'
Baseball 200' Radius	60'
Baseball 300' Radius	70'
Golf Driving Range	30"
Miniature Golf	20'
Swimming Pool Aprons	20'

Outdoor Recreation Activity	Maximum Mounting Height
Tennis	20'
Track	20'

4. Off street parking areas for outdoor recreation uses, which are illuminated, shall meet the requirements stated in Section 309.6.C. of this Ordinance
5. In addition to the normal lighting plan submission requirements listed in Section 309.8. of this Ordinance, applications for illuminating recreational facilities shall also contain the following:
 - a. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties within two hundred (200) feet of the subject property.
 - b. Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - c. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.
 - d. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - e. A narrative describing the measures proposed to achieve minimum off-site disturbance.

309.7. PROHIBITIONS

No search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall be permitted.

309.8. SUBMISSION OF LIGHTING PLANS

Where site lighting is required by this Ordinance, is otherwise required by the Township, or is proposed by the applicant, lighting plans shall be submitted for review and approval. The submission shall contain the following in addition to other required data for the specific permit:

- A. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
- B. Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required, the angle of the cutoff or light emissions, etc.).
- C. A point-by-point illuminance-grid plot on 10' x 10' centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section.
- D. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to

minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

- E. When requested by the Township, the Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of footcandle values at specific off-site locations (e.g., bedroom windows of adjacent residential uses, street centerlines and etc).
- F. Required Plan Notes - The following notes shall appear on the Lighting Plan:
 - 1. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
 - 2. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Ordinance and as otherwise agreed upon by the Township, and if appropriate, to require remedial action at no expense to the Township.

SECTION 310 MINIMUM HABITABLE FLOOR AREA

310.1. All dwelling units must conform to the minimum habitable floor area following:

- A. Single-family, duplex, quadraplex and townhouse dwelling units: seven hundred (700) square feet per dwelling unit.
- B. Multi-family dwellings and conversion apartments: four hundred (400) square feet per dwelling unit.

SECTION 311 NOISE STANDARDS

All uses shall comply with the Benner Township Noise Ordinance as may be amended.

SECTION 312. OFF-STREET PARKING

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

312.1. APPLICABILITY

- A. **New development.** Hereafter, all newly constructed structures and shall provide off-street parking in conformance with this Section of the Zoning Ordinance.
- B. **Existing development.** Structures and land uses in existence at time of adoption of this ordinance shall be regulated as follows:
 - 1. Parking spaces and lots shall not be subject to the requirements of this section as long as the kind of or extent of use is not changed, the tenant area is not remodeled greater than fifty percent (50%) at one time or the structure is not expanded, otherwise the regulations contained herein shall take precedence.
 - 2. Whenever there is an alteration, expansion or change of use which increases the number of parking spaces required, the total additional parking required for the alteration or expansion shall be provided in accordance with the regulations contained herein. If the number of additional number parking

spaces amounts to a 50% increase or greater above the existing parking spaces, then the entire parking lot shall be brought into conformance with the regulations contained herein.

3. Any additional parking shall not exceed the maximum parking requirements for a use or structure as a whole.
4. Any expansion or change of use shall not decrease the number of parking spaces below what is required.

312.2. REQUIRED PARKING SPACES.

Parking spaces shall be provided for each individual use whether on multiple or individual lots as follows:

- A. **Number of.** Parking spaces shall be provided as listed below in the Required Parking Table in an amount equal to or greater than that listed unless the use(s) also have maximums. In such cases, the number of parking spaces shall not exceed that listed except for parking spaces that do not increase impervious coverage such as pervious parking (see Section § 312.5.B. of this Ordinance) or deck parking.

COMMERCIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Maximum of One Parking Space for Each
Automobile, truck, trailer, bus, and recreational vehicle repair and washing facilities	¼ service and/or washing bay (i.e. 4 per bay)	100 square feet of gross floor and ground area devoted to repair and service facilities.
Automobile, boat, and trailer sales	500 square feet of gross indoor and outdoor display areas	
Banks and similar financial institutions.	350 square feet of gross floor area	250 square feet of gross floor area
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area	250 square feet of gross indoor and outdoor display areas
Convenience stores	200 square feet of gross floor area	100 square feet of gross floor area
Drive-thru and/or fast-food restaurants	100 square feet of gross floor area	50 square feet of gross floor area
Food markets and grocery stores	250 square feet of gross floor area	200 square feet of gross floor area
Fuel dispensing use as a principal or accessory use	1 parallel spaces arranged in a stacked configuration for each fuel dispensing location.	2 parallel spaces arranged in a stacked configuration for each fuel dispensing location.
Funeral homes	4 seats of legal occupancy plus one per each vehicle kept on premises.	NA
Furniture sales	500 square feet gross floor area	250 square feet of gross floor area
Hotels, motels	1.1 per guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)	1.25 per guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)
Mini-warehouses	10 units plus one per 250 square feet of office space, plus two per any resident manager	NA
Nightclubs	100 square feet of gross floor area	50 square feet of gross floor area

COMMERCIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Maximum of One Parking Space for Each
Office buildings	350 square feet of gross floor area	250 square feet of gross floor area
Clinics and professional offices of veterinarians, physicians, dentists, opticians, counselors and etc.	250 square feet of gross floor area	NA
Retail services (e.g. barbers, beauticians, masseuse, tanning salon, tattoo parlor, photographer, etc.)	1.5 spaces per practitioner or service station whichever produces the greater number	3 spaces per practitioner or service station whichever produces the greater number
Retail stores or shops (except those listed above)	350 square feet of gross floor area	250 square feet of gross floor area
Restaurants and taverns	100 square feet of gross floor area	50 square feet of gross floor area
Shopping centers or malls	350 square feet of gross floor area	250 square feet of gross floor area
Other commercial buildings	350 square feet of gross floor area	250 square feet of gross floor area
Auditorium, banquet, church, theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes	Four (4) seats. For uses without permanent seats, 35 square feet of are used for assembly purposes
Conference, and meeting facilities	100 square feet of gross floor area	50 square feet of gross floor area

INDUSTRIAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts
Shops for contractors (e.g. plumbing, heating, air conditioning, electrical, electronic, roofing, flooring, glass and windows, insulation, carpentry and cabinet-making)	350 square feet of office GFA plus 1 per 2000 sq. ft. of enclosed maintenance, repair and storage areas
Other industrial uses	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number

RECREATION USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Amusement arcades	80 square feet of gross floor area
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields, without spectator seating.	(12 per field)
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields with spectator seating	(12 per field) plus one (1) per each four (4) seats of spectator seating

RECREATION USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Basketball and volleyball courts without spectator seating	(8 per court)
Basketball and volleyball courts with spectator seating	(8 per court) plus one (1) per each four (4) seats of spectator seating.
Bowling alleys, billiards rooms	4 per lane/table and one per each two employees
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	2 per hole, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	One per tee and one per employee
Gymnasiums without spectator seating	(8 per court)
Gymnasiums with spectator seating	(8 per court) plus one (1) per four (4) seats of spectator seating.
Miniature golf courses	2 per hole and one per employee
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating
Picnic areas	Per table
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or racquetball clubs	4 per court, plus one per employee plus 50% of the spaces normally required for accessory uses

RESIDENTIAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Single-family detached dwellings, two-family conversions, and conversion apartments	Two spaces per dwelling unit
Duplexes and townhouses	Two spaces per dwelling unit
Boarding houses, group homes, bed and breakfasts, orphanages, dormitories, rectories and etc.	Bedroom
Multiple-family, dwellings	three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.

SOCIAL AND INSTITUTIONAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Maximum of One Parking Space for Each
Auditorium, banquet, church, theater, and other such places of public assembly	Six (6) seats. For uses without permanent seats, 50 square feet of are used for assembly purposes	Four (4) seats. For uses without permanent seats, 35 square feet of are used for assembly purposes

SOCIAL AND INSTITUTIONAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Maximum of One Parking Space for Each
Conference, and meeting facilities	Four (4) seats. For uses without permanent seats, 35 square feet of are used for assembly purposes	NA
Clubs, lodges and other similar places	Four seats	
Nursing, rest or retirement homes	Three accommodations (beds)	
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.	
Museums, art galleries, cultural centers, libraries	800 square feet of gross floor area	
Rehabilitation centers (without overnight accommodations)	One per each employee and per each three people anticipated to be handled through the facility.	
Day care centers	350 square feet of gross floor area	
Schools below grade ten, including kindergarten	500 square feet of gross floor area	
Schools, tenth grade and above, including colleges with on-site housing for a majority of students enrolled	Three students of maximum permitted enrollment capacity	
Colleges that do not offer on-site housing for a majority of students enrolled	1.5 students of maximum permitted enrollment capacity	
Vocational training and adult education facilities	1.5 students of maximum permitted enrollment capacity	
Emergency services	2 spaces per service vehicle plus one per 350 square feet of GFA	

B. **Spillover Parking.** Residential uses shall also provide parking for visitors, service vehicles, emergency vehicles and other similar type of vehicles as follows:

- (1) The parking may be provided directly adjacent to the dwelling unit or within the development itself at a central point(s) such as a parking lot.
- (2) Single-family house are exempt from the spillover parking requirement if the house is located on a street with on-street parking.
- (3) The number of parking spaces for spillover parking shall be provided as follows:

Use	Required Spillover Spaces
Single-family house and patio homes	0.5 space per home
Duplexes and townhouses	0.5 space per DU
Multi-family (apartment and condominiums)	
for first 10 units,	0.25 spaces per DU
11th -50th units, and	0.2 spaces per DU
for the remainder of units	0.1 spaces per DU
Group living facilities	0.15 spaces per person based on Maximum Design Capacity

- C. **Accessory dwelling units.** Single-family homes and commercial buildings which also contain an accessory dwelling unit shall be required to provide one additional parking space in addition to the required parking (including spillover).
- D. **Outdoor seating areas.** Outdoor seating for eating and drinking establishments must provide required parking.
- E. **Excessive parking.** Any parking lot(s) which exceeds the number of minimum parking spaces as listed in the table above by 120%, required shall also provide one of the following:
- (1) An outdoor amenity such as a plaza, fountain, courtyard, or similar public gathering space including benches, trash receptacles, etc in an amount equal 270 square feet times the number of parking spaces exceeding 120% of the minimum number of parking spaces required,
 - (2) All parking above 120% of that required number of parking spaces shall be pervious,
 - (3) At least twenty-five percent (25%) of the total number of required parking spaces shall be located in the rear yard of the proposed use,
 - (4) Use of Rain Gardens/Bioretenion areas within and around the parking lot to convey, treat and capture stormwater runoff with limited ponding depth (no more than six inches for aesthetics and rapid draw down) and planted vegetation tolerant of hydrologic variability, salts and environmental stress (including that which is required by Section 312.23. of this Ordinance.
- F. **Multiple uses on a single lot.**
- (1) The total number of parking spaces required for two or more uses on the same lot shall be the sum of that required for each use.
 - (2) Some reduction in the total number of parking spaces based on the mix of uses may be permitted pursuant to Section 312.2.I.(2).
- G. **Handicapped parking spaces.**
- Refer to the Americans with Disabilities Act as amended for additional design criteria. If a conflict exists between these requirements for handicapped accessible spaces and the Americans with Disabilities Act regulations, the stricter shall apply.
- H. **Fleet parking.** Businesses which own a fleet of vehicles must provide separate parking above and beyond that required above. For the purposes of this section a fleet shall refer to a business which utilizes three or more motorized vehicles parked on site for the sale, distribution and/or provision of goods and services.
- I. **Reductions in required parking**
- The number of parking spaces required pursuant to Section 312.2.A. may be reduced as follows:
- (1) Drive thrus. Nonresidential uses which utilize either a drive thru window or drive-up service bays may be permitted to reduce their overall parking requirements as follows:

Type of Facility	Parking reduction
Bank with drive thru lane(s)	1-2 lanes: 25% reduction 2+ lanes: 35% reduction
Fast Food Restaurant with Drive-thru	35% reduction
Automatic car wash	50% reduction
Self-service car wash	75% reduction
Drive-thru retail (such as beer distributors or pharmacies)	1-2 lanes: 25% reduction 2+ lanes: 35% reduction
Fuel Sales Only*	75% reduction

** No other retail items or services offered accept those that are incidental to the sale of fuel*

- (2) Mixed-use developments. Cumulative parking requirements for mixed-use occupancies or shared facilities may be reduced where it can be determined that the peak requirements of the several occupancies occur at different times (either daily or seasonally). In all cases, a shared parking operations plan must be prepared to the satisfaction of the Township showing that parking spaces most conveniently serve the land uses intended, directional signage is provided if appropriate, and pedestrian links are direct and clear. Three methods for determining a parking reduction for mixed use developments are as follows:
- (3) Intermittent and seasonal uses. When required parking reductions are predicted as a result of sharing between intermittent or seasonal uses with nonconflicting parking demands (e.g. a church and a bank), then the reduction can be considered for approval by the Township without demand calculations or a parking study. Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.
- (4) Parking occupancy rate table. When the parking reduction has been shown to be feasible by using the demand calculations as determined by the Occupancy Rate Table below, the applicant shall submit a parking demand summary sheet showing the process for calculating the reduction as outlined in this section. (Note: The default rates from the Occupancy Rates table are set to include a small "safety margin" of parking beyond that minimally needed to serve an average peak demand. Therefore a local study of parking demand may yield a greater reduction in parking required.)
 - (a) The minimum number of parking spaces that are to be provided and maintained for each use shall be determined based on standard methods for determining minimum parking requirements per use at a particular site pursuant to Section 312.2.A.
 - (b) The gross minimum number of parking spaces shall be multiplied by the "occupancy rate" as found in the Occupancy Rate Table below (or as determined by a study of local conditions through a parking generation study), for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively.

Parking Occupancy Rates

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/ Warehouse /Industrial	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

This table defines the percent of the basic minimum needed during each time period for shared parking.

- (c) The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period.
- (d) The greatest of the aggregative gross minimum numbers of parking spaces for each period shall be determined with the parking requirement set at such level.
- (5) Parking Generation Study. If the developer proposes uses not covered in the table above or feels there is another compelling reason to reduce the number of parking spaces required then the reduction may be permitted pursuant to Section 312.3. of this Ordinance (Parking Generation Study.). The Township shall determine based on recommendation from planning commission and information provided through the parking study the appropriate number of parking spaces.
- (6) Individual Uses. Certain uses which do not fall into the category of mixed uses and/or possess some unique circumstance in which the traditional parking requirements cannot meet the needs of the proposed use, a Parking Generation Study may be performed to study the potential for reducing the overall parking requirements pursuant to 312.3. of this Ordinance.
- (7) Parking guarantee. In order to achieve any of the above listed parking reductions, the developer must also meet the following requirements:
 - (a) The land development/subdivision plan shall guarantee that the owner will provide the additional required spaces on-site at request of the Township.
 - (b) The Township may require the developer to build the additional required parking with the following steps:
 - i. Within the first two years of initial occupancy all parking reductions are provisional. Upon thorough investigation by the Township of the actual use of parking spaces at the development, the Township may modify or revoke the

reduction.

- ii. After the initial two year period, the Township must document insufficient parking supply by showing occupancy rates over ninety-five percent (95%) for a least two consecutive hours on at least three separate days within a single month.
 - iii. In either case above, the Township shall follow the following steps to require the additional parking whether in part or in whole.
- (c) The property owner must be notified via certified mail noting the reason for requiring the additional parking and the amount to be built.
- I. The property owner shall be given at least 30 days to respond either in writing or through attendance of a Board of Supervisor meeting.
 - II. If the property owner disagrees with the Township request, they shall be granted an additional 60 days within which they shall provide information as to why there is sufficient parking. A meeting shall be advertised and conducted in accordance with public notice as defined herein.
 - iii. Upon decision of Board of Supervisors to require the parking spaces, the property owner shall be required to complete such installation as is practically expedient and in no case shall exceed nine months to commence construction with completion within one year.
- (d) A property owner who has received a parking reduction may build the additional parking at any time given that the approved land development plan showing the parking reserve area is developed accordingly.
8. Parking space requirement reductions which may be permitted by Board of Supervisors shall have the following additional requirements:
- (a) An area equivalent to that of the amount of space needed to provide the minimum number of required parking spaces pursuant to Section 312.2.A. shall be reserved somewhere upon the site.
 - (b) Said reservation shall be accounted for within the stormwater management plan for the development or have the ability to expand the stormwater management facilities upon the need to build more parking.
 - (c) Said reservation shall be designed to Township standards for the remaining number of required parking spaces and shall be shown on the plan. The portion of the parking area not required to be built shall be noted as such and will be developed as a parking area when required by the Township or developer.

312.3. PARKING GENERATION STUDY

A local parking demand analysis shall be prepared by a qualified parking or traffic consultant,

a licensed architect, city planner, or urban planner or civil engineer, which substantiates the basis for granting a reduced number of spaces. Board of Supervisors, upon recommendation of the Planning Commission shall determine the appropriateness of the parking reduction based on the local parking study, which shall take into account the following four factors:

- A. **Occupancy rates of similar uses.** Parking surveys shall determine parking occupancy rates of morning, afternoon and evening peaks on the seven different days of the week. The seven days of observation may take place over the span of two consecutive, typical weeks. In the case of new construction or addition of new uses, the surveys shall observe another circumstance with similar mixed uses. A combination of similar circumstances may be necessary to cover all the proposed land uses. The approximate square footages of the various land uses of the specimen projects shall be compared to the proposed project to allow the ratios of uses to be rated accordingly. In the case of an enlargement, or substitution of existing uses, the surveys shall document the occupancy rates of the existing parking facility.
- B. **Proximity and convenience factors** - The following factors may influence the Township's approval of the parking reduction figures:
 - (1) Distance between sharing uses and the parking facility,
 - (2) Pedestrian connections among sharing uses and the parking facility,
 - (3) Vehicular connections,
 - (4) Whether parking will be paid,
 - (5) Location – proximity to downtown State College or Pennsylvania State University or other similar institution.
 - (6) Proximity to major transit corridors or stations,
 - (7) Special trip reduction programs, such as subsidized vanpooling, transit, shuttle or telecommuting, and/or
 - (8) Need for any reserved parking spaces. (Parking spaces to be shared cannot be reserved for specific uses or individuals except during off-peak hours.)
- C. **Captive market parking requirements.** Parking requirements for retail, restaurant, hotel, convention and conference uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (e.g., employees of area offices patronizing restaurants) located within a maximum walking distance of five hundred (500) feet. Parking requirements may be reduced by up to ten percent (10%) as appropriate. Whenever practical, such a reduction should be supported by surveys at similar establishments.
- D. **Limited number of visitors and customers.** For those uses in which parking demand is primarily from employees with limited number of visitors or customers such as warehousing, manufacturing plants and office uses, parking may be reduced to a number equal to one hundred thirty percent (130%) of the number of employees on the largest shift.

312.4. SITE PLAN APPROVAL.

- A. Each application for a Zoning Permit for a use that requires off-street parking spaces shall include a site plan drawing showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required here below.
- B. No Zoning Permit shall be issued for any use for which off-street parking spaces are required unless the site plan has been approved or necessary variances have been

obtained.

312.5. SURFACING

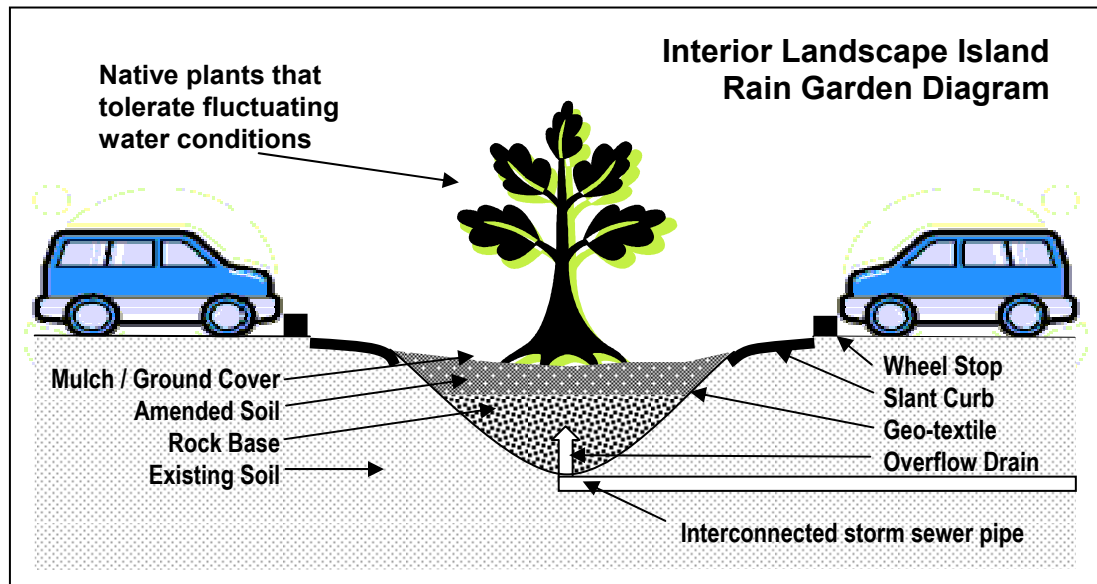
- A. **Required spaces.** All parking lots (including spaces and aisles) shall be constructed and maintained with a paved surface of concrete or bituminous materials, unless another dust-free surface is approved by the Board of Supervisors.
- B. **Pervious pavement.** Non-required parking or that which exceeds the permitted maximum number of parking spaces may be constructed using pervious paving materials pursuant to the following:
 - (1) The property owner shall supply to the Township all pertinent manufacturer information.
 - (2) A maintenance program shall be submitted to the Township for review and approval. Maintenance requirements shall include but are not limited to the following:
 - (a) Pervious areas shall be kept free of debris.
 - (b) Pervious areas shall be monitored to ensure dewatering between storms.
 - (c) Sediment buildup shall be removed as needed.
 - (d) The surface area shall be periodically inspected for deterioration, erosion, damage or spalling, and repaired in a timely manner.
 - (e) Vegetated areas of the pervious pavement system shall be kept in a healthy state, free of bare, muddy areas and maintained according to the manufacturer's recommendations.

312.6. SEPARATION FROM STREETS AND SIDEWALKS

Parking spaces shall be guarded by curbs wheel stops, or other protective devices, which shall be arranged so that parked cars cannot project into streets, yards, or walkways.

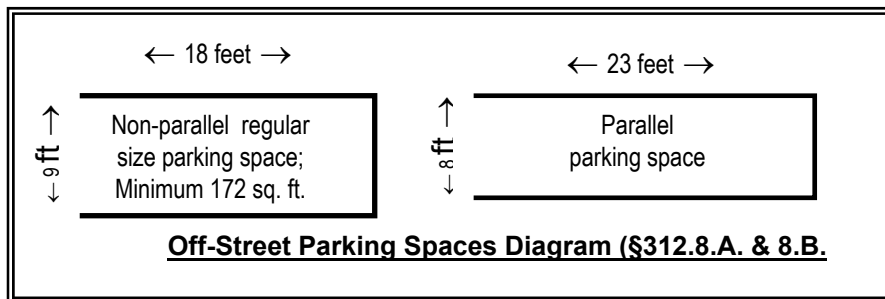
312.7. DRAINAGE & GRADING

- A. Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township in accordance with the Benner Township Stormwater Management Ordinance.
- B. In areas where excessive cut and fill is required for parking lot development, terraced parking shall be considered in order to reduce visual expansiveness.
- C. Applicants are encouraged to utilize rain gardens/bioretenention within the interior landscape islands and front, side and rear yard landscape strips. The use of rain gardens/bioretenention shall require a scattered location of interior landscape islands and/or peripheral landscape strips all of which must include interconnected drains with the site's stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations. The Board of Supervisors may authorize the deviation from any of the design standards contained within Section 312 and 322 of this Ordinance when an applicant can prove, through expert evidence, that the requirements of such Sections prevent the use of parking lot rain gardens to efficiently manage stormwater runoff.



312.8. PARKING SPACE SIZES

- A. Within an off-street parking lot, each parking space for passenger vehicles (except those spaces dedicated for use by handicapped persons) shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.
- B. Where parallel parking is proposed, parking spaces shall be delineated by painted lines and shall have a minimum width of eight (8) feet as measured from the curb or cartway edge and a minimum length of twenty-three (23) feet as measured along the curb or cartway edge.



312.9. PARKING SPACES FOR DISABLED PERSONS.

All uses shall comply with the Americans with Disabilities Act (or successor regulation) which shall supersede the requirements of this Section 312.

312.10. INTERIOR DRIVES

- A. Driveways between rows of parking spaces shall have the minimum widths shown:

Angle of Parking	Width of Drives: One-Way Traffic	Width of Drives: Two-Way Traffic
90 Degrees	24 feet	24 feet
60 Degrees	20 feet	24 feet
45 Degrees	15 feet	24 feet
30 Degrees	12 feet	24 feet
Parallel	12 feet	24 feet

- B. Interior drives in areas where there is no parking permitted shall be at least twelve (12) feet wide for each lane of traffic.
- C. The maximum permitted length of interior drives between rows of parking spaces shall be two hundred (200) feet. Facing interior landscaped islands can be used to break-up long interior drives greater than be two hundred (200) feet.

312.11. MARKING OF PARKING SPACES AND INTERIOR DRIVES

- A. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives prior to occupancy. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white reflective traffic line paint, or equivalent.
- B. In the event parking lots are not marked as required by this section, the Township may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law.

312.12. REQUIRED HORIZONTAL RADII

Not less than a five (5) feet radius of curvature shall be permitted for horizontal curves in parking areas.

312.13. DEAD END PARKING SPACES

All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.

312.14. LIGHTING

Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 309 of this Ordinance.

312.15. STRUCTURES.

Utility poles, light standards and similar structures shall not be permitted within any aisle or parking space. Any structure located elsewhere within a parking lot shall be surrounded on all sides abutting the spaces or aisles by a curb four inches high minimum, separated from the structure by at least three feet, the distance to be measured from the broadest point on each side exclusive of any portion greater than 10 feet from the ground.

312.16. ISLANDS.

- A. Except in those instances where rain gardens and/or bio-retention stormwater facilities are integrated within a parking lot, raised islands shall be installed at the ends of all parking rows abutting an aisle or drive. In addition, when parking rows incorporate more than 10 parking spaces in a continuous row, a raised island shall be incorporated within the parking row for every 10 parking spaces. The raised islands shall be bordered by a curb four inches high minimum wherever it abuts a space or aisle and shall be 10 feet wide and extend the length of the parking space and/or row.
- B. Brick, block, cobblestone, sawn wood blocks or other similar material shall be used as surface material for islands where foot traffic is anticipated. These shall be installed on a permeable base in a manner to allow water percolation into the ground. Where foot traffic is not a consideration, any of these paving materials or landscaping may be used. Impermeable material, such as cement and bituminous concrete, should not be used.
- C. Utility poles and light standards are permitted within the raised islands, provided that they are separated from the spaces and aisles as required in Section 312.6. of this Ordinance.
- D. Islands shall be a minimum of five (5) feet wide and five feet long in any direction.

312.17. ACCESS DRIVE REQUIREMENTS

Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 301 of this Ordinance and the *Benner Township Street Standards Ordinance No. 60*, as amended specify other requirements for access drives.

312.18. SPEED BUMPS AND TRAFFIC CALMING DEVICES

- A. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
- B. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
- C. There shall be a warning sign posted at each entrance to a parking area having speed bumps.
- D. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches.
- E. Speed bumps and traffic calming devices shall be setback at least fifty (50) feet from the street right-of-way of any local, marginal access or collector road and at least one hundred (100) feet from the street right-of-way of any expressway or arterial road.

312.19. PROHIBITED USES OF A PARKING LOT

Parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

- A. The sale, display, or storage of automobiles or other merchandise, except as otherwise permitted by this Ordinance;
- B. Parking vehicles accessory to the use;

- C. Performing services (including services to vehicles);
- D. The placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items or materials; or,
- E. Loading and unloading purposes except during hours when business operations are suspended.

312.20. INDEPENDENT VEHICLE ACCESS

Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All commercial and industrial use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.

312.21. LOCATION

All parking spaces shall be provided on same premises except that, if the required number of parking spaces cannot be reasonably provided on the premises, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another property subject to the following requirements:

- A. The proposed off-site location for the off-street parking spaces is located within the same Zone as the principal use;
- B. The proposed off-site location for the off-street parking spaces is located within one hundred fifty feet (150') of the premises containing the principal use;
- C. Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Zoning Hearing Board;
- D. The applicant provides written evidence of a binding agreement in a form acceptable to the Township Solicitor that ensures ongoing use and access to the off-site parking spaces; and,
- E. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.

312.22. BUS STOP

Where provided, bus stops shall be located and designed to permit the safe discharge and collection of occupants of the bus at the use within the lot. Bus stops shall be linked with a safe means of pedestrian access to the principal use of the property.

312.23. LANDSCAPING AND SCREENING REQUIREMENTS

For the purposes of determining required landscape strips and interior landscaping required by this Ordinance, all parking spaces within a joint parking lot shall be combined. The following landscaping and screening requirements shall apply to all parking lots:

- A. Front Yard Landscape Strip - When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire streetline. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. This landscape strip may be located within any

other landscaped strip required to be located along a street. The following lists required minimum width of landscape strips:

Number of Parking Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width Measured In Feet From the Street R.O.W. Line*
Less than 100	10
100-250	20
Over 250	25
*or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip.	

B. Side and Rear Yard Landscape Strips - Unless otherwise indicated, all off-street parking lots shall be surrounded by a minimum ten (10) foot wide landscape strip within the rear yard.

C. Interior Landscaping

- (1) Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, any parking lot, or portion thereof, containing twenty (20) or more parking spaces, shall devote a minimum of ten percent (10%) of the total area of the lot to interior landscaping.
- (2) Such interior landscaping shall be used:
 - a. at the end of parking space rows and to break up continuous rows of parking spaces at least every ten parking spaces;
 - b. adjoining and to help visually define travel lanes through or next to the parking lot; and,
 - c. to provide for a minimum six (6) feet wide landscape island that extends the full length of adjoining parking space rows at intervals of no less than every four (4) rows of parking spaces.
- (3) Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
- (4) For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.
- (5) Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) mature shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level;
- (6) Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang;
- (7) If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot;

- (8) Parking lot perimeter open spaces, landscaped islands, continuous landscaped strips and grass swales with shade trees, as required, may be designed as stormwater infiltration/detention areas in accordance with Section 312.7. of this Ordinance.
- D. Screening - When a parking lot is located on property which is adjacent to a (C, A,, R-1, R-2, and MHP) Zone, the parking lot shall be screened from the adjoining residential property in accordance with Section 322 of this Ordinance. In addition all parking spaces within, under or on top of buildings, parking structures or on ramps shall be screened from public view. At street level, a landscape screen shall be provided. All floors or levels above the street shall be screened by walls, fences or other improved materials.

312.24. MAINTENANCE.

All off-street parking lots, including landscaping, aisles, islands and drives, shall be maintained in good condition and kept free of litter and trash. All required plant material which dies shall be replaced seasonally.

312.25. RECREATIONAL VEHICLES, BOATS, CAMPERs, TRAILERS AND TRUCKS

- A. Within any Zone, the parking of one such vehicle is permitted upon the driveway, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines. All areas used for the parking of vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
- B. Within the (C or A) Zone the storage of one such vehicle that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle, shall be permitted in the side or rear yard, so long as the unit is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.

312.26. PARKING OF COMMERCIAL TRUCKS

Within the (C, A, R-1, R-2, and MHP) Zones the parking of commercial trucks and heavy equipment is prohibited except that within the (A) Zone, the parking of no more than one (1) commercial truck with a gross vehicle weight of no more than 26,000 pounds (Class VIII) is permitted upon farms and residential properties, subject to the following conditions:

- A. The parking of a commercial truck upon a residential property is limited to a vehicle operated by the occupant of the residence and must be located within a completely enclosed garage unless the site has at least two (2) acres. No such parking space therein be leased to a non-resident of the lot.
- B. One (1) commercial truck may be parked or stored upon a farm where the use of such vehicle is not incidental to the use of the premises but is driven by an occupant of the farm. No business, occupation, or service shall be conducted therein.
- C. Any driveway used for commercial truck access shall have a minimum inside turning radius of fifty (50) feet.

- D. The driveway upon which a commercial vehicle is parked must have sufficient area for a truck turnaround so that the vehicle can enter and exit the site in a forward direction.
- E. The commercial truck must be parked behind the front building setback line or at least one hundred (100) feet, whichever is the lesser distance.
- F. Any driveway used for commercial truck access shall have a minimum one hundred (100) foot paved apron as measured from the street right-of-way.
- G. Commercial motor vehicles or commercial trailers of any kind or type without current license plates and current inspection stickers shall not be parked or stored upon any property other than in a completely enclosed garage or other accessory building. This requirement shall not apply to implements and other vehicles not normally used as conveyances on the public streets.

SECTION 313. STACKING LANES AND DRIVE-THRUS

313.1. Uses that employ drive-thru windows or drive-thru service bays shall provide stacking lanes as follows:

- A. Stacking lanes shall be designed and located as to not interfere with the utilization of required ingress/egress to the site, parking spaces and associated drive aisles.
- B. At a minimum, stacking lanes shall be at least nine and one-half feet wide and at least sixty (60) feet in length unless otherwise noted in the table below:

Type of Facility	Minimum Stacking Distance Required	Measured From
Drive-up Bank Teller Lane	1-2 lanes: 80'feet 2+ lanes: 60' feet	Teller Window
Fast Food Restaurant with Drive-thru	120 feet (at least 80 feet between pick-up window and order box)	Pick-up window
Automatic car wash	100 feet per wash line	Car wash entrance
Self-service car wash	60 feet per wash line	Car wash entrance
Automobile service station	60' lanes per service island	center of pump island
Drive-thru retail (such as beer distributors)	1-2 lanes: 80'feet 2+ lanes: 60' feet	front of drive up lane

SECTION 314 OFF-STREET LOADING SPACES

314.1. WHEN REQUIRED

Compliance with this Section 314 shall be required prior to the occupancy of any building or use that requires off-street loading. Off-street loading spaces shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

- A. a new use is established,
- B. the use of a property or building is changed such that more loading space is required, and
- C. an existing use is enlarged such that more loading space is required.

314.2. SITE PLAN APPROVAL

- A. Each application for a Zoning Permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this Section.
- B. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

314.3. SURFACING

All off-street loading spaces, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.

314.4. LOCATION & ORIENTATION

Except as provided elsewhere, a ground-level off-street loading space may only be located in any side or rear yard. No off-street loading space is permitted between a building and an adjoining street right-of-way. No exterior portion of an off-street loading space (including access drives) shall be located within fifty (50) feet of a (C, A, R-1, R-2, and MHP) Zone. Whenever possible, no exterior portion of an off-street loading space (including access drives) shall be located on the face of a building facing any adjoining land in the (C, A, R-1, R-2, and MHP) Zones.

314.5. CONNECTION TO STREET

Every off-street loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide, exclusive of curb returns and gutters.

314.6. SEPARATION FROM STREETS, SIDEWALKS, AND PARKING LOTS

Off-street loading spaces shall be designed so that there will be no need for service vehicles to back onto streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots or with the free movement of vehicles and pedestrians on the site and over a public street.

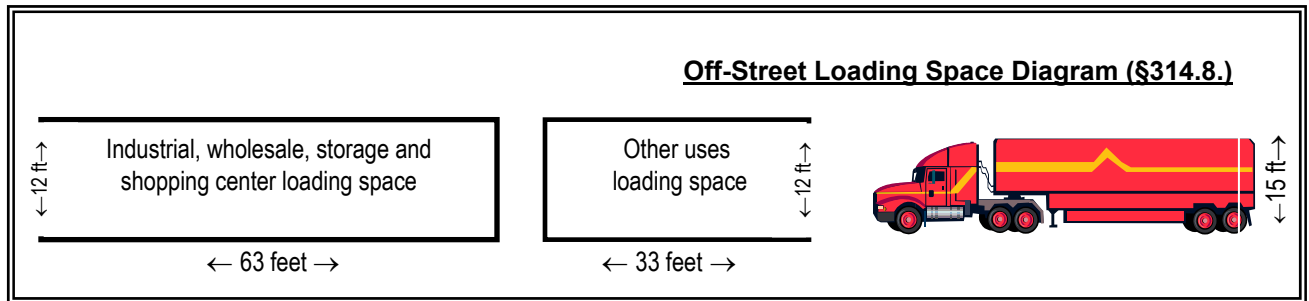
314.7. DRAINAGE

Off-street loading space (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading space shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

314.8. REQUIRED OFF-STREET LOADING SPACE SIZES

Off-street loading spaces shall have a rectangular shape with not less than the following dimensions, excluding access drives, entrances, and exits. Angled spaces will need to be longer to achieve the rectangular shape.

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale and Storage Uses and Shopping Centers	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet



314.9. ACCESS

Off-street loading space shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed and constructed such that it will not be necessary for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks, orientation and screening.

314.10. LIGHTING

Adequate lighting shall be provided if the off-street loading space is to be used at night. The lighting shall comply with Section 309 of this Ordinance.

314.11. LANDSCAPING AND SCREENING REQUIREMENTS

Unless otherwise indicated, all off-street loading spaces shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading spaces shall be screened from adjoining areas in the (C, A, R-1, R-2, and MHP) Zones and all adjoining public streets.

314.12. LOADING AREA MARKINGS

All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior drives. As a minimum, the lines of all off-street loading spaces and interior drives (including directional arrows) shall be in a color typically suitable for such markings and shall be at least four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control truck parking and to direct vehicular circulation.

314.13. SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES

The schedule of required off-street loading spaces is as follows:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or

Type of Use	Number Spaces Per	Gross Floor Area
		fraction)
Hotel	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per principal use	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet of gross floor area	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)

SECTION 315 PUBLIC TRANSIT FACILITIES

315.1. A public transit facility shall be required, built and maintained as follows:

A. A transit facility shall be provided at the following types of new developments:

- (1) Nonresidential development which includes two hundred thousand (200,000) square feet of gross floor area.

- (2) Residential development which includes two hundred fifty (250) dwelling units or greater.
 - (3) Stadiums and arenas with five thousand (5,000) or more seats.
 - (4) Existing development proposed for expansion where the GFA, dwelling unit or number of seats will exceed the thresholds listed above.
- B. A required transit facility shall include covered shelters with seating, lighting and trash receptacles. Bus pull-offs shall also be provided if the facility is proposed to be located along an arterial or collector street as listed in Section 321 of this Ordinance.
 - C. If a proposed development is not located adjacent to public transit service and the public transit agency will not serve the development within three years of completion of the final phase of the proposed development then the developer shall be exempt from this requirement.

SECTION 316 ON-LOT SEWAGE DISPOSAL SYSTEM REQUIREMENTS

316.1. TWO DISPOSAL SITES REQUIRED

- A. For uses that will not be served by public or community sewage disposal systems, no lot shall be created or built upon and no subdivision or land development plan shall be approved unless and until primary and secondary on-lot sewage disposal sites are located and approved by the Township Sewage Enforcement Officer pursuant to all applicable regulations;
- B. No subdivision or land development plan shall be approved and recorded unless and until said plan and any deeds relating thereto are marked with the metes and bounds descriptions of the approved primary and secondary on-lot sewage disposal sites. The locations of the approved primary and secondary sites shall be depicted by a rectangle enclosing the tested area, and shall depict the exact locations of failed and passing percolation holes, soil probes by number, limiting zone depth in inches for each soil probe, and the percentage of slope over the tested area with an arrow depicting slope direction. Where one or more of the proposed lots contain an existing dwelling or other structure with an on-lot sewage disposal system, an approved secondary site shall be located and described as a condition of approval;
- C. The owner and/or developer of any lot, subdivision or land development that are subject to the requirements of this Section 316, shall cause each plat, plan, deed, agreement of sale and/or any other document offering the lot for sale, lease or other transfer to be annotated with a notice in the form of a restrictive covenant, approved by the Township, to the buyer, tenant, or other party in interest advising of, and enforcing, the requirements of this Section. Such covenant shall protect the secondary on-lot sewage disposal site from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the secondary on-lot sewage disposal site is activated due to malfunction of the initial disposal site;
- D. The notice required by Section 316.1.C. shall state to the effect that there exist primary and secondary on-lot sewage disposal sites and that the secondary site shall be protected from use and not disturbed in any manner which would impact its intended use/ until such time as it is necessary to construct a second on-lot sewage disposal system. Said notice shall specifically refer to this Section and any other documents or materials/ including but not limited to deeds, deed restrictions, restrictive covenants, land development plans, and similar documents, which identify or relate to the secondary site.

316.2. MINIMUM LOT AREA

Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site. Such determinations will be made by the PA DEP, through its sewer module review process. The applicant shall prove that the amount of land needed is the minimum necessary for such protection to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site.

316.3. REQUIRED MAINTENANCE

Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems in accordance with the Township On-Lot Sewage Disposal Ordinance, once it is adopted.

SECTION 317 OPEN SPACE REQUIREMENTS

317.1. In those instances where open space is required elsewhere in this Ordinance, or when an applicant proposes the use of open space, such open space shall comply with the following:

317.2. REQUIRED OPEN SPACE DESIGN

Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

- A. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);
- B. Protection of important historical and/or archaeological sites;
- C. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township; and,
- D. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.

317.3. OWNERSHIP AND MAINTENANCE

An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through any of the following:

- A. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
- B. With permission of the Township, and with an appropriate conservation easement as specified in Section 317.4. of this Ordinance, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and/or,
- C. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform

Condominium Act, 68 Pa. C.S. § 3101 et seq, or the Pennsylvania Planned Community Development Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:

1. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
2. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
3. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

317.4. PERMANENT PROTECTION OF COMMON OPEN SPACE

Required common open space shall be subject to permanent conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board of Supervisors, prohibit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie solely with the Board of Supervisors.

SECTION 318 OPERATIONS AND PERFORMANCE STANDARDS

318.1. REQUIRED COMPLIANCE WITH APPLICABLE REGULATIONS

- A. All uses within the Township shall operate in compliance with all applicable State and Federal regulations. Performance standards identified herein are applicable to all land uses, existing and/or proposed, in all Zones of Benner Township.
- B. No use, or premises in any Zone shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element; in any manner or amount as to adversely affect the surrounding areas as described herein.
- C. Notwithstanding the laws and regulations of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and any other State and/or Federal regulations, the standards contained herein shall be utilized by Benner Township as regulatory controls on land use.
- D. These standards shall be utilized in the evaluation of all zoning applications, zoning enforcement activities, subdivision plan proposals, and land development plan proposals, where applicable.
- E. These standards shall also be utilized as regulatory measures in the evaluation of existing land uses and activities conducted thereon. Compliance with these standards shall be demonstrated on a continuous basis and shall be enforced by the Zoning Officer.

- F. Property owners and/or proprietors who have been cited for any violation(s) of the performance standards identified in this Ordinance shall be responsible for all costs incurred by the Township through its professional consultants and administrative staff in their performance of background investigations, legal proceedings, retributions, and rectification measures.
- G. The following lists Township regulations and other known governmental regulations associated with various land uses and their impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

318.2. AIR POLLUTION, AIRBORNE EMISSIONS, AND ODOR

- A. The Pennsylvania Air Pollution Control Act, enacted January 8, 1960, and as amended, in conjunction with "Chapter 131 -Ambient Air Quality Criteria" and "Chapter 123 - Standards for Contaminants" of "Article III Title 25 - Rules and Regulations" of 1971, as amended, of the Pennsylvania Department of Environmental Protection shall be considered as minimum standards for the control of smoke, dust, fumes, and emissions and shall control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases and odors.
- B. No use shall discharge contaminants to the air in excess of the limits prescribed herein, or as may be amended and/or created by State and/or Federal laws, rules, and regulations, unless such measures shall be utilized as prescribed by applicable the regulatory agency.
- C. There shall be no emission into the atmosphere of visible gray smoke of a shade darker than No.1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines or successor agency. Visible gray smoke as dark as No.2 on the said chart may be emitted if permitted by State and/or Federal regulatory controls for a period or periods totaling no more than four (4) minutes within any given eight (8) hour period. These provisions shall apply to smoke of other colors having an equivalent apparent opacity.
- D. No use shall discharge particulate matter into the atmosphere from incinerators in excess of 9.1 grains per cubic foot of gas at standard conditions corrected to twelve (12) percent carbon dioxide, except as may be designated under specific contaminants and as regulated by State and/or Federal regulatory controls.
- E. Open burning is not permitted unless such burning is consistent with the provisions and restrictions of all codes, regulations, and ordinances adopted by Benner Township.
- F. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the property line of the use generating such odor. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table L "Odor Thresholds in Air" contained in the publication "Research on Chemical Odors: Part I - Odor thresholds for 53 Commercial Chemicals, " October 1968, Manufacturing Chemists Association, Inc., Washington, D. C. and as may be amended.

318.3. ELECTRICAL, DIESEL, GAS OR OTHER POWER

"Rules and Regulations" of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. Every use requiring electrical, diesel, gas or other power source shall be so operated that any service lines, substation, shall conform to the highest applicable safety requirements, be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant, and concealed from abutting residential properties or adjoining (C, A, R-1, R-2, and MHP) Zones.

318.4. FIRE AND EXPLOSIVES

- A. It is the responsibility of each property owner and/or tenant to ensure that his/her use does not jeopardize the public health, safety, and welfare of the Township because of potential explosive, fire, and/or hazardous condition.
- B. All activities and all storage of flammable and explosive materials shall be provided with safety devices against hazards of fire and explosion along with adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by State and Federal regulations.
- C. All explosive material shall conform to the requirements of Chapter 211, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations for Storage, Handling, and Use of Explosives.

318.5. GLARE AND HEAT

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those lighting standards listed in Section 309 of this Ordinance. No use shall produce heat above the ambient temperature that is perceptible beyond subject property.

318.6. MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL

- A. All principal commercial, industrial, institutional, and health-care related uses shall be required to provide written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:
 - a. the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
 - b. the Pennsylvania Solid Waste Management act (Act 97);
 - c. the Federal Emergency Management Act;
 - d. the Federal Superfund Amendment and Reauthorization Act;
 - e. the Pennsylvania Hazardous Materials Emergency Planning and Response Act; and,
 - f. the Pennsylvania Low-Level Radioactive Waste Disposal Act.
- B. No flammable or explosive liquids, solids, or gases shall be stored above ground, except within receptacles which meet all local, State, and/or Federal regulations unless restricted or prohibited by other regulatory controls contained within this ordinance.
- C. All storage facilities for fuel stored outdoors shall be enclosed by a security fence and screened from adjoining roads and properties.
- D. All storage facilities for fuel stored outdoors shall be located in accord with any State and/or Federal regulatory requirements for separation distances.
- E. Highly flammable or toxic or hazardous or explosive liquids, solids, or gases shall be stored above-ground in leakproof double walled containment vessels which accommodate testing for leaks and all such containment vessels and facilities shall be suitably screened by natural plantings so that they are not visible from lot lines.

- F. No substance which has the potential to contaminate groundwater or surface waters shall be permitted to be stored outdoors unless the property owner and/or proprietor provides safeguards from potential contamination satisfactory to the Township based upon State and Federal requirements.
- G. No materials or wastes shall be stored or deposited upon a lot in such form or manner that they:
 - 1. may be transferred off the lot by natural causes or forces;
 - 2. can contaminate a stream or watercourse;
 - 3. render a stream or watercourse undesirable as a source of water supply or recreation;
or,
 - 4. will destroy aquatic life.
- H. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to vermin shall be stored only if enclosed in containers which are adequate to eliminate such hazards.
- I. All uses must properly dispose of wastes in accordance with all applicable laws and regulations. Except as provided for in Section 461 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
- J. Within the (C, A, R-1, R-2, and MHP) Zone and/or upon any property used for a principal residence, the use of dumpsters and or other portable storage containers and pods is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of dumpsters and or other portable storage containers and pods for permanent storage and/or waste containment is expressly prohibited. The use of dumpsters and or other portable storage containers and pods shall not exceed ninety (90) days during any calendar year and only following the obtainment of a zoning permit. Such containers must be located so as not to block any required clear sight triangles and be at least ten (10) feet from all lot lines. The Zoning Officer may issue one time extension to the zoning permit, if the applicant can demonstrate that the nature of the proposed activity:
 - 1. is ongoing;
 - 2. is making reasonable progress;
 - 3. requires additional time; and,
 - 4. has a definitive ending date identified by the applicant beyond which the use shall cease.

318.7. MINE RECLAMATION AND OPEN PIT SETBACK

Pennsylvania Act No. 1984-219, the "Noncoal Surface Mining Conservation and Reclamation Act," as well as any and all regulations that may succeed or replace these regulations.

318.8. NOISE POLLUTION

"Rules and Regulations" of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with the Benner Township Noise Ordinance, as may be amended.

318.9. RADIATION. RADIOACTIVITY ELECTRICAL INTERFERENCE

“Rules and Regulations” of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations.

318.10. SEWAGE AND OTHER WASTE DISPOSAL

“Rules and Regulations” of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those applicable standards listed in Section 316 of this Ordinance.

318.11. VIBRATION

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, no use shall create vibration that is perceptible beyond the subject property or produces a peak measurement of 0.002g from either seismic or electronic vibration detection devices.

318.12. WATER POLLUTION

The Clean Streams Law, June 3, 1937 P.L. 1987, 35 P.S. 691.1 as amended, as well as any and all regulations that may succeed or replace these regulations.

SECTION 319 OUTDOOR STORAGE AND DISPLAY REQUIREMENTS

319.1. SHOPPING CART STORAGE

For grocery stores and other stores containing grocery departments, variety stores, home improvement and building supply stores, and other uses that provide shopping carts for use by customers, the outdoor storage and collection of shopping carts is permitted subject to the following.

- A. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot.
- B. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
- C. Shopping cart storage and collection areas shall be situated to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront.
- D. Signage for shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Ordinance.

319.2. SEASONAL SIDEWALK DISPLAYS

- A. The location of such outdoor displays shall be limited to sidewalks, under canopies, and other areas immediately in front of the building/storefront. The stacking or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide.
- B. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).

- C. In no case shall such sidewalk display area exceed fifty (50) percent of the linear area of the storefront. For example, a storefront two hundred (200) feet long could have a sidewalk display directly in front of the store with a maximum length of one hundred (100) feet.
- D. No signage, except as authorized by this Ordinance, shall be permitted.
- E. The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permit applications and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size.

319.3. SPECIAL EVENT SALES

- A. Areas used for special event sales displays shall be sited to comply with the setback requirements for a principal structure or principal use, whichever is greater.
- B. Special event sales may be located within the parking lot, provided that such location does not contribute to congestion within the parking lot and upon the access drives that provide direct access to public roads. Within parking lots, such display areas shall be clearly delineated from the adjoining parking lot by the use of identifiable barriers (such as tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted insofar that the remaining parking spaces available for use are greater than or equal to the number of such spaces required for the principal use by this Ordinance.
- C. The area devoted to special event sales displays shall not exceed twenty (20) percent of the gross leasable floor area of the use(s) conducting the special event sale.
- D. In shopping centers, special event sales shall be jointly held by all of those occupants of the shopping center that wish to participate. No individual occupants of a shopping center shall be permitted to conduct separate special event sales.
- E. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address or lighting systems shall be used that produce glare or noise impacts discernable at, or beyond, the property line.
- F. Signage for special event sales shall comply with the applicable requirements contained within this Ordinance.

SECTION 320 PROJECTIONS INTO YARDS

- 320.1.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size, lot coverage, or building coverage.
 - A. Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, and similar features) provided that any single such feature does not exceed five (5) square feet in external area, when viewed in plan view.
 - B. Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height.
 - C. Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five (5) feet into any yard nor

come within three (3) feet of any property line.

SECTION 321 ROAD CLASSIFICATIONS

For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

Roadway Classifications			
Interstates	Arterials	Collectors	Locals
Road Names and Numbers			
Interstate Route 99	E. College Ave (SR 0026) Benner Pike (SR 0150) Buffalo Run Road (SR 0550) Rock Road)T-376) Fox Hill Road (SR 3005)	Valley View Road (SR 3006) Seibert Road	All roads not otherwise listed.

SECTION 322 SCREENING AND LANDSCAPING REQUIREMENTS

322.1. REQUIRED LANDSCAPE PLAN

For uses with off-street parking lots that require the approval of a land development plan, the applicant shall submit a landscape plan prepared by a landscape architect or professional engineer registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of this Ordinance and the SLDO. Such plans shall include, but not be limited to, details depicting:

- A. Landscape buffers and screens used to protect adjoining properties, R-1, R-2 and/or MHP Zones and streets;
- B. Screening used to prevent the spillage of headlights onto adjoining properties;
- C. Typical interior landscape island treatments;
- D. Typical landscape strip treatments;
- E. Typical screening treatments; and,
- F. Landscape treatments at access drives' intersections with streets.

322.2. YARD GROUNDCOVER

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

322.3. LANDSCAPING REQUIREMENTS

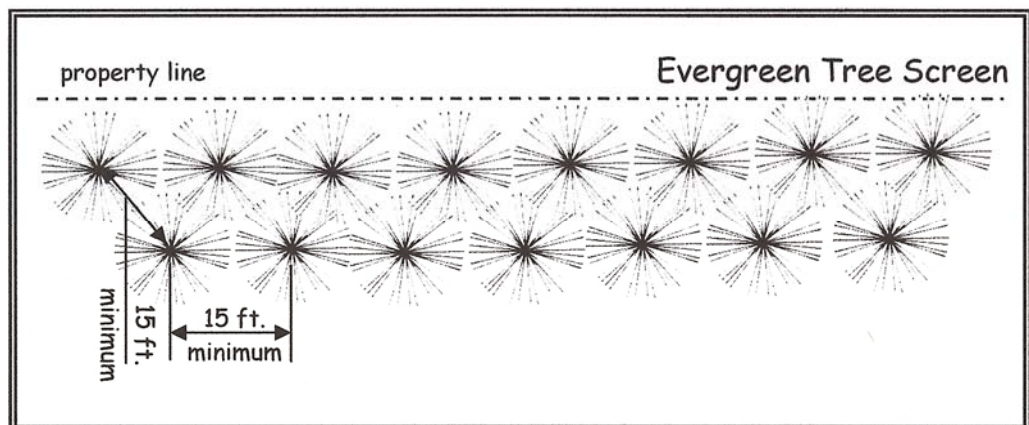
- A. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than

eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.

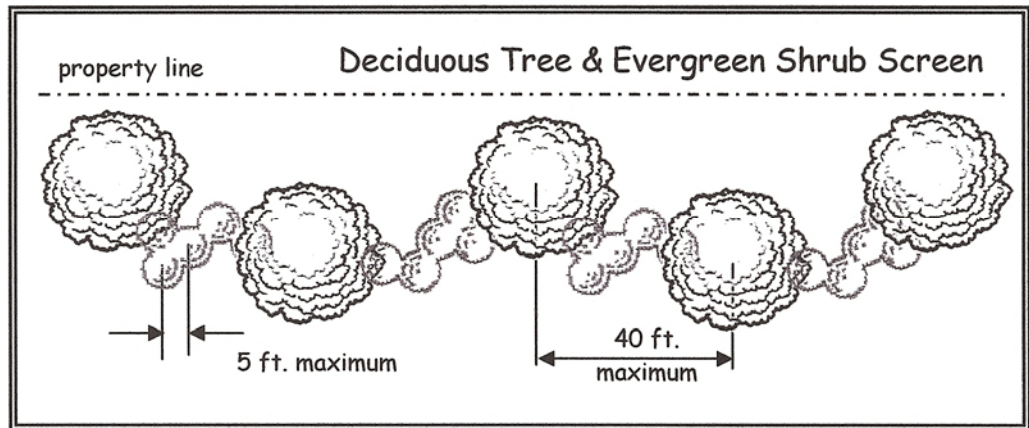
- B. For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. Deciduous trees shall have a clear trunk at least five (5) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;
- C. Interior landscaping within off-street parking lots shall be provided in accordance with Section 312.23.C. of this Ordinance. For every three hundred (300) square feet of interior landscaping required (parking lots), at least one mature deciduous shade tree shall be provided. Such trees shall have a clear trunk at least five (5) feet above finished grade; and,
- D. Those landscape strips and/or screens that are located at the periphery of a property shall include a continuous planting of low-level vegetation that can act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any clear sight-triangle as regulated in the SLDO and/or the *Benner Township Street Standards Ordinance No. 60*, as amended.

322.4. SCREENING

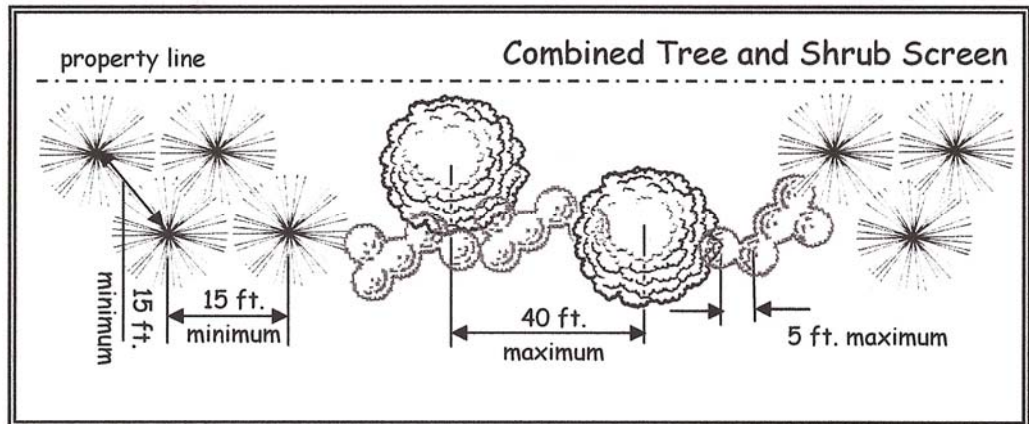
- A. Such screening shall be located as specified. When no location is specified, screening shall occur along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, on and adjoining, the site, or because of the site design. Alternate screening location shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening location with assistance from the Township engineer.
- B. Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation and shall be comprised of plants approved for screening purposes as listed in Section 322.5.C. of this Ordinance. As screens can take many forms and incorporate different materials and treatments (e.g. vegetation, berms, fences, walls and combinations) the following present several typical landscape screening arrangements:
 - 1. Screening may consist of a minimum of two rows of evergreen trees that are at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternatively as depicted below:



2. Screening may consist of a minimum of two rows of vegetation (e.g. deciduous trees with evergreen shrubs). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



3. Screening may consist of a combination of a minimum of two rows of evergreen trees alternating with a minimum of two rows of deciduous trees and evergreen shrubs. Evergreen trees shall be at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternatively). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



4. As an alternate to the preceding arrangements, an applicant can request an alternate landscape screen arrangement if he/she can prove through expert evidence that the proposed alternate arrangement:
 - a. Will result in an equally effective blockage of ground-level views between the subject and adjoining properties;
 - b. Will employ an attractive combination of vegetation (e.g. deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance; and,

- c. Has a better chance for long-term survival and maintenance given the characteristics of the location upon the subject property.
 - d. Alternate screening arrangements shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening arrangements with assistance from the Township engineer.
5. Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screens located within the front yard that incorporate a sight-tight fence or wall shall include on the street side of the screen the use's required front yard landscape strip along with its required shade trees as specified in the above Section 322.3.B. of this Ordinance.

322.5. SELECTION OF PLANT MATERIALS

- A. Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.
- B. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.
- C. The following lists the types of vegetation approved for specific required uses by this Ordinance within the Township:

APPROVED SHADE TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Acer rubrum</i>	Red Maple (N)	75
<i>Acer saccharum</i>	Sugar Maple (N)	100
<i>Betula nigra</i>	River Birch (N)	70
<i>Carpinus betulus</i>	European Hornbeam	60
<i>Celtis occidentalis</i>	Common Hackberry (N)	120
<i>Cercidiphyllum japonicum</i>	Katsura Tree	75
<i>Fraxinus americana</i>	White Ash (N)	120
<i>Fraxinus pennsylvanica lanceolata</i>	Green Ash (N)	60
<i>Ginkgo biloba</i> (males only)	Ginkgo, Maidenhair Tree	120
<i>Gleditsia tricanthos 'inermis'</i>	Common Honeylocust	120
<i>Gymnocladus dioicus</i>	Kentucky Coffee-tree (N)	90
<i>Liquidambar styraciflua</i>	Sweet Gum (N)	75
<i>Liriodendron tulipifera</i>	Tulip Tree (N)	150
<i>Nyssa sylvatica</i>	Black Gum (N)	50
<i>Plantanus xacerifolia</i>	London Planetree	50
<i>Quercus palustris</i>	Pin Oak	70
<i>Quercus rubra</i>	Red Oak(N)	75
<i>Quercus prinus</i>	Chestnut Oak (N)	70
<i>Tilia tomentosa</i>	Silver Linden	70
<i>Tilia cordata</i>	Littleleaf Linden	90
<i>Ulmus americana</i>	American Elm (N)	120
<i>Zelkova serrata</i>	Japanese Zelkova	80

APPROVED SMALL DECIDUOUS TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Acer buergeranum</i> (tree form)	Trident Maple	30
<i>Acer campestre</i>	Hedge Maple	45
<i>Acer griseum</i>	Paper Bark Maple	40
<i>Amelanchier canadensis</i> (tree form)	Serviceberry (N)	30
<i>Betula populifolia</i>	Gray Birch (N)	30
<i>Carpinus caroliniana</i>	Ironwood, American Hornbeam (N)	35
<i>Cercis canadensis</i>	Eastern Redbud (N)	36
<i>Chionanthus virginicus</i>	Fringetree (N)	30
<i>Cladrastis lutea</i>	American Yellow-wood (N)	50
<i>Cornus florida</i>	Flowering Dogwood (N)	40
<i>Cornus kousa</i>	Kousa Dogwood	40
<i>Cornus mas</i>	Cornelian Cherry	24
<i>Halesia carolina</i>	Carolina Silverbell (N)	40
<i>Koelreuteria paniculata</i>	Golden-rain Tree	30
<i>Magnolia stellata</i>	Star Magnolia	20
<i>Magnolia virginiana</i>	Sweet Bay Magnolia (N)	20
<i>Malus floribunda</i>	Japanese Flowering Crab	30
<i>Malus 'Red Barron'</i>	Red Barron Flowering Crabapple	20
<i>Ostrya virginiana</i>	Hop-hornbeam (N)	40
<i>Oxydendrum arboreum</i>	Sourwood (N)	30
<i>Parrotia persica</i>	Persian Parrotia	40
<i>Phellodendron amurense</i>	Amur Corktree	30
<i>Prunus sargentii</i>	Sargent Cherry	50
<i>Prunus serrulata</i>	'Kwanzan' Kwanzan Cherry	25
<i>Stewartia pseudocamellia</i>	Japanese Stewartia	40
<i>Syringa amurensis japonica</i>	Japanese Tree Lilac	30
<i>Ulmus parvifolia</i>	Chinese Elm	40

APPROVED EVERGREEN TREES FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Abies concolor</i>	White Fir (N)	90
<i>Chamaecyparis nootkatensis 'pendula'</i>	Weeping Nootka False-Cypress	35
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (N)	50
<i>Ilex opaca</i>	American Holly (N)	45
<i>Juniperus virginiana</i>	Eastern Red Cedar (N)	90
<i>Picea abies</i>	Norway Spruce	120
<i>Picea omorika</i>	Serbian Spruce	90
<i>Picea pungens</i>	Colorado Spruce (N)	100
<i>Pinus flexilis</i>	Limber Pine (N)	50
<i>Pinus strobus</i>	Eastern White Pine (N)	100
<i>Pinus strobus 'Fastigiata'</i>	Pyramidal White Pine (N)	40
<i>Pinus thunbergi</i>	Japanese Black Pine	90
<i>Pseudotsuga taxifolia</i>	Douglas Fir (N)	100
<i>Thuja occidentalis 'pyramidalis'</i>	Pyramidal Arborvitae (N)	15
<i>Thuja occidentalis</i>	'Emerald Emerald Arborvitae (N)	15
<i>Tsuga canadensis</i>	Canadian Hemlock (N)	90

APPROVED DECIDUOUS SHRUBS		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Aesculus parviflora</i>	Bottlebrush Buckeye (N)	12
<i>Aronia arbutifolia</i>	Red Chokeberry (N)	8
<i>Aronia melanocarpa</i>	Black Chokeberry (N)	8
<i>Buddleia davidii</i> and cultivars	Butterflybush	15
<i>Calycanthus floridus</i>	Common Sweetshrub	9
<i>Cephalanthus occidentalis</i>	Bottonbush (N)	10
<i>Chaenomeles speciosa</i>	Common Flowering Quince	10
<i>Clethra alnifolia</i> and cultivars	Summersweet Clethra	8
<i>Cornus alba</i> and cultivars	Tatarian Dogwood	10
<i>Cornus amomum</i>	Silky Dogwood (N)	10
<i>Cornus racemosa</i>	Gray Dogwood (N)	15
<i>Cornus sericea</i>	Redosier Dogwood (N)	9
<i>Cotinus coggygria</i> and cultivars	Smokebush	15
<i>Fothergilla major</i>	Large Fothergilla (N)	10
<i>Hamamelis virginiana</i>	Common Witchazel (N)	20
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea (N)	6
<i>Ilex verticillata</i>	Common Winterberry (N)	10
<i>Itea virginica</i>	Virgina Sweetspire (N)	6
<i>Lindera benzoin</i>	Spicebush (N)	10
<i>Myrica pennsylvanica</i>	Northern Bayberry (N)	12
<i>Philadelphus virginialis</i>	Sweet Mockorange	12
<i>Physocarpus opulifolius</i>	Common Ninebark (N)	9
<i>Sambucus canadensis</i>	American Elder (N)	12
<i>Spiraea x vanhouttei</i>	Van Houtte Spiraea	10
<i>Symphoricarpos albus</i>	Common Snowberry (N)	6
<i>Syringa vulgaris</i> and hybrids	Common Lilac	15
<i>Vaccinium corymbosum</i>	Highbush Blueberry (N)	12
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum (N)	6
<i>Viburnum carlesii</i>	Korean Spice Viburnum	5
<i>Viburnum dentatum</i>	Arrow Wood Viburnum (N)	12
<i>Viburnum dilataum</i> and cultivars	Linden Viburnum	6
<i>Viburnum lentago</i>	Nannyberry Viburnum (N)	18
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum	8
<i>Viburnum prunifolium</i>	Black Haw Viburnum (N)	15

APPROVED EVERGREEN SHRUBS FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Chamaecyparis pisifera</i> 'Boulevard'	Boulevard False Cypress	12
<i>Ilex glabra</i>	Inkberry (N)	8
<i>Juniperus chinensis</i> shrub cultivars	Chinese Juniper	3-15
<i>Kalmia latifolia</i>	Mountain Laurel (N)	15
<i>Leucothoe jontanesiana</i>	Drooping Leucothoe (N)	6
<i>Picea glauca</i> 'conica'	Dwarf Alberta Spruce	10
<i>Pieris floribunda</i>	Dwarf Alberta Spruce	6
<i>Pinus mugo</i>	Mugho Pine	6
<i>Rhododendron catawbiense</i> & cultivars	Catawba Rhododenron (N)	10

APPROVED EVERGREEN SHRUBS FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Rhododendron 'P.J.M' and cultivars</i>	P.J.M. Rhododendrons	6
<i>Taxus x media and cultivars</i>	Yew	3-12
<i>Thuja occidentalis 'Techny'</i>	Mission Arborvitae	8

SECTION 323 SIGNS

323.1. PURPOSE

- A. To provide for signs as a means of effective visual communication.
- B. To promote adopted comprehensive planning and zoning objectives.
- C. To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
- D. To improve the safety of pedestrians, vehicular traffic, and property.
- E. To enhance the economic value of the community.
- F. To enhance the aesthetic environment.
- G. To minimize adverse effects of signs on nearby property.
- H. To otherwise promote the public health, safety, morals, and general welfare of the community.
- I. To regulate the use of signs through a sign permitting process.
- J. To enable the fair and consistent enforcement of these sign regulations.

323.2 DEFINITIONS

Words and phrases used in this Section shall have the meanings defined in this Section. Words and phrases not defined in this Section, but defined elsewhere in this Ordinance shall be given the meanings set forth in the Section 113 of this Ordinance.

Abandoned Sign – A sign which no longer identifies or advertises an existing business, leased, service, owner, product, or activity, and/or for which no legal owner can be found.

Legally Non-conforming Sign – Any existing sign:

- 1. Located on a premises in the Township with a permitted use, and
- 2. Legally erected prior to the adoption of this Ordinance, and
- 3. Does not meet the provisions of the current Ordinance.

Sign – A device for visual communication that is used to bring the subject to the attention of the public. This term includes:

- A. lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building or which are located elsewhere on the premises;
- B. signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building;
- C. flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations;
- D. insignia of governments and government agencies;
- E. banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects; and
- F. inflatable objects.

This term shall not include:

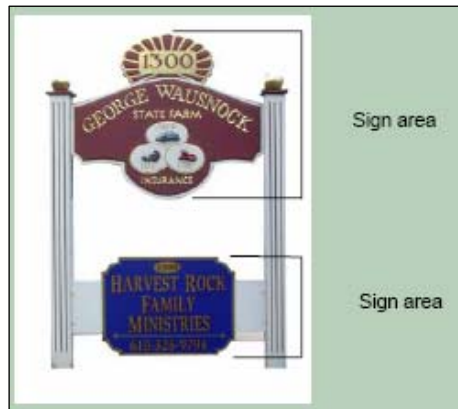
- A. architectural features that may be identified with a particular business;
- B. backlit awnings that include no lettering, logos, or other symbols;
- C. signs within a building that are obviously intended to be seen primarily from within the building;
- D. outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes;
- E. signs with regulations within a park;
- F. building identification signs within a campus;
- G. flags of governments or government agencies;
- H. decorative seasonal and holiday banners on residential properties; and
- I. display of merchandise either behind store windows or outdoors.

Sign Area –The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.

1. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.



2. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.

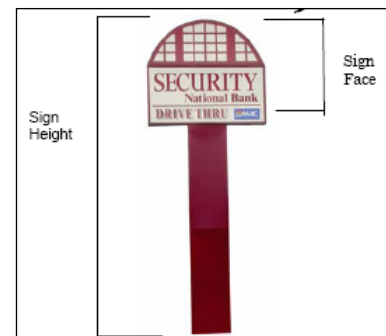


3. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.



4. Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.

Sign Height -The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially



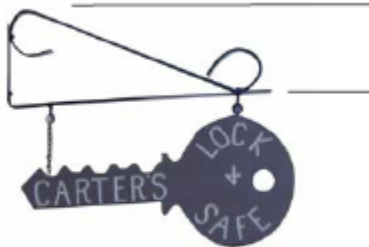
increase the maximum height of a sign by altering the grade at the base of the sign by any means.

1. No sign shall be higher than the height limitation imposed by this Ordinance.
2. The height of freestanding signs shall be controlled by the standards in Tables 1 and 2 listed in Section 323.4. of this Ordinance.
3. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
4. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof. The distance from the highest portion of the sign, including all structural elements, to mean grade.

Sign Face – The part of a sign that is or can be used to identify, advertise and communicate information for visual representation, which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

Double-Faced Sign – A sign with two identical faces of equal sign area which are back-to-back.

Sign Structure – A supporting structure erected and used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.



Temporary Sign – A sign which advertises community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.



Sign Structure



Types of Signs – Signs are defined by form and by purpose. Purpose refers to the type of message contained in the sign. Form refers to the physical sign itself.

- A. **Signs as defined by purpose:** The type of message contained in the sign.

Address Sign – A sign or individual lettering / numbering that designates the street number and/or street name for identification purposes, as designated by the United State Postal Service.



Artisan Sign – Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for painting or construction on the site where the sign is placed.



Civic Event Sign (On-premises) – A non-commercial temporary sign, posted to promote and advertise an activity sponsored by the municipality, school district, church, public agency, civic or charitable association or other similar noncommercial organization on the premises where the event is to be held.



Civic Event Sign (Off-premises) – A non-commercial temporary sign posted off premises to promote and advertise an activity sponsored by the Township, school district, church, public agency, civic or charitable association or other similar non-commercial organization.



Directory Sign – A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or business campuses, and similar large complexes which have a variety of tenants and/or uses.



Development Sign – A temporary sign indicating that the premises is in the process of subdivision or development.



Directional Sign – An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance,” “Exit,” “Parking,” “One-Way,” or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.



General Purpose – A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered on the premises where the sign is displayed.



Government / Regulatory

Sign – Any sign to control traffic or for identification, including street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.



Home Occupation

Sign - A sign which designates home occupations as permitted in this Ordinance.



Incidental Sign – A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through-window menu boards; signs on automatic teller machines, gas pumps, vending machines; or newspaper delivery boxes.



Institutional or Residential Development Signs – A permanent sign that displays the name of an institution or neighborhood.

Instructional Sign – A sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of buildings or facilities.



Memorial Sign – A memorial plaque or tablet, to include grave markers or other remembrances of persons or events,



which is not for commercial or advertising purposes.

Personal Expression Sign – Any sign that expresses an opinion, interest, or position (not including political signs).



Planned Center Sign – A freestanding sign that is associated with a coordinated development of more than one land use all sharing common vehicle access and off-street parking.

Political Sign – A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the public.



Property Use Sign – A sign that informs of use limitations on a property (e.g. No Trespassing, No Hunting, Private Property, Private Drive.)

Public Interest Sign – A sign on private property that displays information pertinent to the safety or legal responsibilities of the public such as warning and “no trespassing” signs.



Real Estate Sign – A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.



Storefront Under Canopy Sign – A sign within a planned center that identifies the location of an individual tenant that is located beneath the overhead pedestrian canopy roof.

Time/Temperature

Sign – An animated sign containing illuminated numerals flashing alternatively to show the time and the temperature. May be a wall sign, projecting sign, or freestanding sign.



B. **Signs as defined by form.** The physical structure of the sign.

Animated Sign – A sign with action or motion, flashing, color changes, requiring electrical energy, but not including wind-actuated elements such as flags, banners or specialty items.

Awning / Canopy Sign – A sign that is incorporated into an awning or canopy that is attached to a building.



Banner – A sign consisting of lightweight, flexible material, which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.



Beacon Light – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object.

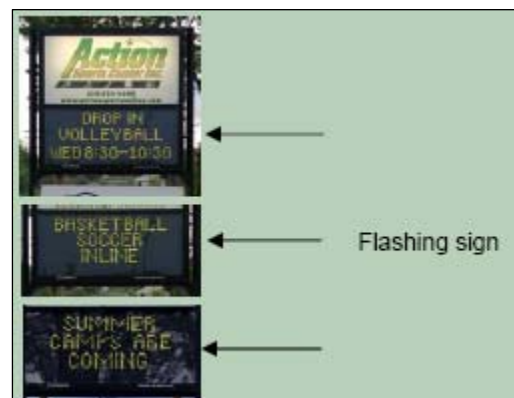


Yard sale sign – A temporary sign advertising a yard or garage sale.

Canopy (Freestanding) – A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.



Flashing Sign – An animated sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminated signs that indicate the date, time and temperature, are not to be considered flashing signs.



Freestanding Sign – A sign and supporting structure that is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, “freestanding signs” may consist of the following:

1. Ground Sign -

A sign designed to be viewed at eye level. The bottom of the sign is no more than 3 ft. from the ground.



2. Pole Sign – A

sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.



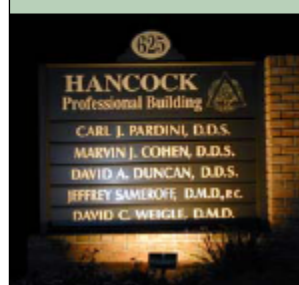
Illuminated Sign –

A nonflashing or non-twinkling sign which has letters, figures, designs or outlines illuminated by an internal or external lighting source as part of the sign.



Internal illumination

External illumination→



Interior Sign –

Any sign located fully within the interior of any building or stadium that is intended solely for information relating to the operation of such building or stadium.

Marquee Sign – Any sign attached to a marquee for the purpose of identifying a movie theater for similar place of entertainment.



Movable 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, sign designed to be transported by means of wheels; signs converted to A- or T-frames. This definition does not include sandwich board signs.



Mural Artwork

applied to the wall of a building, which covers all or most of the wall and depicts a scene or event of natural, social, cultural or historical significance.



Neon Sign – Any

sign composed of glass tubing containing a large proportion of neon gas. A neon sign may be a wall sign, a projecting sign, or a window sign.



Off-premises Sign – Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.



On-Premises Sign – A sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.



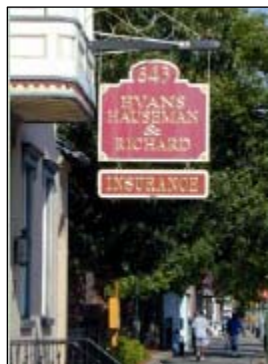
Pennants – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.



Projecting Signs

a. Projecting roof sign

- A sign whose support structure is attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall, or extends beyond the outside edges of the roof to which it is attached.



b. **Projecting Wall Sign** – A sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall, or extends beyond the outside edges of the wall to which it is attached. No wall projecting sign shall project more than forty-eight (48) inches from the face of the wall to which it is attached over a public sidewalk.

Revolving Sign – A sign which revolves in a

circular motion rather than remaining stationary on its supporting structure.

Flat Roof Sign

– A sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.



Sandwich Board – A movable sign consisting of two faces, connected and hinged at the top.



Vehicular Sign – Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business on which the vehicle sits, or is otherwise not incidental to the vehicle's primary purpose.



Wall Signs

a. **Flat Wall Sign** – A sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction. No flat wall sign shall project more than eighteen (18) inches from the face of the wall to which it is attached over a public sidewalk.

b. **Projecting Wall Sign** – A sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall or extends beyond the outside edges of the wall to which it is attached.

Window Sign – A sign that is either located on the inside or outside surface of a window but whose message faces outward.

323.3 **GENERAL REGULATIONS**

The following regulations shall apply to all signs, in addition to the specific regulations contain in the following provisions of this Section. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.

- A. **Address** - Each property that displays one (1) or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of one hundred (100) feet (three [3] inch high lettering/numerals with a three-quarter $\frac{3}{4}$ inch stroke). The area taken up by the address does not count as part of the sign area. Shopping center signs are exempt from this requirement.

B. **Exempted Signs**

The following signs shall be allowed without a sign permit and shall not be included in the determination of the number or sign area of other signs allowed within a Zone.

1. Address signs
2. Civic Event signs on premises
3. Incidental signs
4. Interior and window signs
5. Memorial signs
6. Governmental / Regulatory signs
7. Personal expression signs
8. Political signs
9. Property use signs
10. Public interest signs
11. Warning signs
12. Yard / Garage / Moving signs

- C. **Flags** - In addition to any other signage permitted by this Section, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flagpole.

- D. **Flags** - In addition to any other signage permitted by this Section, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flagpole.

E. **Illumination**

1. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.

2. The lighting of all signs shall comply with Section 309.6.K. of this Ordinance.
3. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
4. The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any residential Zone, or any part of a building or property used for residential purposes.
5. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
6. Business signs in the (A, C, R-1, R-2 or MHP) Zones shall not be illuminated when the business is closed.

E Prohibited Signs

1. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights.
2. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.
3. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.
4. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.
5. No sign shall emit smoke, visible vapors, particles, sound, or odor.
6. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
7. No inflatable signs shall be permitted.
8. No open flames shall be permitted as part of a sign or in any other way to attract attention.
9. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
10. No sign shall be placed so as to obstruct ventilation or light from a building.
11. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
12. No sign shall be located within fifteen feet (15') of a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a non-profit organization sign, or another sign approved by the Board of Supervisors or

the Pennsylvania Department of Transportation.

F. Sign Material and Maintenance

1. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
2. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

G. Sign Removal

1. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
2. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.

H. No temporary signs shall be permitted except as authorized elsewhere in this Section.

I. No sign within the clear sight triangle shall obstruct vision between the heights of three feet (3') and eight (8') feet above the elevation of the centerline of the street.

J. No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign nor less than seventeen (17) feet six (6) inches between any roadway and the lowest part of the sign.

K. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See "Special Event Sign" in Temporary Sign Regulations Table for regulations that apply to banners used as special events signs).

L. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Section.

M. Any sign may be exempted from the regulations of this Section as a special exception, if the applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.

N. Animated Signs - Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the (HC, RC and I-1 and I-2) Zones and shall comply with the following requirements:

1. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists;
2. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning;
3. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect for immediate recognition by motorists;
4. Community Service – All dynamic message display sign owners must use at

least twenty percent (20%) of the operating time per each eight (8) hour cycles for community service (i.e., time, temperature, and school closing, weather, nonprofit, announcements);

5. All owners must notify **AMBER ALERT** and register its location for use as needed at:

(www.amber.state.pa.us/amber/guestaccount/registration_form.asp.) as may be amended.

6. During times of Amber Alert the dynamic message display must display such information as provided by the PA State Police for no less than fifty percent of the operating time during each one (1) hour cycle;
7. All properties utilizing a dynamic message display sign must remove all exterior promotional banners, sandwich board signs, and may not use any temporary signage; and,
8. Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible:

Required Minimum Message Display Cycles (seconds)			
Speed Limit (miles per hour)	Total sign area with up to 64 square feet	Total sign area with between 64 and 300 square feet	Total sign area with more than 300 square feet
25 mph	17 sec.	28 sec.	56 sec.
30 mph	14 sec.	24 sec.	48 sec.
35 mph	12 sec.	20 sec.	40 sec.
40 mph	11 sec.	18 sec.	36 sec.
45 mph	10 sec.	16 sec.	32 sec.
50 mph	9 sec.	14 sec.	28 sec.
55+ mph	8 sec.	12 sec.	24 sec.

323.4 SPECIFIC SIGN REQUIREMENTS

The tables on the following three pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township:

§ 323.4. - PERMANENT SIGN REQUIREMENTS (TABLE 1)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal building	64 sq. ft. for freestanding signs; 20% of the area of the wall/roof façade not to exceed 300 sq. ft.	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All	See footnote 1 below.	Yes
Institutional & Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	(C, A, R-1, R-2, and MHP)	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
General & On-Premise Signs. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	25 square feet, plus 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per freestanding sign, not to exceed 100 square feet per attached sign.	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	All	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
Instructional and Directional signs.	4 per building	2 square feet per sign; however, no more than 10% shall exceed 16 sq. ft.	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	All		No

¹In addition, two (2) off-premise signs shall be permitted per use. Such signs shall not exceed six (6) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of twenty-four (24) square feet. Each use of a collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs. Off-premise signs may only be located upon private property with the written permission of the landowner, a copy of which must be submitted to the Zoning Officer upon application for a zoning permit. No off-premise sign shall be located within the street right-of-way. Off-premise signs must be designed and located so as not to interfere with the clear sight triangle of any driveway, access drive or street. No more than two (2) off-premise signs shall be located within two hundred (200) feet of any street intersection.

§ 323.4. TEMPORARY SIGN REQUIREMENTS (TABLE 2)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height of Roof & Wall Projecting Signs	Maximum Projection from Roof/Wall for Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Artisan signs , displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other nonresidential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	HC, RC, I-1, I-2 and Q, but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 square feet if freestanding; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	HC, RC, I-1, I-2 and Q	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 square feet	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No

§ 323.4. – PLANNED CENTER SIGN REQUIREMENTS (TABLE 3)

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning Permit Required
Freestanding planned center sign	1 per street frontage with entrance or exit	1 square foot for each 4 lineal feet of frontage within the planned center, with a maximum of 110 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 square feet per lineal foot of store-front up to a maximum of 75 square feet	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to planned center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Freestanding planned center sign along limited access highway	1 per planned center	165 square feet	45 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name.	Yes

323.5. NON-CONFORMING SIGNS

Non-conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions.

- A. There shall be no expansion or increase in the non-conforming aspect in any way.
- B. Maintenance and repair of the sign are permitted. If necessary, up to fifty (50) percent of the entire area of a sign and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.
- C. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

323.6 PERMITTING PROCEDURES AND FEES

- A. Permits for the placement of signs are required as indicated by the last column in the Tables listed in Section 323.4. of this Ordinance. All signs requiring permits must have such permit prior to the erection, installation, or alteration of the sign. Sign permit applications, forms, plan requirements, and fees shall be established by resolution of the Board of Supervisors.
- B. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to the requirements of this Ordinance. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
 - 1. exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected;
 - 2. exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation; and
 - 3. any other lawful information that may be required of the applicant by the Zoning Officer.
- C. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.
- D. Permits shall be granted or refused within forty-five (45) days from date of application, or within forty-five (45) days from the date of the Zoning Hearing Board's decision, where applicable.

SECTION 324 TRAFFIC IMPACT REPORT

324.1. TRAFFIC IMPACT REPORT

- A. A Traffic Impact Report shall be submitted for projects that:
 - 1. create more than fifty (50) new parking spaces, or

2. will generate, on the average, one hundred (100) or more additional trips during the adjacent roadways' peak hours
- B. In addition to the above, the Board of Supervisors may require a Traffic Impact Report when, in its opinion, the following conditions exist:
1. Current traffic problems in the local area (e.g., high accident location, confusing intersection, congested intersection), or
 2. The questionable capability of the existing road system to handle increased traffic.
- C. When a traffic study is prepared for a subdivision that does not propose development of the lots, the traffic study must be updated at the time of land development to address the specific type and size of development.

324.2. WAIVER OT TRAFFIC IMPACT REPORT

At the request of the applicant, the Township may waive the Traffic impact Report and accept either a specific capacity improvement or contribution to the Township of a fee in-lieu-of a capacity improvement to be made at a future date. The Township may also waive the study requirements for an individual subdivision or development or change in use where said development or change in use was incorporated as part of a previous traffic impact study or studies by the Township or other government agencies.

324.3. TRAFFIC IMPACT REPORT METHODS

Traffic impact report shall be prepared in accordance with PennDOT Publications 212 and 282; ITE's Recommended Practice "Traffic Access and Impact Studies for Site Development" as may be amended or superseded, and shall conform to the following.

- A. Area of Traffic Impact Report - Prior to collection of any data and preparation of any analyses for the Traffic Impact Study, a meeting shall be convened with the Township, the developer, the developer's transportation consultant/specialist, and Penn DOT, where applicable, to identify the specific project area and discuss the Study scope of work, including all assumptions to be used in the study, (i.e., build-out year, phases of development, background traffic growth rate, etc.). The Traffic Impact Report area shall be based on the characteristics of the surrounding area. The intersections to be included in the Report shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
- B. Preparation by Transportation Engineer Required - Traffic Impact Reports shall be prepared by a Professional Engineer registered in PA with specific training in traffic and transportation engineering, at least four (4) years experience related to preparing traffic reports for existing or proposed developments, and sufficient prior traffic study experience to qualify the engineer to render any opinions and recommendations in the study.
- C. Horizon Year - The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. The buildout year shall be referred to as the horizon year in the remainder of this Ordinance, and shall be a minimum of ten (10) years.

- D. Traffic Data, Projections and Analysis Periods - Traffic data used in the report shall not be more than two (2) years old.
1. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the study area for which preliminary and/or final plans have been submitted and traffic from background traffic growth in and around the study area. Non-site traffic may be estimated using the “build-up” technique, or, by way of area transportation plan data or modeled volumes. Background growth compounded annually shall be established using trends or growth rates from PennDOT and the Centre Region Metropolitan Planning Organization.
 2. Analyses shall be conducted for the AM and PM peak hour periods. If the study area includes an intersection on an arterial roadway, or if the proposed development includes retail related uses, then the Saturday peak hour period shall be analyzed. Where the peak hour of the generator does not coincide with the peak hour of the adjacent street, then the peak hour of the generator shall also be analyzed.
- E. Trip Generation Rates Required - The Traffic Impact Report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of *Trip Generation* by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the Report. The anticipated types and volumes of truck traffic using the site shall be identified. The methodology for determining trip generations shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
- F. Consideration of Pass-By Trips - If pass-by trips or shared trips affect the proposed trip generation rate for the proposed use, expert evidence and/or case studies for similar land uses must be conducted or referenced;
- G. Rate Sums - Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Report.
- H. Explanations Required - The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the Report.
- I. Definition of Influence Area - Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments. Other methods, such as using trip data from an existing development with similar characteristics, or using an existing origin-destination survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact.
- J. Estimates of Trip Distribution Required - Trip distribution can be estimated using any one of the following three methods:
- Analogy.
 - Trip distribution model.

- Surrogate data.
 - 1. The methodology for determining trip distribution shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
 - 2. Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (e.g., residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.
- K. Trip Assignments - Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and, in large projects (those producing five hundred [500] or more additional peak direction trips to or from the site during the development's peak hour), through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.
- 1. The methodology for determining trip assignments shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
 - 2. If a thorough analysis is required to account for pass-by trips, the following procedures should be used:
 - a. Determine the percentage of pass-by trips in the total trips generated.
 - b. Estimate a trip distribution for the pass-by trips.
 - c. Perform two separate trip assignments, based on the new and pass-by trip distributions.
 - d. Combine the pass-by and new trip assignment.
 - 3. Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical, given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.
- L. Total Traffic Impacts - Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The Traffic Impact Report should clearly depict the total traffic estimate and its components.
- M. Analysis - Traffic analyses shall be completed for the existing conditions and opening day/buildout year and Horizon year, both without and with development. Analyses may consider proposed roadway improvements only if said improvements have funding committed by the sponsoring agency (i.e., for State projects, this would include only those projects in the current TIP).

1. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the Report area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the Report area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other locations may be deemed appropriate depending on the situation.
 2. The recommended level of service analysis procedures detailed in the most recent edition of the *Highway Capacity Manual* must be followed.
 3. The operational analyses in the *Highway Capacity Manual* should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric and control parameters can be established.
 4. Where a Level of Service F results, the associated delay shall be noted in the study. Utilize existing peak hour factors and site specific truck and roadway grade percentages.
 5. Traffic Signal Warrant analyses shall be completed for each unsignalized intersection which is to be determined by the Township as necessary. Where existing traffic signals are proposed or proposed, analyses of the need for signalized left-turn phases shall be completed in accordance with PennDOT Publication 149.
 6. Queue length analyses shall be completed for each lane group. The need for acceleration and deceleration lanes shall be presented in the study. The need for right- and left-turn lanes shall also be evaluated. For unsignalized intersection, the ITE Report, "Guidelines for Left-Turn Lanes" shall be used as the basis for determining the need for said lanes.
 7. Accident data for the most recent three-year period shall be presented and analyzed for trends, type of accidents and causation factors.
 8. All way stop analyses shall be completed for each intersection to be determined by the Township as necessary.
- N. Required Levels of Service - The Traffic Impact Report shall identify the improvements necessary to meet the goals of the Report. The applicant shall be responsible for the improvements required to meet the goals of the Traffic Impact Report. The goals of the Traffic Impact Report are to:
1. Provide safe and efficient movement of traffic within the site and on surrounding roads,
 2. Minimize the impact of the project upon non-site trips,
 3. Not allow the levels of service at intersections currently rated A or B to be worse than C, and,
 4. To maintain the current levels of service at intersections with ratings of C or lower, and to ensure that the level of service for each specific lane group is maintained at current levels of service, or for LOS F, the current level of delay.

More specifically, all roadways and intersections shall be designed for traffic capacity as specified below, unless approved otherwise by the Township. All references to level of service shall be as defined by the most recent addition of the *Highway Capacity Manual, Special Report 209*, published by the Transportation Research Board.

5. Level of service shall be determined for a future design year(s) coinciding with completion of the development and all applicable Penn DOT requirements.
 6. New unsignalized intersections or driveways shall be designed for level of Service "C" or better for each traffic movement.
 7. New signalized intersections shall be designed for level of service "C" or better.
 8. Existing intersections impacted by development traffic shall maintain a minimum level of service "C" or "D" depending on rural or urban status;
 9. Roadway sections shall be designed for a minimum level of service "C."
 10. Sight distance at driveways and new intersections shall meet standards specified by Penn DOT regulations.
- O. Documentation Required - A Traffic Impact Report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the Report. The Township may, by waiver, allow an abbreviated Traffic Impact Report when sufficient data is available to identify levels of service and required improvements, provided the applicant contributes a fair share of the improvement cost.
1. The documentation for a Traffic Impact Report shall include, at a minimum:
 - a. Statement of purpose and objectives.
 - b. Description of the site and study area. This site description shall include the size and location of existing and proposed land uses, current zoning, project phasing and opening/buildout year. Provide a description of the internal transportation system, including proposed vehicular, pedestrian and bicycle circulation, recommendations for traffic control and traffic calming devices and parking conditions. Provide a description of the external transportation system to include functional classification, ADT, right-of-way, cartway and shoulder widths, posted speed limits, and intersection controls and channelization.
 - c. An inventory and analysis of existing transportation and traffic conditions within the identified study area, including:
 - Roadway network and traffic control;
 - Existing traffic volumes during peak hours and average daily traffic volumes;
 - Planned transportation improvements by other parties;
 - Intersection levels of services;
 - Roadway levels of service;
 - Other measures of roadway adequacy, (i.e., lane widths, traffic signal/traffic control warrants, vehicle delay studies, length queues, etc.) and
 - Pedestrian/bicycle and public transit facilities.
 - d. Recorded or approved nearby development.
 - e. Trip generation, trip distribution and modal split. The assessment of projected site-generated traffic volumes throughout the study area shall be in terms of:
 - Peak hours and average daily traffic;
 - Approach/departure distribution, including method of determination; and

- Site traffic volumes on the Arterial and Collector Roads.
 - f. Projected future traffic volumes. An analysis of future traffic conditions in the study area, with and without the proposed development, including:
 - Future design years(s), including phases of development;
 - Intersection levels of service;
 - Roadway levels of service;
 - A pavement analysis of roadways projected to experience significant increases in peak hour and/or average daily traffic volumes; and
 - Other measures of roadway adequacy, (i.e., land widths, traffic signal/traffic control warrants, vehicle delay studies, and length of queues, etc.).
 - g. An assessment of the change in roadway operating conditions resulting from the development traffic.
 - h. Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - i. A description of the proposed site plan, including an assessment of the:
 - On-site circulation plan showing parking locations and dimensions, access to loading areas, and proposed interior circulation routes and traffic control; and
 - Driveway access plans showing the location of all existing driveways and new access intersections including geometric conditions and proposed methods of traffic control.
 - j. An estimate of pedestrian trips generated by the proposed development, and a distribution of those trips. Also include a description in the report of pedestrian facilities in and near the proposed development.
 - k. A qualitative analysis of transportation demand management measures to be implemented for the purpose of facilitating alternate modes of travel. Analysis shall address public transit, pedestrian and bicycle traffic, and other modes of transportation to be provided in the development.
2. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 3. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.
 4. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 5. To facilitate examination by the Township Planning Commission and Board of Supervisors, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions and recommendations.
 6. The report documentation outlined above provides a framework for site traffic access/impact reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements and the Report results may warrant additional sections.

Article 4

Specific Criteria

Section 400 **Specific Criteria for Permitted Uses, Special Exception Uses and Conditional Uses**

- 400.1. **Applicability** - It is the intent of this Article to provide special controls and regulations for particular uses that are permitted by right, conditional use, or conditional use within the various Zones established in this Ordinance. All uses must comply with the standards expressed within the underlying Zone and all other applicable sections of this Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply. Proposals that combine uses permitted by this Ordinance shall comply with all applicable sets of criteria and their respective review processes.
- 400.2. **Permitted Uses** - For uses permitted by right, these standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- 400.3. **Special Exception uses** - For uses permitted by special exception, in addition to the general criteria listed in Section 804.3.B. of this Ordinance, this Article sets forth standards that shall be applied to each respective special exception. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- 400.4. **Conditional Uses** - For uses permitted by conditional use, in addition to the general criteria listed in Section 905.2. of this Ordinance, this Article sets forth standards that shall be applied to each respective conditional use. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- 400.5. **Setback Measurements** - For the purposes of this Article 4, any required setbacks imposed upon any use, building and/or structure, shall be measured from the boundary line of the site for which the proposed use, building and/or structure is requested, regardless of whether or not this line corresponds to a property line or a lease line.

Section 401 **Adult Uses**

- 401.1. Within the (I-1) Zone, adult uses are permitted by conditional use, subject to the following criteria:
- 401.2. An adult use shall not be permitted to be located within one thousand feet (1,000') of any other adult-related use;

- 401.3. No adult use shall be located within one thousand feet (1000') of any land within the (C, A, R-1, R-2, and MHP) Zones;
- 401.4. No adult use shall be located within one thousand feet (1000') of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or
 10. Other lands where minors congregate.
- 401.5. The distance between any two adult uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use;
- 401.6. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- 401.7. Any building or structure used and occupied as an adult use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- 401.8. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 401.9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- 401.10. No adult use may change to another adult use, except upon approval of an additional conditional use;
- 401.11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 401.12. No unlawful sexual activity or conduct shall be permitted; and,
- 401.13. No more than one adult use may be located within one building or industrial park.

Section 402 Airports/Heliports

- 402.1. Within the (A and I-3) Zones, airports/heliports are permitted by conditional use, subject to the following criteria:
- 402.2. Minimum Lot Area - Thirty (30) acres for airports and five (5) acres for heliports;

- 402.3. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 402.4. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;
- 402.5. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock;
- 402.6. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') from any property line;
- 402.7. The use shall maintain a one hundred front yard setback for all buildings and structures;
- 402.8. The applicant shall demonstrate compliance with Section 240 of this Ordinance; and,
- 402.9. Maximum Permitted Lot Coverage – Forty (40%) percent.

Section 403 Alternative Energy Production Facilities

- 403.1. Within all Zones, alternative energy production facilities are permitted accessory uses, (principal wind farms are regulated separately under Section 483 of this Ordinance) subject to the following criteria:
- 403.2. All facilities for the production of energy from alternative sources, (e.g. solar panels, wind mills, turbines, hydro-powered generators, etc. shall be set back from all property lines at least the minimum distance as required for principal buildings in the Zone where the facility is to be located.
- 403.3. All structures that exceed the maximum permitted height within its respective Zone shall demonstrate compliance with Section 308 and 240 of this Ordinance.

Section 404 Amusement Arcades

- 404.1. Within the (HC) Zones, amusement arcades are permitted by conditional use, subject to the following criteria:
- 404.2. All activities shall take place within a completely-enclosed building;
- 404.3. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- 404.4. A minimum of one parking space for each eighty (80) square feet of gross floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 312.2.A. of this Ordinance; and,
- 404.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 405 Amusement, Theme and/or Zoo Parks

- 405.1. Within the (HC) Zone, amusement, theme and/or zoo parks are each permitted by conditional use subject to the following requirements.

- 405.2. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 405.3. Design and Operational Objectives – Applications submitted pursuant to this section are required to demonstrate to the satisfaction of the Board of Supervisors that:
- A. The proposed uses are coordinated to function as a single site on a minimum of ten (10) acres;
 - B. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 - C. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
 - D. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 - E. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
 - F. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 405.4. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. The requirements of this Section 405 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
- A. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
 - B. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
 - C. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 905.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
 - D. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements

proposed to accommodate the proposed use;

- E. The name, location, centerline and present right-of-way width of all abutting streets;
- F. The natural and cultural features information as required by Article 5 of this Ordinance.
- G. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
- H. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc:)
- I. A traffic impact report as required by Section 324 of this Ordinance;
- J. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
- K. Noise as regulated by Section 311 of this Ordinance;
- L. Lighting as regulated by Section 309 of this Ordinance;
- M. Documentation that adequate public water supply and public sewage disposal in accordance with applicable state regulations will be used;
- N. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
- O. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
- P. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 312.2.A. and 314.13., respectively, of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
- Q. The handling and disposal of materials and wastes as required by Section 318.6. of this Ordinance;
- R. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up;
- S. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.

- T. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 323 of this Ordinance; and,
- U. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the (HC) Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
- V. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - 1. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - 2. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
 - 3. The applicant must submit that the proposed structure does not violate Section 240 of this Ordinance;
 - 4. For new buildings and building expansions, the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
 - 5. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
 - 6. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
 - 7. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
 - 8. For new buildings and building expansions, knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used;
 - 9. For new buildings and building expansions, forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor; and,
 - 10. If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.

405.5. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- A. Such modifications of standards better serve the design and operational objectives listed in Section 405.3. of this Ordinance;

- B. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
 - C. Such modifications will not result in an increase in permitted lot coverage for the site; and,
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 405 of the Zoning Ordinance.
- 405.6. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a land development plan and/or a zoning permit, as applicable, before constructing the proposed use pursuant to Section 901 of this Ordinance. As part of the granting of a land development plan and/or a zoning permit, as the case may be, for uses proposed and contained in the Concept Plan, the reviewing agency and or the Zoning Officer, as the case may be, shall review an application submitted by the applicant. Such application shall include but not be limited to the following:
- A. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
 - B. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The reviewing agency and or the Zoning Officer, as the case may be, may require additional review by other Township staff or Township-appointed consultants. Such land development and/or zoning permit, as applicable, shall be approved and issued in accordance with the time limits of Section 901.1.D. of this Ordinance provided that:
 - 1. the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - 2. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 - 3. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
 - 4. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 406 Auction House, Excluding Automobile Auctions

- 406.1. Within the (HC) Zone, auction houses, excluding automobile auctions, are permitted by conditional use, subject to the following criteria:
- 406.2. All auction activities shall be conducted within a completely enclosed building.
- 406.3. The temporary storage of items to be auctioned shall be permitted no more than seventy-two (72) hours prior to and seventy-two (72) hours following the conduct of an auction. Items that do not sell at any given auction must either be stored indoors or removed from the site within seventy-two (72) hours following the conduct of an auction.
- 406.4. Off-street parking shall be provided at the rate of one (1) space per each two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time. Oversized off-street parking shall be provided at the rate of one (1) space per each fifteen (15) persons of legal occupancy within the auction house.

- 406.5. A minimum of four off-street loading spaces shall be provided, subject to increases in accordance with the schedule listed in Section 314.13. of this Ordinance.
- 406.6. Should the proposed use include a cafeteria or refreshment counter, the applicant shall furnish and continuously implement a working plan for the collection of litter and debris.

Section 407 Automobile and/or other vehicle and/or Animal Racing Facility With or Without Related Wagering

- 407.1. Within the (HC) Zone, automobile and/or other vehicle and/or animal racing facilities with or without related wagering are permitted by conditional use subject to the following requirements.
- 407.2. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 407.3. Design and Operational Objectives – Applications submitted pursuant to this section are required to demonstrate to the satisfaction of the Board of Supervisors that:
- A. The proposed uses are coordinated to function as a single site on a minimum of ten (10) acres;
 - B. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 - C. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
 - D. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 - E. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
 - F. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 407.4. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. The requirements of this Section 407 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
- A. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;

- B. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
- C. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 905.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
- D. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
- E. The name, location, centerline and present right-of-way width of all abutting streets;
- F. The natural and cultural features information as required by Article 5 of this Ordinance.
- G. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
- H. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc:)
- I. A traffic impact report as required by Section 324 of this Ordinance;
- J. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
- K. Noise as regulated by Section 311 of this Ordinance;
- L. Lighting as regulated by Section 309 of this Ordinance;
- M. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;
- N. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
- O. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
- P. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 312.2..A. and 314.13., respectively, of this Ordinance. In

addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;

- Q. The handling and disposal of materials and wastes as required by Section 318.6. of this Ordinance;
- R. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up;
- S. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
- T. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 323 of this Ordinance; and,
- U. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the (HC) Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
- V. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - 1. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - 2. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
 - 3. The applicant must submit that the proposed structure does not violate Section 240 of this Ordinance;
 - 4. The applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
 - 5. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
 - 6. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
 - 7. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
 - 8. Knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used; and,

9. Forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor.
- 407.5. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:
- A. Such modifications of standards better serve the design and operational objectives listed in Section 407.3. of this Ordinance;
 - B. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
 - C. Such modifications will not result in an increase in permitted lot coverage for the site; and,
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 407 of the Zoning Ordinance.
- 407.6. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a land development plan and/or a zoning permit, as applicable, before constructing the proposed use pursuant to Section 901 of this Ordinance. As part of the granting of a land development plan and/or a zoning permit, as the case may be, for uses proposed and contained in the Concept Plan, the reviewing agency and or the Zoning Officer, as the case may be, shall review an application submitted by the applicant. Such application shall include but not be limited to the following:
- A. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
 - B. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The reviewing agency and or the Zoning Officer, as the case may be, may require additional review by other Township staff or Township-appointed consultants. Such land development and/or zoning permit, as applicable, shall be approved and issued in accordance with the time limits of Section 901.1.D.1. of this Ordinance provided that:
 1. the proposed uses are consistent with those contemplated in the Master Concept Plan;
 2. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 3. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
 4. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 408 Automobile Auction, Rental and/or Storage Yards

- 408.1. Within the (I-1) Zone, automobile auction, rental and/or storage yards are permitted by conditional use, and within the (I-3) Zone automobile rental yards are permitted by conditional use subject to the following criteria:

- 408.2. Within the (I-1) Zone, the subject property must front upon and have direct vehicular access to a collector or arterial road as listed in Section 321 of this Ordinance.
- 408.3. The applicant shall be required to submit an expert-prepared on-site circulation plan prepared by a professional traffic engineer certified by the Commonwealth of Pennsylvania. Such circulation plan must fully describe the location and manner in which vehicles for auction arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. It is incumbent upon the applicant to demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.
- 408.4. Exterior areas used solely for the storage of vehicles shall be connected to other areas of the site and the adjoining street via one or more access drives in accordance Section 301 of this Ordinance.
- 408.5. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 312 of this Ordinance, except that such areas:
- A. may be arranged with blocks of horizontally-stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle shall be located more than one hundred feet (100') from an on-site interior drive. Such interior drives must be a minimum of eighteen (18) feet wide, unless greater width is required under Section 312.10.A. of this Ordinance;
 - B. may employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least one hundred feet (100') from the closest property line. Vertical stacking shall not exceed thirty-five feet (35');
 - C. need not be paved, but must have an all-weather and dust-free surface;
 - D. shall be completely enclosed by a six foot (6') high fence, which shall be subject to the (I-1) Zone's setback requirements imposed upon off-street parking lots;
 - E. shall be lighted to provide an average of minimum one (1) foot candle level of illumination at an elevation of three (3) feet above grade for the detection of suspicious movement. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads; and,
 - F. need not comply with the interior landscaping requirements, but must be screened from adjoining roads and properties.
- 408.6. Exterior areas used for the display, rental and sales of automobiles shall comply with the off-street parking design requirements of Section 312 of this Ordinance.
- 408.7. Areas to be used by employees or customers after dusk, shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads.
- 408.8. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 311 of this Ordinance.
- 408.9. The applicant shall prepare, submit and explain, and continuously implement a working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided amid

any exterior sales and/or display area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.

- 408.10. The proposed use must be connected to public utilities and all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No “porta-potties” are permitted.
- 408.11. The subject property may contain accessory facilities for the service, repair and reconditioning of vehicles provided:
- A. All service, repair and reconditioning uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads and such stacking lanes will be fully integrated within the site’s on-site circulation plan as required in Section 408.5. of this Ordinance;
 - B. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building and shall be limited to vehicles that are to be auctioned on the site;
 - C. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new, used or discarded, as part of the service, repair and/or reconditioning operation, shall be permitted; and,
 - D. The demolition and/or junking of vehicles is prohibited. No vehicle shall remain on the site for more than one (1) year.
- 408.12. Automobile auctions shall contain a road test track which shall be conveniently linked to the sales area. The test track shall be strictly operated so that customers must use the track for test drives rather than the site’s circulation system and adjoining roads. The applicant must demonstrate the means by which patrons will be directed and required to conduct road tests on the site’s test track. The test track shall be setback at least twenty (20) feet from adjoining property lines and fifty (50) feet from adjoining roads. If such test track is to be used after dusk, it shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged to reflect the light away from adjoining properties and roads.
- 408.13. The applicant shall furnish evidence that the disposal of all materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
- 408.14. No part of the subject property shall be located within three hundred feet (300') of any land within the (R-1, R-2, and/or MHP) Zones.
- 408.15. A traffic study shall be prepared in accordance with Section 324 of this Ordinance and shall devote particular emphasis on movements of vehicles that may be moving between the subject property and other nearby uses that assist in making vehicles ready for sale.
- 408.16. For automobile auctions, one truck driver lounge with comfort and bathing facilities, a restaurant, cafeteria or refreshment counter and a filling station are permitted accessory uses provided such use are located, designed and operated in a manner that is meant to serve those persons directly associated with the principal uses while they are on the site. No entrances and/or signage shall be oriented towards attracting patrons from off-so the site. Should the proposed use include a restaurant, cafeteria or refreshment counter, the applicant shall furnish and continuously implement a working plan for the collection of litter and debris.
- 408.17. For automobile auctions, one off-street parking space shall be provided for each 1000 square feet of total interior and exterior display, sales and storage area for vehicles. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas

shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site.

Section 409 Automobile Filling Stations (Including Minor Incidental Repair)

- 409.1. Within the (HC) Zone, automobile filling stations (including minor incidental repair) are permitted by conditional use, subject to the following criteria:
- 409.2. The subject property shall have a minimum contiguous width of one hundred twenty-five feet (125');
- 409.3. The subject property shall front on an arterial or collector road;
- 409.4. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, park or playground, library, hospital or nursing, rest or retirement home;
- 409.5. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- 409.6. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty feet (30') from any street right-of-way line;
- 409.7. No outdoor storage of auto parts shall be permitted;
- 409.8. Access driveways shall be a minimum of twenty-eight feet (28') and a maximum of thirty-five feet (35') wide and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge;
- 409.9. Uses with car washes shall comply with Section 416 of this Ordinance;
- 409.10. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any land within an (R-1, R-2 and/or MHP) Zone; and,
- 409.11. The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 410 Automobile Sales, Service and Repair Facilities, Including, But Not Limited To, Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio, and Upholstery Shop

- 410.1. Within the (HC and RC) Zone, automobile sales, service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop are permitted by conditional use, subject to the following criteria:
- 410.2. Within the (RC) Zone, such uses shall only be permitted as accessory uses to a department or variety store;
- 410.3. All service and/or repair activities shall be conducted within a completely-enclosed building;

- 410.4. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 410.5. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 410.6. All exterior vehicle storage areas shall be screened from adjoining roads and any land within an (R-1, R-2 and/or MHP) Zone;
- 410.7. The storage of vehicles on the property without current registration is prohibited;
- 410.8. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the an (R-1, R-2 and/or MHP) Zone;
- 410.9. All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than 45 days unless it is stored within a completely enclosed building;
- 410.10. The demolition or junking of motor vehicles is prohibited; and,
- 410.11. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 411 Bed and Breakfasts

- 411.1. Within the (C, A, R-1 and R-2) Zones, bed and breakfasts are permitted by conditional use subject to the following criteria:
- 411.2. All bed and breakfasts shall be owner-occupied. The operator of a bed and breakfast may be a family member who is not the owner. No more than one (1) non-family member of the owner of a bed and breakfast shall be employed within a bed and breakfast. Such owner or operator shall be on the premises during the rental period.
- 411.3. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 411.4. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- 411.5. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 411.6. All parking areas shall be set back a minimum of ten feet (10') from all property lines, and shall be screened from adjoining lots and streets;
- 411.7. A bed and breakfast may erect one (1) sign no larger than two (2) square feet in size which must be set back ten feet (10') from all lot lines;
- 411.8. Breakfast is the only meal that can be served associated with a bed and breakfast, and then only to registered overnight guests. No cooking facilities shall be permitted in any bed and breakfast unit;
- 411.9. The applicant shall furnish proof of any needed building, housing or occupancy codes approval from a State and/or municipally-appointed official;

- 411.10. The owner of a bed and breakfast shall keep a register indicating the names of all guests, and the length of stay of all guests. The length of stay per guest shall be limited to 14 consecutive days per 60-day period;
- 411.11. No more than three (3) bed and breakfast units shall be permitted in any bed and breakfast establishment. Bed and breakfast units shall be located within the principal building of the bed and breakfast establishment; and
- 411.13. No bed and breakfast establishment shall be located within 500 ft. of another bed and breakfast establishment.

Section 412 Boarding Houses

- 412.1. Within the (R-2) Zone, boarding houses are permitted by conditional use, subject to the following criteria:
- 412.2. The following minimum lot area requirements shall be provided:

Minimum Required Lot Size	plus	Additional Lot Area Per Boarder (up to 10 boarders)
10,000 sq. ft.	plus	5000 sq. ft.

- 412.3. The applicant shall furnish evidence that approved systems for public sewage disposal and water supply shall be used;
- 412.4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 412.5. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 412.6. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 412.7. One (1) sign, not to exceed two (2) square feet, shall be permitted; and,
- 412.8. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry.

Section 413 Bottle Clubs and/or Bring Your Own Bottle (BYOB) Clubs

- 413.1. Within the (HC) Zone, bottle clubs and/or bring your own bottle clubs, as defined herein, may be conducted within any principal use other than a dwelling unit by conditional use, subject to the following criteria:
- 413.2. Bottle or BYOB Clubs shall comply with the following requirements:
- A. Obtain and maintain in force and effect at all times board form general liability coverage in the minimum amount of, \$1,000,000 per occurrence, proof shall be filed with the Township prior to any Certificate of Occupancy;

- B. Conspicuously post the hours of operation at the business premises;
 - C. Possess a valid Certificate of Occupancy and prominently display said certificate at the premises.
- 413.3. Bottle or BYOB Clubs shall obtain a valid Club permit pursuant to this Section and prominently display such permit at all times;
- A. Any person or persons desiring to operate or continue to operate a Bottle or BYOB Club shall file with the Township an application for a Club permit, which application shall include the following information: the name and address of the Club; a statement whether the business premises is leased or owned by the Club; the name and address of the lessor of the business premises; if applicable, the nature of the ownership of the Club, (i.e. corporation, partnership, joint venture, association) and the names and addresses of the officers and/or financial interest in the Club.
 - B. The Club shall pay an administrative fee of \$250.00 for a Club permit and \$250.00 for each annual renewal thereof. Said Club permit shall be effective for a period of one year following the date of issuance; provided, in the event the Club fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities during the term of the Club permit so issued, the Township shall have the authority to revoke the Club permit due to BYOB Club's lack of compliance.
- 413.4. It shall be unlawful for Bottle or BYOB Club to:
- A. Remain open and/or to transact business between the hours of midnight and 11:00 a.m., prevailing time. In all cases, the premises must be vacated within 15 minutes after the required closing time.
 - B. Conduct activities to which this Section applies without possessing a valid Club permit as specified herein.
 - C. Allow entry thereto by or allow provision to or consumption by persons under the age of 21 years of any alcoholic liquors, alcohol or malt or brewed beverages.
 - D. Be located within three hundred feet (300') of any property within the (R-1, R-2, and MH) Zones and/or any property that contains any one or more of the following specified land uses:
 - 1. Amusement park;
 - 2. Camp (for minors' activity);
 - 3. Child care facility;
 - 4. Church or other similar religious facility;
 - 5. Community center;
 - 6. Museum;
 - 7. Park;
 - 8. Playground;
 - 9. School; or
 - 10. Other lands where minors congregate.
 - E. Occupy any residential structure.
 - F. In addition to any monetary penalties for violations involved, Benner Township shall revoke the Club Permit required upon conviction of any unlawful activities.

- 413.5. In addition to the Zoning Officer, the Township hereby expressly authorizes the Pennsylvania State Police Department to enforce the terms of this Section.

Section 414 Campgrounds

- 414.1. Within the (C) Zone, campgrounds are permitted by conditional use, subject to the following criteria:
- 414.2. Minimum Lot Area - Ten (10) acres;
- 414.3. Setbacks - All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line;
- 414.4. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- 414.5. An internal road system shall be provided, as required by the SLDO;
- 414.6. All outdoor play areas shall be set back one hundred feet (100') and screened from adjoining properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 414.7. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100') and screened from adjoining properties. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc.;
- 414.8. Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels;
- 414.9. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as listed in Section 321 of this Ordinance;
- 414.10. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten feet (10') from the street right-of-way line, at least one hundred feet (100') from any adjoining lot lines;
- 414.11. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100') of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- 414.12. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground; and,
- 414.13. The applicant shall furnish evidence that all water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.

Section 415 Carriage and Buggy Horses

- 415.1. Within the (C and A) Zones, the keeping of carriage and buggy horses or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling are permitted by right in accordance with the following standards:
- 415.2. A maximum of four (4) such horses or other animals shall be so kept;
- 415.3. The carriage horses shall be kept within a fully enclosed building. The same building may also be used for the sheltering of additional carriage horses belonging to visitors;
- 415.4. If a grazing area is provided, it shall be enclosed by a fence designed for containment of the animals. The fence shall be located at least ten (10) feet from all property lines;
- 415.5. The owner shall submit written documentation of the methods for suitable disposal of animal waste to the Zoning Officer;
- 415.6. The building for the keeping of such horses shall comply with all principal use setbacks; and,
- 415.7. The owner of the carriage horses shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

Section 416 Car Washes

- 416.1. Within the (HC) Zone, car washes are permitted by conditional use, subject to the following criteria:
- 416.2. Gray water recycling is required;
- 416.3. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred foot (100') long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred feet (300') per lane;
- 416.4. For full service car washes, a post-washing drying area shall be provided for no less than three (3) vehicles per washing lane;
- 416.5. All structures housing washing apparatuses shall be set back one hundred feet (100') from any street right-of-way line, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line;
- 416.6. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- 416.7. The subject property shall front on an arterial or collector road; and,
- 416.8. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 417 Casinos, Off-Track Betting Parlors and/or Slot Machine Parlors

- 417.1. Within the (I-1 and I-2) Zones, casinos, off-track betting parlors and/or slot machine parlors are permitted by conditional use, subject to the following criteria:
- 417.2. No casino, off-track betting and/or slot machine parlor shall be permitted to be located within one thousand feet (1,000') of any other casino, off-track betting and/or slot machine parlor;

- 417.3. No casino, off-track betting and/or slot machine parlor shall be located within one thousand feet (1,000') of any land within the (R-1, R-2, or MHP) Zones;
- 417.3. No off-track betting parlor shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
- A. Amusement park;
 - B. Camp (for minors' activity);
 - C. Child care facility;
 - D. Church or other similar religious facility;
 - E. Community center;
 - F. Museum;
 - G. Park;
 - H. Playground;
 - I. School; or
 - J. Other lands where minors congregate;
- 417.4 The above-required distances shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each land use;
- 417.5. No more than one (1) off-track betting parlor may be located within one building or shopping center;
- 417.6. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;
- 417.7. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 417.8. A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 417.9. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- 417.10. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and casinos and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.

Section 418 Cemeteries

- 418.1. Within the (R-1 and R-2) Zones, cemeteries are permitted by conditional use, subject to the following criteria:
- 418.2. All burial plots or structures shall be located upon a minimum of one (1) acre and shall be at least fifty (50) feet from any street line and (20') from any property line;
- 418.3. In areas not served by public water, the applicant must submit written evidence to assure that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
- 418.4. No burial plots or facilities are permitted in Floodplain Zone.

Section 419 Churches and Related Uses

- 419.1. Within the (R-1 and R-2) Zones, churches and related uses are conditional use, subject to the following criteria:

419.2. House of Worship:

- A. Minimum lot area - Two (2) acres;
- B. Minimum lot width - Two hundred feet (200');
- C. Maximum permitted lot coverage – Fifty percent (50%);
- D. All houses of worship shall have vehicular access to an arterial or collector highway;
- E. Side yard setback - Fifty feet (50') on each side; and,
- F. All off-street parking areas shall be set back at least twenty-five feet (25') from the street right-of-way line.

419.3. Church Related Residences (Rectories and Convents):

- A. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship; and,
- B. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the (R-2) Zone, except that any number of church-related persons (pastors, priests, rabbis, ministers, nuns, caretakers, employees) may share group quarters.

419.4. Church-Related Educational or Day-Care Facilities:

- A. All educational or day care uses shall be accessory, and located upon the same lot as a house of worship;
- B. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- C. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
- D. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site; and,
- E. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

419.5. Cemeteries – The applicant shall demonstrate compliance with Section 418 of this Ordinance.

Section 420 Communication Antennas that are Co-located Upon Existing Structures

- 420.1. Within the (C, A, I-1, I-2 and Q) Zones, communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures) are permitted by conditional use, subject to the following criteria:
- 420.2. The applicant submits a copy of the written agreement with the landowner upon whose structure the antenna is to be located;
- 420.3. The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use;
- 420.4. The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/ IEEE C95.1-1992) with respect to radio frequency emissions;
- 420.5. The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation, and Section 240 of this Ordinance; and,
- 420.6. The applicant shall submit, from a structural engineer registered in the Commonwealth of Pennsylvania, a written certification of the existing structure's and the antenna's ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and that the construction methods or other measures used will prevent the toppling of any communication antenna onto adjoining properties and/or roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads. Towers and antennas shall be designed and constructed to withstand wind gusts of at least 100 miles per hour, or applicable standards, whichever is greater; and,
- 420.7. When one (1) or more freestanding telecommunication and wireless communications antennas are to be located on an existing structure and the general public has access to the structure on which the freestanding telecommunication and wireless communications facilities are to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, and other metals. For purposes of this subsection, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.

Section 421 Commercial Day-Care Facilities

- 421.1. Within the (HC, RC, I-1, I-2 and I-3) Zones, commercial day-care facilities are permitted by right subject to the following criteria:
- 421.2. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining properties with the (R-1, R-2 and/or MHP) Zone. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

- 421.3. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- 421.4. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- 421.5. One (1) off-street parking space shall be provided for each six (6) persons enrolled; and,
- 421.6. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 422 Commercial Produce Operations

- 422.1. Within the (A) Zone, commercial produce operations are permitted by conditional use, subject to the following criteria:
- 422.2. The minimum lot area is ten (10) acres, except that this may be reduced if the applicant can demonstrate compliance with the Pennsylvania Right-to-Farm Law;
- 422.3. The maximum permitted lot coverage is thirty percent (30%), including all impervious surfaces;
- 422.4. If applicable, the applicant shall submit written evidence from the appropriate review that the proposed use has an approved nutrient management plan. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer;
- 422.5. The applicant shall furnish evidence from the Centre County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Centre County Conservation District that the amended plan has been approved;
- 422.6. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan;
- 422.7. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, the applicant shall submit information that demonstrates compliance with Section 30910 of this Ordinance;
- 422.8. Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;
- 422.9. Any driveway or access drive providing for vehicular access to the proposed use shall include a paved apron for a distance of seventy-five feet (75') and shall maintain a fifty foot (50') wide radius for all turns and intersections;
- 422.10. Any on-site materials and/or waste storage facilities shall comply with the requirements of Section 318.6. of this Ordinance;
- 422.11. While a commercial produce operation exists, no subdivision or land development that would create an additional principal dwelling unit shall be permitted on the subject property;
- 422.12. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal

system, the applicant shall submit documentation that the public authority will supply the water needed;

- A. In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development to estimate the impact of the new development on existing wells in the vicinity.
- B. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.
- C. A water feasibility study shall include the following information:
 - 1. calculations of the projected water needs;
 - 2. a geologic map of the area, with a radius of at least one mile from the site;
 - 3. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - 4. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - 5. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - 6. a determination of the long-term safe yield based on the geologic formation(s) underlying the site;
 - 7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
 - 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study.

422.13. Should the proposed use not make use of public water, and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna River Basin Commission;

422.14. The applicant shall be required to obtain an approved land development under the requirements of the Subdivision and Land Development Ordinance;

422.15. The applicant shall be required to submit a traffic impact report, in accordance with Section 324 of this Ordinance;

422.16. The applicant shall be required to submit a written qualified plan for the removal of all buildings and the reclamation of all topsoil in the event of discontinuance of the commercial produce operation. If the site is graded during construction and operation of the commercial produce operation, all topsoil shall remain on the site in a manner which makes it conveniently accessible for reclamation. Should the applicant not adequately guarantee the removal of such buildings and reclamation of topsoil upon discontinuance of the commercial produce operation at his/her expense, the use shall be denied;

422.17. The site shall include one (1) off-street parking space for each employee during the largest work shift;

422.18. The applicant may conduct a roadside stand, as defined herein within one of the permanent buildings, but such use shall be limited to no more than three hundred (300) square feet of display area;

- 422.19. All buildings and storage/processing structures shall be set back at least one hundred feet (100') from adjoining roads and properties, and all off-street parking and loading spaces, outdoor storage areas and dumpsters shall be set back at least fifty feet (50') and screened from adjoining roads and properties;
- 422.20. One (1) sign, as provided for in Section 323, shall be permitted; and,
- 422.21. The applicant shall be required to install and maintain a riparian buffer along any watercourse that is located upon the subject property according to those specifications listed in Section 511 of this Ordinance.

Section 423 Commercial Recreation Facilities

- 423.1. Within the (HC) Zone, commercial recreation facilities are permitted by conditional use, subject to the following criteria:
- 423.2. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- 423.3. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- 423.4. Maximum permitted height for structures regulated by this Section can exceed forty-five (45) feet provided:
- A. that such structures shall not be used for occupancy;
 - B. that the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - C. the applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available;
 - D. the applicant must submit that the proposed structure does not violate Section 240 of this Ordinance; and,
 - E. the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
- 423.5. The applicant shall furnish qualified written evidence regarding the character of the proposed use and management strategies to assure that activities conducted upon the site will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 423.6. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 312.2.A. of this Ordinance. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 423.7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are

directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion; and,

423.8. Any outside pedestrian waiting lines, shall be provided with a means of shade.

Section 424 Concentrated Animal Feeding Operations (CAFOs) and Concentrated Animal Operations (CAOs)

424.1. Within the (A) Zone, concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) are permitted by conditional use, subject to the following criteria:

424.2. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least five hundred (500) feet from any land within the (R-1, R-2 and/or MHP) Zones and 100 feet from any adjoining property;

424.3. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least one hundred fifty (150) feet from all permanent surface waters, wetland areas, and wells that provide water for human consumption;

424.4. Any new concentrated animal feeding operation and all expansions to existing such operations shall be required to submit a plan for control of erosion and sedimentation prepared by a Professional Engineer and consistent with the requirements of the Nutrient Management Act. This plan shall be required even if not required by the provisions of the Nutrient Management Act itself; All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must submit written evidence of plan approval to the Zoning Officer;

424.5. The applicant shall furnish evidence from the Centre County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from Centre County Conservation District that the amended plan has been approved;

424.6. The applicant shall submit, and abide by written qualified evidence describing those methods that will be employed to:

A. minimize odor on nearby properties. Unless these methods employ the best possible techniques and materials that can be practicably applied to the proposed use, the application will be denied;

B. dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic event in which mass disposal is warranted the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health; and,

C. comply with the above-required nutrient management plan and conservation plan;

424.7. Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;

424.8. Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections;

424.9. Any on-site manure storage facilities comply with the requirements of Section 452 of this Ordinance;

- 424.10. All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor;
- 424.11. The property whereupon the concentrated animal feeding operation is located shall be graded such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water;
- 424.12. Applicants for any new concentrated animal feeding operation and all expansions to existing such operations must demonstrate compliance with all State and Federal regulations governing the specific operation; and,
- 424.13. The applicant shall establish and maintain a riparian buffer along any watercourse that is located upon the subject property in accordance with Section 511 of this Ordinance.

Section 425 Convenience Commercial Centers

- 425.1. Within the (I-2) Zone, convenience commercial centers are permitted by conditional use, subject to the following criteria:
- 425.2. One convenience commercial center may be established in each (I-2) District that contains at least one hundred (100) contiguous acres;
- 425.3. No individual lot within the convenience commercial center shall contain less than one-half (1/2) acre nor be less than one hundred (100) feet wide;
- 425.4. A convenience commercial center shall include a combination of at least three of the following uses:
- A. convenience grocery and/or dairy stores;
 - B. pharmacies and/or drug stores;
 - C. dry cleaner store branches (not including on-site cleaning);
 - D. restaurants including fast-food facilities;
 - E. automobile filling stations (including accessory service and/or repair facilities);
 - F. barbers and beauty salons;
 - G. photocopying stores;
 - H. banks and other similar financial institutions;
 - I. retail sales of stationery, office supplies;
 - J. photographic studios
- 425.5. No convenience commercial center shall exceed five percent (5%) of the total land area devoted to the adjoining (I-2) District, and in no case shall a commercial convenience center exceed five (5) acres in size;
- 425.6. The overall acreage of a proposed convenience commercial center shall not exceed the actual acreage devoted to existing permitted uses within the (I-2) District that have already been constructed and occupied;

- 425.7. All buildings, structures, parking lots, off-street loading areas, signs, dumpsters, and access drive associated with a convenience commercial center shall be set back at least one hundred (100) feet and screened from any adjoining property within the (R-1, R-2 and/or MHP) Zones;
- 425.8. Convenience commercial centers shall be linked to the surrounding (I-2) District development by safe and convenient walkways;
- 425.9. No more than two access drives shall provide vehicular access to a convenience commercial center;
- 425.10. Only one freestanding sign shall be permitted within a convenience center. Such freestanding sign shall not exceed one hundred (100) square feet in size, and no less than fifty percent (50%) of the total sign area shall be devoted to the advertisement of the convenience commercial center's name. Such sign shall be set back at least ten (10) feet from all property lines. Individual attached business signs are also permitted, subject to the provisions of Section 323 of this Ordinance;
- 425.11. All convenience commercial centers shall be functionally and visually integrated with shared parking, vehicular access, signage, and landscaping; and,
- 425.12. All other requirements of the (I-2) District shall apply to convenience commercial centers.

Section 426 Convention and/or Conference Centers

- 426.1. Within the (RC and I-2) Zones, convention centers and/or conference centers are permitted by conditional use, subject to the following criteria:
- 426.2. Convention and/or conference centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development (e.g., shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention and/or conference center, and not the general public:
- A. Offices;
 - B. Hotels and motels;
 - C. Meeting rooms and auditoriums;
 - D. Banquet and social halls;
 - E. Restaurants and taverns (excluding fast-food restaurants);
 - F. Nightclubs, subject to the requirements of Section 457 of this Ordinance;
 - G. Indoor theaters and arenas;
 - H. Sports stadiums;
 - I. Retail shops and concessionaires;
 - J. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses);
 - K. Commercial day-care facilities;
 - L. Information centers and booths; and,
 - M. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts and other similar events.

- 426.3. Minimum Required Lot Area - Ten (10) acres;
- 426.4. All uses shall be served by both public sewer and public water utilities;
- 426.5. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road;
- 426.6. Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Section 312.2.A. of this Ordinance. In addition, an unimproved, grassed, overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Board of Supervisors can require the applicant to revise and/ or provide additional on-site parking space;
- 426.7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
- 426.8. Any outside pedestrian waiting lines shall be provided with a means of shade;
- 426.9. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. All lighting on the site must comply with Section 309 of this Ordinance;
- 426.10. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
- 426.11. A traffic impact report shall be prepared in accordance with Section 324 of this Ordinance;
- 426.12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines. Any noise generated on the site must comply with Section 311 of this Ordinance;
- 426.13. The convention and/or conference center is eligible to utilize signage applicable to planned centers, as listed in Section 323 of this Ordinance; and,
- 426.14. All uses within the convention and/or conference center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

Section 427 Drive-Thru and/or Fast-Food Restaurants

- 427.1. Within the (HC and RC) Zones, drive-thru and/or fast food restaurants are permitted by conditional use, subject to the following criteria:

- 427.2. The subject property shall provide for a suitable means of vehicular access that conveniently connects with an arterial road;
- 427.3. Exterior trash/recycling receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- 427.4. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location;
- 427.5. Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with Section 311 of this Ordinance;
- 427.6. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence;
- 427.7. No part of the subject property shall be located within three hundred feet (300') of any land within the (R-1, R-2, and/or MHP) Zones; and,
- 427.8. Both public sewer and public water shall serve the proposed use.

Section 428 Dry Cleaners, Laundries and Laundromats

- 428.1. Within the (HC) Zone, dry cleaners, laundries and laundromats are permitted by conditional use, subject to the following criteria:
- 428.2. Public sewer and water shall be used;
- 428.3. All activities shall be conducted within a completely enclosed building;
- 428.4. During times of operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining property within the (R-1, R-2 and/or MHP) Zones shall be kept closed;
- 428.5. Ventilation exhausts shall meet all applicable State and Federal air quality standards. Ventilation outlets must be set back at least fifty (50) feet from all property lines or be directed skyward; in no case shall any such exhaust outlet be directed toward adjoining residences or residentially-zoned property; and,
- 428.6. Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one off-street parking space for each four hundred (400) square feet of gross floor area.

Section 429 Reserved For Future Use

Section 430 Emergency Services

- 430.1. Within the (R-1, R-2, MHP, HC, RC, I-1, and I-2) Zones, emergency services, as defined herein, are permitted by right subject to the following requirements:
- 430.2. A minimum lot size of one (1) acre is required.
- 430.3. A maximum impervious coverage of sixty percent (60%) is permitted.
- 430.4. The buildings and any outdoor storage, off-street loading spaces, waste receptacles and outdoor recreation areas shall be setback at least fifty (50) feet from each lot line. Off-street parking lots shall maintain a minimum twenty (20) foot setback from each lot line, which shall be fitted with landscaping in

accordance with Section 322 of this Ordinance. In addition, off-street parking lots, off-street loading spaces, waste receptacles and outdoor storage areas shall be screened from adjoining properties within the (R-1, R-2 and MHP) Zones.

- 430.5. Off-street parking shall be prohibited within the front yard to ensure ease of ingress and egress to and from the station.
- 430.6. Off-street parking requirements for the station shall be based upon the sum of its various features that would be occupied at one time in accordance with the schedule listed in Section 312.2.A. of this Ordinance.
- 430.7. Any facility located within the (RC) Zone shall be comply with the height requirements listed in Section 221.7.1. of this Ordinance. Any facility located within the (I-2) Zone shall be comply with the height requirements listed in Section 231.6.1. of this Ordinance.
- 430.8. No outdoor storage of vehicle parts, equipment, lubricants, fuel, or other materials used or discarded, shall be permitted.

Section 431 Family Day-Care Facilities

- 431.1. Within the (C, A, R-1, R-2 and MHP) Zones, family day-care facilities are permitted as a permitted accessory use, subject to the following criteria:
- 431.2. Family day-care facilities must be conducted within detached dwellings having a minimum lot size of ten thousand (10,000) square feet;
- 431.3. A family day-care facility shall offer care and supervision to no more than four (4) different non-residents during any calendar day;
- 431.4. All family day-care facilities with enrollment of more than three (3) non-residents shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- 431.5. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per non-resident. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. or civic sunset, whichever occurs sooner. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s); and,
- 431.6. Passenger “drop-off” and “pick-up” areas shall be provided on-site, and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

Section 432 Farm Occupations

- 432.1. Within the (C and A) Zones, farm occupations, as defined herein, if conducted as an accessory use to a principal agricultural use of the property are permitted by right subject to the following requirements:
- 432.2. Residents and up to two (2) nonresidents may be employed by the farm occupation;
- 432.3. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed

for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred feet (100') from any adjoining roads or properties;

- 432.4. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- 432.5. No part of a farm occupation shall be located within one hundred feet (100') of any side or rear lot line, nor three hundred feet (300') of any land within an (R-1, R-2 and/or MHP) Zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
- 432.6. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- 432.7. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- 432.8. Any sign used for a farm occupation shall not exceed twelve (12) square feet in size;
- 432.9. For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no nonfarm subdivision of the site shall be permitted; and,
- 432.10. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the farm occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- 432.11. The applicant shall submit the following signed and notarized statement:

"I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning."

Section 433 Farmers and/or Flea Markets

- 433.1. Within the (HC) Zone, farmers and/or flea markets are permitted by conditional use, subject to the following criteria:
- 433.2. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above;
- 433.3. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;

- 433.4. Off-street parking shall be provided at the rate of one space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 312 of this Ordinance. No required off-street parking spaces shall be used for the display and/or storage of items for sale;
- 433.5. Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in Section 314.13. of this Ordinance. The retail sales area, as described above, shall be used to calculate needed loading space(s);
- 433.6. All outdoor display and sale of merchandise shall cease no less than one hour prior to official sunset;
- 433.7. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties and the applicant shall demonstrate compliance with Section 311 of this Ordinance; and,
- 433.8. Trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the clean-up of litter.

Section 434 Fish Hatcheries

- 434.1. Within the (C) Zone, fish hatcheries are permitted by right, subject to the following criteria:
- 434.2. The applicant must furnish evidence of receipt of an approved artificial propagation license from the PA Department of Agriculture, Bureau of Animal Health.

Section 435 Flag Lots & Joint Use Driveways

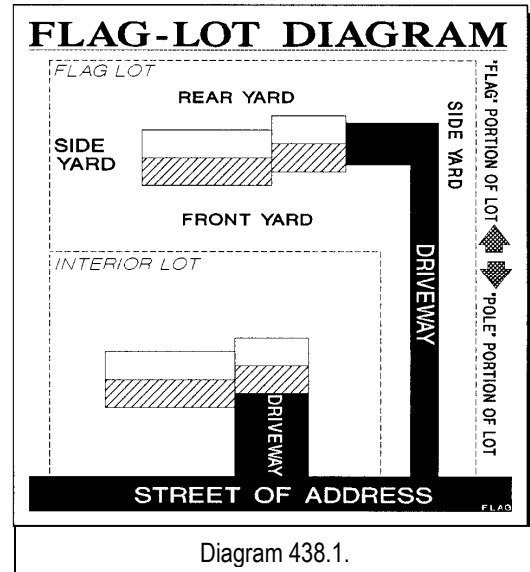
- 435.1. Flag Lots - Within the (C and A) Zones, the use of flag lots is permitted by right only when it will enable the preservation of some important natural or cultural feature (including but not limited to productive farmland) which would otherwise be disturbed by conventional lotting techniques;

A. For the purposes of this section, a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road;

B. Requirements for the Flag:

1. The minimum lot area and lot width requirements shall be measured exclusively upon the flag.
2. For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;



Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, **plus** the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

C. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction;

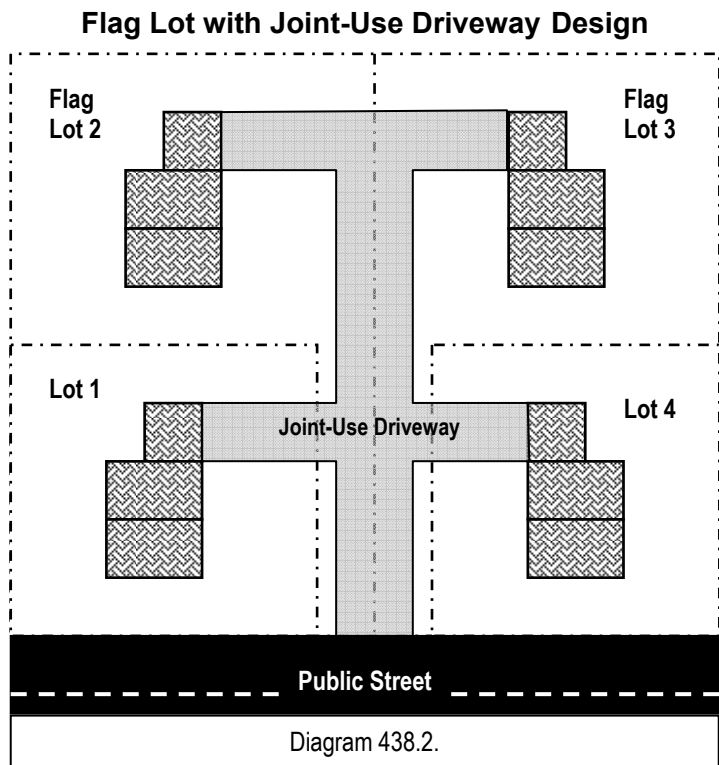
D. Requirements for the Pole:

1. The pole shall maintain a minimum width of twenty-five (25) feet.
2. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

3. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

4. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.

5. No pole shall be located within one hundred twenty (120) feet of another on the same side of the street, unless an adjoining pole shares a joint-use driveway, regulated as follows:



435.2. Joint Use Driveways

- A. When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.
- B. A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four total lots.

- C. All joint-use driveways shall have a minimum easement width of twenty-four (24) feet and a minimum cartway width of sixteen (16) feet.
- D. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan. (See Appendix __)

Section 436 Freestanding Communication Antennas, Towers and Equipment

436.1. Within the (C, A and I-1) Zones, freestanding communication antennas, towers and equipment that are not co-located are permitted by conditional use, subject to the following criteria:

436.2. Prerequisite Co-location Analysis

- A. Approval of a new freestanding communication antenna, tower and equipment will only be permitted after qualified expert demonstration by the applicant that no other opportunity exists within a two (2) mile radius of the proposed site to co-locate such antenna onto any of the following:
 - 1. utility transmission towers;
 - 2. observation towers;
 - 3. communication towers;
 - 4. silos;
 - 5. steeples;
 - 6. smokestacks;
 - 7. water towers;
 - 8. flagpoles; and,
 - 9. other similar structures.
- B. In order to demonstrate compliance with this section, the applicant must prepare and submit an inventory map of all such co-location opportunities within a two (2) mile radius of the proposed site and list the specific reason why each co-location site is not possible, for one or more of the following reasons:
 - 1. Written refusal by current tower owner to accommodate proposed antenna;
 - 2. Topographic limitations that prevent adequate transmission coverage;
 - 3. Adjacent impediments blocking adequate transmission coverage;
 - 4. Technical limitations of the system that prevent adequate transmission coverage;
 - 5. Proposed antenna exceeds structural capacity of structure or tower;
 - 6. Inadequate space on structure or tower;
 - 7. Reserved space on existing structure or tower for other antennas; and/or,
 - 8. Other specifically described limiting factors rendering existing structure or tower unusable.

436.3. Siting Requirements - The applicant shall demonstrate, using technical evidence, that the proposed location is necessary for the efficient operation of the system. All other uses associated with the communication antenna or tower, such as a business office, maintenance depot, business sign, or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the Zone in which the site is located;

436.4. Future Co-location Requirements - In order to reduce the number of towers needed in the Township in the future, any proposed new tower or other support structure shall be designed to accommodate other co-located antennas, including, but not limited to, police, fire and emergency services;

- 436.5. No minimum lot, lease area, and/or license area is required and Section 302 of this Ordinance shall not apply; however a 20 ft. vehicle right-of-way shall be required to access the site.
- 436.6. Required Antenna Towers - Except as provided below, a monopole antenna tower shall be required when new towers are proposed, unless the applicant can conclusively demonstrate that:
- A. The cost of erecting a monopole would preclude the provision of adequate service to the public;
 - B. The use of a monopole would produce an unsafe antenna support structure at the proposed location;
 - C. The proposed alternative antenna structure would have the least adverse visual impact on the environment and surroundings; and/or,
 - D. The proposed alternative antenna support structure is more architecturally compatible with surrounding uses and blends in better with the existing characteristics of the site and its surroundings.
- 436.7. Permitted Height - The applicant shall submit expert testimony that the communication antenna or tower is the minimum height required to function satisfactorily. In no case shall an antenna or tower exceed one hundred ninety-nine feet (199') in height;
- 436.8. Required Setbacks - Any communication antenna or tower shall be set back from each property line a distance equal to its height, plus fifty feet (50'). This setback shall also be applicable to guy wire anchors for the communication antenna or tower. No antenna or tower shall be located within five hundred horizontal feet (500') of:
- A. Any land within the (R-1, R-2, and/or MHP) Zones;
 - B. The nearest property line of any existing residence;
 - C. The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed; and,
 - D. The nearest property line of any lot proposed for residential purposes that has been submitted for preliminary or final subdivision approval.
- 436.9. Required Finishes and Lighting - Communication antennas or towers shall be painted with silver or gray paint, or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees, to lessen visual impact. No communication antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration, State regulations or by Township requirements;
- 436.10. Anti-climbing Requirements - All communication antennas or towers shall be fitted with anti-climbing devices, as approved by the manufacturers;
- 436.11. Compliance With Communication Requirements - The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use and that it will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/ IEEE95-1-1992) with respect to radio frequency emissions;
- 436.12. Compliance With Aviation Requirements - The applicant shall demonstrate that the proposed use will comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and Section 240 of this Ordinance;

- 436.13. Required Historic Site Findings - In accordance with Section 106 of the National Historic Preservation Act as an undertaking requiring a Federal permit, license or approval, the applicant shall be required to obtain and present a Letter of Determination from the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, determining that the proposed use will not adversely affect any historic resources;
- 436.14. Required Construction Certification - The applicant shall furnish a sealed statement from a registered engineer that the support methods employed will prevent the collapse, toppling or falling of the communication antenna or tower, or portion thereof, and will prevent the windborne scattering of ice onto adjoining properties and/or roads. Towers and antennas shall be designed and constructed to withstand wind gusts of at least 100 miles per hour, or applicable standards, whichever is greater;
- 436.15. Required Fencing and Signage - All communication antennas or towers and guy wire anchors shall be completely enclosed by a minimum eight foot (8') and maximum ten foot (10') high nonclimbable fence. All ground-mounted satellite dishes that are used to transmit video format data shall also require prominent posting on the fence of signage warning of dangerous radiation levels. Any gates within the fence shall be self-closing and shall be locked when the site is unattended.
- 436.16. Required Parking - If a tower site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces;
- 436.17. Required Landscaping - The applicant shall be required to provide landscaped screening, as defined herein, around the ground-level features of the proposed use (e.g., tower base, fence, parking and loading, related buildings, guy wire anchors, etc.). In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible;
- 436.18. Required Removal Plan - The applicant shall submit a plan for the removal of the communication antenna when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the antenna within three (3) months from the date it ceases operation or the antenna becomes obsolete;
- 436.19. Required As-Built Plan - Prior to issuance of a certificate of use and occupancy, the applicant shall be required to submit an "as-built" site plan, prepared by either a registered surveyor or a professional engineer, depicting elevations, the communication antenna or tower, buildings, fences, screening, access, and any accessory structures; and,
- 436.20. Required Biennial Inspection - Beginning in December of 2008, and by December 1 of each even-numbered year thereafter, any approved communication antenna or tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of such antennas or towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of said inspection report shall be provided to the Township, along with a review fee in the amount to be determined by resolution by the Board of Supervisors. Failure to provide this inspection report and review fee shall constitute a violation of this Ordinance.

Section 437 Funeral Homes

- 437.1 Within the (HC) Zone, funeral homes are permitted by conditional use subject to the following criteria:
- 437.2. Sufficient off-street parking shall be provided and designed to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g. overflow parking, parking attendants, etc.) to prevent such back-ups;

- 437.3. All parking areas shall be setback at least ten feet (10') from adjoining lot lines, and no joint off-street parking areas shall be permitted; and,
- 437.4. No direct vehicular access shall be permitted onto an arterial road from the site.

Section 438 Garage / Yard / Moving Sales

- 438.1. Within all Zones, garage yard and/or moving sales are an accessory permitted use to a principal residence, subject to the following standards:
- 438.2. Such sales may only be conducted by an owner or occupant of a lot;
- 438.3. No more than three (3) total sales may be conducted during any calendar year;
- 438.4. No garage/yard/moving sale shall be conducted for a period longer than twelve (12) consecutive days.
- 438.5. Such sales may offer personal possessions for sale; no import or stocking of inventory shall be permitted.
- 438.6. Only one (1) sign, not to exceed four (4) square feet in area, shall be permitted to advertise the garage/yard sale. Said sign shall be located on the lot where the sale occurs and shall be removed within six (6) hours of the completion of the sale;
- 438.7. In no case shall any aspect of the garage/yard sale be conducted in the street right of way.
- 438.8. The conduct of a garage/yard/moving sale beyond the extent described herein represents a commercial business.

Section 439 Golf Courses and Driving Ranges

- 439.1. Within the (R-1 and R-2) Zones, golf courses are permitted upon a minimum of seventy five (75) acres and driving ranges are permitted by conditional use. Golf courses must comply with all of the following criteria, while freestanding driving ranges must comply with Sections 439.2., 439.3., 439.6., and 439.10:
- 439.2. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
- 439.3. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
- A. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
1. Each crossing shall be perpendicular to the traffic movements;
 2. Only one (1) street, access drive or driveway may be crossed at each location;
 3. No crossing is permitted between a point fifteen feet (15') and one hundred fifty feet (150') from the cartway edge of a street, access drive or driveway intersection;

4. The crossing must be provided with a clear sight triangle of seventy-five feet (75'), measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five feet (5') from the edge of the roadway. No permanent obstruction over thirty inches (30") high shall be placed within this area;
 5. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 301 of this Ordinance;
 6. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five feet (25') of the cartway crossing;
 7. Golf path crossings shall be signed, warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
 8. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
- 439.4. All golf course buildings shall be set back seventy-five feet (75') from any adjoining roads and one hundred feet (100') from adjoining residential structures or parcels;
- 439.5. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
- A. Clubhouse, which may consist of:
 1. Restaurant, snack bar, lounge, and banquet facilities;
 2. Locker and rest rooms;
 3. Pro shop;
 4. Administrative offices;
 5. Golf cart and maintenance equipment storage and service facilities;
 6. Guest lodging for those using the golf course, provided:
 - a. no lodging units have separate exterior means of ingress/egress;
 - b. all lodging units shall be contained within the main clubhouse; and,
 - c. such guest lodging shall have a total occupancy of no more than twenty (20) persons;
 7. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steamrooms;
 8. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,
 9. Baby-sitting rooms and connected fence-enclosed playlots.
 - B. Accessory recreation amenities located outside of a building, including:
 1. Driving range, provided that no lighting is utilized;
 2. Practice putting greens;

3. Swimming pools;
 4. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 5. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 6. Picnic pavilions, picnic tables, park benches, and barbecue pits;
 7. Hiking, biking, horseback riding, and cross-country ski trails; and,
 8. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
- C. Freestanding maintenance equipment and supply buildings and storage yards.
- 439.6. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and screened from adjoining residential structures and roads;
- 439.7. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the municipal system will supply the water needed.
- 439.8. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. A water feasibility study shall include the following information:
- A. calculations of the projected water needs;
 - B. a geologic map of the area with a radius of at least one mile from the site;
 - C. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - D. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - E. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - F. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - G. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
 - H. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 439.9. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.
- 439.10. The applicant shall demonstrate that proposed lighting will comply with Section 309 of this Ordinance.

Section 440 Health, Fitness, Social, Fraternal and Other Private Clubs

- 440.1. Within the (HC, RC, I-1, I-2 and I-3) Zones, health, fitness, social, fraternal and other private clubs are permitted by conditional use, subject to the following criteria:
- 440.2. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- 440.3. Off-street parking shall be provided, as required by the combination of elements comprising the health club, including accessory uses in accordance with Section 312.2.A. of this Ordinance;
- 440.4. All outdoor recreation facilities shall be set back at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines;
- 440.5. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building;
- 440.6. All lighting of outdoor recreation areas shall be designed and arranged to comply with Section 309 of this Ordinance;
- 440.7. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 311 of this Ordinance.
- 440.8. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and,
- 440.9. This use shall expressly exclude adult uses, off-track betting parlors, casinos, nightclubs and outdoor shooting ranges.

Section 441 Heavy Equipment Leasing, Rental, Sales, Service, Repair and Warehousing

- 441.1. Within the (I-1) District, heavy equipment leasing, rental, sales, service repair and/or warehousing facilities are permitted by conditional use, subject to the following criteria:
- 441.2. Aside from occasional diagnostics, testing and simple repairs, all service and/or repair activities shall be conducted within a completely-enclosed building;
- 441.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 441.4. No part of the subject property shall be located within three hundred feet (300') of any land within the (R-1, R-2, and/or MHP) Zones.
- 441.5. All exterior storage and/or display areas shall be screened from adjoining properties within the (C, A, R-1, R-2, and MHP) Zones. All exterior storage/display areas shall be set back at least fifty feet (50') from adjoining street lines and shall be covered in an all-weather, dust-free surface. Any exterior storage and/or display areas located within the front yard shall occupy no more than twenty percent (20%) of the front yard area or shall be no wider than twenty percent (20%) of the lot frontage;
- 441.6. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited;
- 441.7. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining property within the (R-1, R-2, and MH) Zones;

- 441.8. All vehicles shall be repaired and removed promptly from the premises;
- 441.9. The storage of fuels and lubricant shall be limited to those that are accessory to the principal use; no retail and/or wholesale sales of such materials shall be permitted.
- 441.10. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. The applicant will describe those specific methods used to collect, store and dispose of greases, lubricants, fuels, solvents and other toxic substances associated with the proposed use; and,
- 441.11. Dumpsters for this use need not be completely enclosed within a masonry or framed enclosure with a self-closing door or gate closed.

Section 442 Prisons

- 442.1 Within the (A & C) Zones, prisons are permitted by conditional use, subject to the following criteria:
- 442.2. All facilities shall be provide written evidence that the proposed use will be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- 442.3. Minimum lot area– Fifteen (15) acres. / Minimum lot Width – Fifty (50) feet at the street line.
- 442.4. Minimum required setbacks – One hundred feet (100) from each property line.
- 442.5. Maximum permitted height – Forty-five (45) feet.
- 442.6. Required off-street parking shall include one (1) space per 1,000 sq. ft. of gross floor area for administrative office and service areas, and one (1) space for every 16 inmate beds. Additional spaces may be required, based upon the specific needs of the operation. All computations used shall be reviewed and approved by the Township Engineer.
- 442.7. A minimum twenty-five foot wide landscape buffer strip shall be provided along all property lines which shall include a vegetative screen along all side and rear property lines.
- 442.8. No part of the confinement area of the prison property shall be located within two thousand (2000') feet of any land within the (R-1, R-2 and/or MHP) Zones;
- 442.9. The applicant shall submit a traffic impact report in accordance with Section 324 of this Ordinance; and,
- 442.10. The applicant shall submit written expert evidence of the measures that will be employed to ensure that the proposed use will not adversely affect the delivery of local emergency services (e.g. police protection, fire and rescue protection, ambulance and EMS service and emergency preparedness.)

Section 443 Heliports

- 443.1 Within the (I-2) Zone, heliports as an accessory use are permitted by conditional use, subject to the following criteria:
- 443.2. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 443.3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;

- 443.4. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock;
- 447.5. No part of the take-off/landing pad shall be located nearer than three hundred feet (300') from any property line;
- 443.6. The use shall maintain a one hundred front yard setback for all buildings and structures;
- 443.7. The applicant shall demonstrate compliance with Section 240 of this Ordinance; and,
- 443.8. The heliport shall not include auxiliary maintenance facilities.

Section 444 Historic Structure Conversions

- 444.1. Within any Zone, historic structure conversions are permitted by conditional use, subject to the following criteria:
- 444.2. The proposed use will enable the preservation, restoration or rehabilitation of the historic structure, as defined herein. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic structure will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures. The applicant shall be required to participate in a meeting with the Pennsylvania Historical and Museum Commission (PHMC) and/or the Centre County Historical Society (CCHS) to gain their ideas about potential preservation options for the building/structure. No conditional use approval for the conversion of an historic structure shall be issued unless the applicant has participated in such a meeting. To inform the (PHMC/CCHS) about the structure, the applicant shall be required to produce all of the available following materials:
 - A. Historic deeds, surveys and site plans of the subject property;
 - B. Current and historic photos of the property; and,
 - C. A description of the specific alterations and adaptations that will be required to accommodate the proposed conversion.

Following such meeting the PHMC/CCHS shall, within ninety (90) days, prepare a letter of its findings for delivery to the applicant and the Township.
- 444.3. The proposed use is compatible with the surrounding area. In determining compatibility, the Board of Supervisors shall consider the likely impacts of the proposed use including but not limited to traffic, lighting, noise, litter, activity levels, buffer and screen plantings, signs, hours of operation and the number of proposed employees. The Board of Supervisors shall also consider any public health and safety impacts that will be generated by the proposed use. All uses must demonstrate adequate means of water supply and sewage disposal. These characteristics of the proposed use will be evaluated within the context of the property considering the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances;
- 444.4. The proposed use is consistent with the purpose of the underlying Zone and it satisfies all applicable requirements of the underlying Zone and any specific criteria attached to the proposed use as listed within this Article 4 of the Zoning Ordinance. The Board of Supervisors shall deny or reject any proposal if, in the Board's judgment, such proposed use is incompatible with the Zone and the neighborhood in which the subject property is located. As required, land development approvals must be obtained;
- 444.5. All proposed off-street parking, off-street loading and waste storage containers shall be screened

from adjoining roads, residences and properties within the (R-1, R-2 and/or MHP) Zones; and,

444.6. Notwithstanding other regulations contained elsewhere within this Ordinance no more than one (1) sign shall be permitted containing:

A. up to a maximum twelve (12) square feet within the (C and A) Zones; and,

B. up to a maximum twelve (12) square feet within the (R-1 and R-2) Zones.

Section 445 Home Improvement and Building Supply Stores

445.1. Within the (HC) Zones, home improvement and building supply stores are permitted by conditional use, subject to the following criteria:

445.2. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;

445.3. If the subject property contains more than (2) acres, it shall front along an arterial or collector road;

445.4. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above;

445.5. Off-street parking shall be provided at the rate of one (1) space for each two hundred fifty (250) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;

445.6. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six foot (6') high fence;

445.7. The applicant shall furnish expert evidence that any exterior amplified public address system has been arranged and designed so as to comply with Section 311 of this Ordinance;

445.8. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Section 309 of this Ordinance;

445.9. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building;

445.10. The applicant shall submit a Traffic Impact Report, as governed by Section 324 of this Ordinance; and,

445.11. The applicant shall submit a working plan for the collection, recycling and disposal of litter and wastes.

Section 446 Home Occupations

446.1. Within the (C and A) Zones, home occupations, as defined herein, if conducted as an accessory use to a principal residence, are permitted by right subject to the following requirements. Within the (R-1 and R-2) Zones, home occupations, as defined herein, if conducted as an accessory use to a principal residence, are permitted by conditional use subject to the following requirements.:

446.2. Up to two (2) nonresident employees shall be permitted;

446.3. No more than one (1) home occupation may be located in any dwelling unit;

446.4. The home occupation shall not alter the appearance of the building as a dwelling unit;

- 446.5. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- 446.6. No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises;
- 446.7. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor;
- 446.8. No goods shall be displayed so as to be visible from the exterior of the premises;
- 446.9. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit;
- 446.10. No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes;
- 446.11. In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided;
- 446.12. Only one sign advertising a home occupation shall be permitted. Such sign shall not be internally illuminated and shall be limited to:
- A. up to a maximum twelve (12) square feet within the (C and A) Zones; and,
 - B. up to a maximum two (2) square feet within the (R-1 and R-2) Zones.
- 446.13. The applicant shall submit evidence of all applicable State approvals; and,
- 446.14. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

Section 447 Hospitals and Related Uses

- 447.1. Within the (RC and I-2) Zones, hospitals and related uses are permitted by conditional use, subject to the following criteria:
- 447.2. Minimum Lot Area - Five (5) acres;
- 447.3. The subject property shall have frontage along an arterial or collector road as listed in Section 321 of this Ordinance;
- 447.4. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency vehicles and equipment;

- 447.5. Emergency entrances shall be located on a building wall which faces away from adjoining residential properties or properties within the (R-1, R-2 and/or MHP) Zones, or separated by at least three hundred feet (300') from properties within the (R-1, R-2 and/or MHP) Zones;
- 447.6. The applicant shall submit a Traffic Impact Report, as governed by Section 324 of this Ordinance;
- 447.7. The applicant is required to submit written information indicating that adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste;
- 447.8. Where more than one (1) of the uses enumerated in 447.9. below are proposed, either at one time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment;
- 447.9. Permitted Uses:
- A. Commercial day-care facilities;
 - B. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
 - C. Health and fitness clubs;
 - D. Hospitals and hospices;
 - E. Intermediate care and skilled nursing facilities;
 - F. Medical and dental offices;
 - G. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient-care facilities;
 - H. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - 1. Administrative offices;
 - 2. Automobile parking lots and parking garages;
 - 3. Housing for students, employees and their families in accordance with the standards of the (MHP) Zone;
 - 4. Helistop (see Section 447.10.A.);
 - 5. Incinerators and autoclaves (see Section 447.10.B.);
 - 6. Lodging facilities for patients and their families;
 - 7. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
 - 8. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/ service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings; and,
 - 9. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues;

447.10. Specific Requirements for Selected Accessory Uses:

- A. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred feet (300') from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
 - B. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.
- 447.11 Maximum Permitted Height - The maximum permitted height is sixty (60) feet, provided that the structure shall be setback a distance at least equal to its height from each lot line. Furthermore, any building with floor space exceeding forty-five (45) feet in height shall require the applicant to obtain a letter from the Township Emergency Management Coordinator indicating that adequate provision has been made for firefighting and rescue activities;
- 447.12. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency(s) responsible for first-due ambulance service in the Township. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

Section 448 Hotels, Motels or Similar Lodging Facilities (Including Related Dining Facilities)

- 448.1. Within the (HC, RC and I-3) Zones, hotels, motels or similar lodging facilities (including related dining facilities) are permitted by conditional use, subject to the following criteria:
- 448.2. Minimum Lot Area – Five (5) acres within the RC and I-3 Zones and two (2) acres within the HC Zone;
- 448.3. Both public sewer and public water shall be utilized;
- 448.4. The following accessory uses may be approved as part of the conditional use application:
- A. Auditorium.
 - B. Barber and beauty shops.
 - C. Gift shop.
 - D. Meeting facilities.
 - E. Recreational uses and swimming pools.
 - F. Sauna, spa or steam room.
 - G. Solarium.
 - H. Valet shop.
 - I. Other similar retail sales and personal services.
- 448.5. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building;
- 448.6. One restaurant or tavern, shall be permitted on the same lot as a principal hotel, subject to the following:

- A. The proposed restaurant, tavern or nightclub shall offer the preparation and serving food and drink to be consumed on the premises; no drive-through or take out services shall be permitted; and,
- B. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.

Section 449 Reserved for Future Use

Section 450 Man-Made Lakes, Dams, Ponds, and Impoundments

- 450.1. Within any Zone, man-made lakes, dams, ponds, and impoundments are permitted as accessory uses by right, subject to the following:
- 450.2. All lakes, dams, ponds, and impoundments located along, and connected to, a stream that involve any of the following, shall require a permit from the PA DEP, Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
 - A. The lake, dam, pond, or impoundment contains a volume of at least fifty (50) acre feet;
 - B. The dam reaches a height of fifteen feet (15'); and,
 - C. The lake, dam, pond, or impoundment impounds the water from a watershed of at least one hundred (100) acres. All such lakes, dams, ponds, and impoundments shall be located seventy-five feet (75') from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation;
- 450.3. All lakes, dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty feet (50') of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
- 450.4. All other lakes, dams, ponds, and impoundments require the submission of a statement and seal by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one and one-half feet (1.5') above the water surface elevation occurring during the base flood;
- 450.5. All lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of fifty feet (50') from any subsurface sewage disposal system or well;
- 450.6. Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
- 450.7. Maintenance - All ponds shall be regularly maintained, and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway;

Section 451 Reserved for Future Use

Section 452 Manure Storage Facilities

- 452.1. Within the (C and A) Zone manure storage facilities that are accessory to an agricultural or horticultural use are permitted by right subject to the following requirements:
- 452.2. The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection;
- 452.3. All manure storage facilities associated with a concentrated animal operation or a concentrated animal feeding operation (both as defined herein) shall require written evidence of an approval of the applicant's nutrient management plan from the Centre County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations;
- 452.4. All manure storage facilities associated with a concentrated animal operation or a concentrated animal feeding operation (both as defined herein) shall require approval of a conditional use in accordance with Section 424 of this Ordinance;
- 452.5. All manure storage facilities shall be operated and maintained in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection;
- 452.6. Any design changes during construction or subsequent operation will require the obtainment of another zoning permit subject to the applicable regulations of this Section; and,
- 452.7. Manure storage facilities shall be required to locate outside of any area regulated by Section 511 of this Ordinance (Riparian Buffer Overlay Zone).

Section 453 Mass Transit and/or Taxicab Terminals

- 453.1. Within the (I-1, I-2 and I-3) Zones, mass transit and/or taxicab terminals are permitted by conditional use, subject to the following criteria;
- 453.2. The applicant shall submit a Traffic Impact Report in accordance with Section 324 of this Ordinance;
- 453.3. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized," off-street, parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 453.4. The subject property shall have a minimum of two hundred contiguous feet (200') of road frontage along an arterial road;
- 453.5. The subject property shall be located no closer than three hundred feet (300') from any (R-1, R-2, and/or MHP) Zones and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 453.6. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line;

- 453.7. Access driveways shall be a minimum of twenty-four feet (24'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 453.8. Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant;
- 453.9. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 453.10. The outdoor storage of unlicensed and uninspected vehicles is prohibited;
- 453.11. The applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards;
- 453.12. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within ninety (90) days after arrival;
- 453.13. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the standards of Section 311 of this Ordinance; and,
- 453.14. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 454 Medical-Residential Campuses

- 454.1. Within the (R-2) Zone, medical residential campuses are permitted by conditional use, subject to the following criteria:
- 454.2. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus;
- 454.3. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques;
- 454.4. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers;
- 454.5. Commercial, medical and recreational uses shall be grouped together and located near the populations being served;
- 454.6. The minimum land area devoted to the campus shall be ten (10) contiguous acres;
- 454.7. The site shall front on and have access to a collector or arterial road;
- 454.8. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five feet (75') from all adjoining land within the (R-1, R-2, and MHP) Zones, and fifty feet (50') from all lot lines of the campus property;
- 454.9. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more

than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds. For the purposes of this section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with congregate or communal living quarters;

- 454.10. All buildings or structures used solely for residential purposes shall be set back at least fifty feet (50') from all lot lines of the campus property;
- 454.11. The maximum permitted height is sixty feet (60'), provided that for buildings exceeding thirty-five (35) feet in height, the minimum setback from each lot line is equal to the height of the structure;
- 454.12. No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 454.13. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required;
- 454.14. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:
- A. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
 - B. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
 - C. Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area; and,
 - D. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors; and,
- 454.15. The applicant must comply with all State requirements at all times.

Section 455 Methadone Treatment Facility

- 455.1. Within the (I-1) Zone, methadone treatment facilities are permitted by conditional use, subject to the following criteria:
- 455.2. No methadone treatment facility shall be located within one thousand feet (1,000') of any other methadone treatment facility;
- 455.3. No methadone treatment facilities shall be located within one thousand feet (1000') of any land within the (R-1, R-2, and MHP) Zones;
- 455.4. No methadone treatment facilities shall be located within one thousand feet (1000') of any parcel of land which contains any one or more of the following specified land uses:

1. Amusement park;
2. Camp (for minors' activity);
3. Child care facility;
4. Church or other similar religious facility;
5. Community center;
6. Museum;
7. Park;
8. Playground;
9. School; or
10. Other lands where minors congregate.

455.5. The distance between any two methadone treatment facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any methadone treatment facilities and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.

Section 456 Mini-Warehouses

- 456.1. Within the (HC, I-1 and I-3) Zones, mini-warehouses are permitted by conditional use, subject to the following criteria:
- 456.2. One (1) off-street parking space shall be provided for each ten (10) storage units, plus two per each resident manager;
- 456.3. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when cubicles open onto one side of the lane only, and at least thirty feet (30') wide when cubicles open onto both sides of the lane;
- 456.4. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the (R-1, R-2, and MHP) Zones and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;
- 456.5. Except as noted above, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- 456.6. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;
- 456.7. No door openings for any mini-warehouse storage unit shall be constructed facing any property within the (R-1, R-2, and MHP) Zones;
- 456.8. Mini-warehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:
- A. Auctions, commercial wholesale or retail sales, or garage sales;

- B. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- C. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- D. The establishment of a transfer and storage business; and,
- E. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;

456.9. The mini-warehouses will be surrounded by an eight foot (8') high fence; and,

456.10. The applicant shall demonstrate compliance with Sections 309 and 311 of this Ordinance.

Section 457 Nightclubs

- 457.1. Within the (HC and RC) Zones, nightclubs are permitted by conditional use, subject to the following criteria:
- 457.2. No part of the subject property shall be located within three hundred feet (300') of any land within the (R-1, R-2, and/or MHP) Zones;
- 457.3. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation;
- 457.4. The applicant shall demonstrate compliance with Sections 309 and 311 of this Ordinance;
- 457.5. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- 457.6. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 458 Noncommercial Keeping of Horses

- 458.1. Within the (C and A) Zones, the noncommercial keeping of horses, is permitted by right as an accessory use to a principal residence subject to the following requirements:
- 458.2. Horses shall be kept as pets or for personal enjoyment by residents of the premises.
- 458.3. The property owner shall not engage in the business of buying or selling of horses, and shall not use the horses for any commercial purpose; but shall not be prevented from the entering of the horses in shows or competitions off the premises.
- 458.4. The lot where the horses are kept shall contain at least 5 acres in size.
- 458.5. The stable for the horses shall comply with the applicable front yard setback requirement of the applicable Zone; side and rear yard setbacks shall be 40 ft.
- 463.6. The following performance criteria shall be met:
 - A. The stable shall be kept safe, clean, neat, and in good repair.
 - B. The property owner shall control odor, bugs, insects, vermin, and rodents.

- C. The horses shall be within fenced enclosures on the lot, and
- D. fences shall be kept in good repair.
- E. Fences may extend to the side or rear lot lines, and may also extend into the front yard.
- F. Manure piles or other wastes shall not be permitted to accumulate causing offensive odors or sights.

Section 459 Nursing, Rest or Retirement Homes

- 459.1. Within the (R-2) Zone nursing, rest or retirement homes are permitted by conditional use, subject to the following criteria:
- 459.2. Minimum Lot Area - Two (2) acres;
- 459.3. All parking areas shall be set back a minimum of twenty-five feet (25') from all property lines. All off-street parking and/or loading areas shall be screened from adjoining lots and streets;
- 459.4. A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten feet (10') from all lot lines;
- 459.5. The applicant shall furnish evidence that an approved means of water supply and public sewers shall be utilized;
- 459.6. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons; and,
- 459.7. No more than twenty-seven (27) care beds per acre shall be permitted.

Section 460 Indoor / Outdoor Shooting Ranges

- 460.1. Within the (C) Zone, indoor / outdoor shooting ranges are permitted by conditional use, subject to the following criteria:
- 460.2. The applicant shall submit a detailed written description of the methods used to ensure that outdoor shooting range operations:
 - A. Do not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 - B. Do not substantially damage the health, safety or welfare of the Township, or its residents and property owners;
 - C. Comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
 - D. Store ammunition only in an approved secure vault;
 - E. Limit the number of shooters to the number of firing points or stations identified on the development plan;
 - F. Require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;

- G. Prohibit the consumption of alcoholic beverages within the area approved as the shooting range; and,
 - H. Limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in accordance with Section 309 of this Ordinance, in which case all shooting shall cease by 11 p.m.;
- 460.3. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;
- 460.4. The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read "**SHOOTING RANGE AREA. KEEP OUT!**";
- 460.5. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;
- 460.6. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;
- 460.7. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way;
- 460.8. The applicant shall present credible evidence that the sounds of shooting comply with Section 311 of this Ordinance;
- 460.9. Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats;
- 460.10. No part of a shooting range property shall be located within one-quarter (¼) mile of any land within a (R-1, R-2 and/or MHP) Zones; and,
- 460.11. The applicant shall develop, describe and implement a plan for lead recovery at each target backstop.

Section 461 Principal Waste Handling, Recycling, Processing, Transfer and Disposal Facilities

- 461.1. Within the (I-1) Zone, principal waste handling, recycling, processing, transfer and disposal facilities are permitted by conditional use, subject to the following criteria:
- 461.2. All principal waste handling, recycling, processing and disposal facilities for "municipal and residual wastes," as defined by the PA DEP, shall be operated by the Solid Waste Authority of Centre County;
- 461.3. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building;

- 461.4. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within three hundred feet (300') of any property line, and five hundred feet (500') of any adjoining land within the (R-1, R-2 and/or MHP) Zones;
- 461.5. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight foot (8') high fence, with no openings greater than two inches (2") in any direction;
- 461.6. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 461.7. The use shall be screened from all adjoining land within the (C, A, R-1, R-2 and/or MHP) Zones;
- 461.8. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads;
- 461.9. All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 461.10. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;
- 461.11. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 461.12. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;
- 461.13. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building;
- 461.14. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours;
- 461.15. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 461.16. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations;
- 461.17. All structures shall be set back at least a distance equal to their height;
- 461.18. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

461.19. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:

- A. calculations of the projected water needs;
- B. a geologic map of the area with a radius of at least one mile from the site;
- C. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
- D. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
- E. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
- F. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
- G. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
- H. a statement of the qualifications and the signature(s) of the person(s) preparing the study;

461.20. The applicant shall provide a qualified traffic report, as described in Section 324 of this Ordinance;

461.21. A minimum one hundred foot (100') wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip;

461.22. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site; and,

461.23. No principal waste disposal facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

Section 462 Private Clubhouses

462.1. Within the (C) Zone, private clubhouses (as defined herein) are permitted by conditional use, subject to the following criteria:

462.2. All off-street parking shall be provided in the front yard. Parking compounds will also be screened and set back thirty feet (30') from any adjoining properties within the (R-1, R-2 and/or MHP) Zones;

462.3. All buildings and outdoor areas used for recreation shall be located a minimum of one hundred (100) feet from all property lines and any lighted outdoor athletic facilities shall be located a minimum of three hundred (300) feet from any adjoining lands within any (R-1, R-2 and/or MHP) Zones;

462.4. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used;

- 462.5. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation;
- 462.6. The applicant shall demonstrate compliance with Sections 309 and 311 of this Ordinance;
- 462.7. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- 462.8. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 463 Processing, Packaging, Bottling, Storage and/or Wholesaling of Food Products, Excluding Pickling Processes, Rendering or Slaughtering Operations and Sugar Refineries

- 463.1. Within the (I-1) Zone, processing, packaging, bottling, storage and/or wholesaling of food products, excluding pickling processes, rendering or slaughtering operations and sugar refineries, are permitted by conditional use, subject to the following criteria:
- 463.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site processing operations, the materials used in the operation, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the operation, the total number of employees on each shift, and an overall needed site size;
 - 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Sections 309, 311, and 318 of this Ordinance; and,
 - 4. A traffic impact report prepared by a professional traffic engineer, according to Section 324 of this Ordinance.
- 463.3. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. Warehouses not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. Upon approval of conditional use, warehouse owners must provide PM 2.5 data on a quarterly basis as sampled by a certified

independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the warehouse and at a distance of 75 feet from the warehouse building.

- 463.4. Any warehouse where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 463.5. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road; and,
- 463.6. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

Section 464 Public, Private, Commercial and Vocational and Mechanical Trade Schools

- 464.1. Within the (R-1 and R-2) Zone, public and private schools are permitted by right, within the (HC and RC) Zone, public, private and commercial schools are permitted by right and within the (I-1) Zone public, private, commercial and vocational and mechanical trade schools are permitted by right, all subject to the following criteria:
- 464.2. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 464.3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
- 464.4. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site; and,
- 464.5. One (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.
- 464.6. Vocational and mechanical trade schools shall comply with the following:
 - A. Aside from occasional diagnostics, testing and simple repairs, all construction, service and/or repair activities shall be conducted within a completely-enclosed building;
 - B. No part of the subject property shall be located within three hundred feet (300') of any land within the (R-1, R-2, and/or MHP) Zones.
 - C. All exterior storage and/or display areas shall be screened from adjoining properties within and roads;
 - D. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited;

- E. Any ventilation equipment outlets associated with mechanical work area(s) shall not be directly toward any adjoining property within the (R-1, R-2, and MH) Zones;
- F. All vehicles shall be repaired and removed promptly from the premises. Any structures assembled may be stored outside but must be removed regularly;
- G. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. The applicant will describe those specific methods used to collect, store and dispose of greases, lubricants, fuels, solvents and other toxic substances associated with the proposed use.

Section 465 Quarries and Mineral Extraction-Related Uses

465.1. Within the (Q) Zone, quarries and mineral extraction-related uses are permitted by conditional use, subject to the following criteria:

465.2. General - Operations:

- A. shall not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
- B. shall not adversely affect any public or private water supply source;
- C. shall not adversely affect the logical, efficient and economical extensions of public services, facilities and utilities throughout the Township;
- D. shall not create any significant damage to the health, safety or welfare of the Township and its residents and property owners;
- E. shall not result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation; and,
- F. must demonstrate compliance with all applicable State regulations at all times.

465.3. Site Plan Requirements - As a part of each application, the applicant shall submit those materials required by Section 7.(b) of the Noncoal Surface Mining Conservation and Reclamation Act (Act No. 1984-219) which shall include, at a minimum, an accurately-surveyed site plan on a scale no less than 1:2400 (1 inch equals 200 feet), showing the location of the subject property or properties to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor, with assistance from experts in related fields, and shall include the following:

- A. The boundaries of the proposed land affected, together with the drainage area above and below the subject property;
- B. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the subject property;
- C. The location of all buildings within one thousand feet (1,000') of the outer perimeter of the subject property, and the names and addresses of the owners and present occupants;
- D. The purpose for which each building is used; and,

- E. The name of the owner of the subject property and the names of adjacent landowners, the municipality, and the county.

465.4. Minimum Lot Area - Fifty (50) acres;

- 465.5. Fencing - Operations that have a highwall, as defined herein, fifteen feet (15'), or higher, shall be required to enclose the actual area of mining with a minimum eight foot (8') high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than fifteen feet (15') high, shall be required to enclose the area of mining with a minimum forty-seven inches (47") high minimum 11 gauge woven wire fence that has openings no larger than six inches (6") in any direction and has posts at intervals of no more than ten feet (10'). All woven wire fences shall be equipped with latching minimum six (6) bar tube or panel gates, at vehicular access points;

All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications, only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection;

Along all fences, the applicant will be required to post and maintain "No Trespassing" and/or "Danger" signs at intervals of no less than one (1) sign per each hundred (100) lineal feet of fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five feet (5') above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly;

There shall be no advertising placed upon the fencing/gate, except as may be permitted in Section 323 of this Ordinance;

- 465.6. Setback - The following table identifies minimum setbacks imposed upon specific features of the mining and/or processing uses from adjoining and/or nearby uses;

Mining-Related Feature	Any Occupied Building that is not part of the Mining and/or Processing Site	R-1, R-2 & MHP Zones	Adjoining Road	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Property
stock piles or spoil pipes	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
mineral processing equipment (e.g. crushers, sorters, conveyors, dryers, etc.)	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
open mine pit and highwall	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
on-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
other operational equipment, structures and/or improvements	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.

- 465.7. Access - Vehicular access shall be provided in accordance with Section 301 of this Article. All access drives serving the site shall have a paved, minimum thirty-five foot (35') wide, cartway for a distance of at least one hundred feet (100') from the intersecting street right-of-way line. In addition, a fifty foot (50') long gravel section of access drive shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;

- 465.8. Reclamation - The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such

plan shall demonstrate the covering of the site with sufficient arable soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;

- 465.9. Buffering and Screening – A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. All uses shall be screened from adjoining roads and properties. Such screening shall be comprised of an earthen berm at least ten feet (10') in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke, etc. generated by, the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a minimum ten foot (10') wide landscape screen. Such landscape screen shall consist of evergreen shrubs and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of deciduous and evergreen trees of not less than five feet (5') in height at the time of planting, that shall be planted at intervals of not more than ten feet (10'). The low-level screen shall consist of evergreen trees and shrubs of not less than three feet (3') in height at the time of planting, that shall be planted at intervals of not more than five feet (5'). The landscape screen shall be located outside of the fence required by Section 465.5. of this Ordinance and must be permanently maintained;
- 465.10. Operations Progress Report - Within ninety (90) days after commencement of mining operations, and during the first thirty (30) days of each calendar year thereafter, the operator shall file an operations progress report with the Zoning Officer, setting forth all of the following:
- A. The name or number of the operation;
 - B. The location of the operation with reference to the nearest public road;
 - C. A description of the subject property or properties, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.;
 - D. The name and address of the landowner or his duly authorized representative;
 - E. An annual report of the type and quantity of mineral produced;
 - F. The current status of the reclamation work performed in pursuance of the approved reclamation plan;
 - G. A maintenance report for the site that verifies that all required fencing, signage, and berming has been specifically inspected for needed repairs and/or maintenance, and that such needed repairs and/or maintenance has been performed; and,
 - H. Verification that the proposed use continues to comply with all applicable State and Township regulations and any conditions imposed at the time of approval. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP;
- 465.11. Water Restoration - In accordance with Section 11.(g) of the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the affected supply; and,
- 465.12. Maximum Permitted Height - No piling of spoiled materials and/or waste materials shall exceed a height of fifty feet (50') above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover in order to achieve a stable condition.

Section 466 Recycling Facilities for Electronics, Paper, Plastic, Glass, and Metal Products

- 466.1. Within the (I-1) Zone, recycling of electronics, paper, glass and metal products is permitted by conditional use, subject to the following criteria:
- 466.2. All operations, including collection shall be conducted within a completely-enclosed building;
- 466.3. There shall be no outdoor storage of materials and/or wastes processed, used or generated by the operation;
- 466.4. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with fumes and dust;
- 466.5. The applicant shall demonstrate compliance with Sections 309 and 311 of this Ordinance;
- 466.6. The applicant shall be required to submit a written working plan to assure regular maintenance of the site to immediately collect stray debris and litter.

Section 467 Residential Swimming Pools

- 467.1. Within any Zone, a swimming pool is an accessory use to a residence permitted by right, subject to the following criteria:
- 467.2. Swimming pools and any related improvements (e.g. sidewalks, decking, pumps, equipment, etc.) shall not be located within the front yard and shall be setback at least ten (10) feet from any side or rear lots line.
- 467.3. Except as noted in Section 467.6. of this Ordinance, all pools shall be entirely enclosed with a continuous, rigid fence or wall that shows no evidence of flexing when climbed by an adult. Such fence shall be erected before the pool is filled with water.
- 467.4. The required fence shall have a minimum height of four (4) feet. No openings shall be permitted between the various fence components or between the fence and the ground that would allow the passage of a four (4) inch diameter object through such opening.
- 467.5. The exterior side of the required fence must rise approximately perpendicular from the ground and shall not contain steps or any protrusions or recessions which could aid in the climbing of the fence.
- 467.6. Where the swimming pool is located above ground, the sides of the pool may be considered as part of the fence required to enclose the pool, provided that the pool walls are at least four (4) feet in height and have a retractable ladder.
- 467.7. The required fence shall be equipped with a self-latching gate, which shall be locked or secured at all times when the swimming pool is unattended.
- 467.8. All pools must use operable filtration and an effective antibacterial agent (e.g. chlorine, bromine, ozone, etc.)

Section 468 Residential Tennis Courts

- 468.1. Within any Zone, a tennis court is an accessory use to a residence permitted by right, subject to the following criteria:
- 468.2. All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline;
- 468.3. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed; and,
- 468.4. Any lighting fixtures shall be arranged to prevent objectionable glare beyond the property line and must comply with Article 310 of this Ordinance.

Section 469 Riding and Boarding Stables

- 469.1. Within the (A) Zone, riding and boarding stables, as defined herein, are permitted by conditional use, subject to the following criteria:
- 469.2. Minimum Lot Area - Ten (10) acres;
- 469.3. Any structure used for the boarding of horses shall be set back at least one hundred feet (100') from any property line and shall not be located within the front yard;
- 469.4. All stables shall be maintained so to minimize odors perceptible at the property line;
- 469.5. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four foot (4') high fence, which will be located at least ten feet (10') from all property lines or at least forty feet (40') from any adjoining land within a (C, R-1 or R-2) Zone;
- 469.6. All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking environment or movement of vehicles across neighboring properties;
- 469.7. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,
- 469.8. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

Section 470 Roadside/Garden Stands

- 470.1. Within the (C and A) Zones roadside/garden stands, as defined herein, for the seasonal sale of agricultural products are permitted by right as an accessory use to an agricultural or horticultural use, subject to the following requirements:
- 470.2. Roadside stands shall not exceed three hundred (300) square feet of total display area;
- 470.3. Roadside stands must be located at least twenty feet (20') from the right-of-way line and must have at least three (3) off-street parking spaces;
- 470.4. A maximum of two (2) signs will be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen feet (15');

- 470.5. Any structure must be located at least fifty feet (50') from any side or rear property line; and,
- 470.6. No structures housing a roadside stand or accompanying parking area may be located within one hundred feet (100') of any intersecting street rights-of-ways.

Section 471 Rural Occupations

- 471.1. Within the (C, A, R-1 R-2 and MHP) Zones rural occupations, as defined herein, are permitted by conditional use, subject to the following requirements:
- 471.2. **Access.** Vehicular access to the site shall accommodate the size of vehicles and/or equipment safely.
- 471.3. **Alterations.** No exterior alterations or changes to the residential character of the dwelling unit shall be permitted in order to accommodate or facilitate such business.
- 471.4. **Buildings.** Buildings constructed to house equipment used by the businesses shall be sized appropriately to the area and aesthetically pleasing. All equipment used by the business shall be completely housed. No domestic occupancy shall take place within the building.
- 471.5. **Display.** There shall be no use of show window displays or advertising visible outside the premises to attract customers or clients.
- 471.6. **Employees.** Such business shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than two (2) full-time additional employees or the equivalent.
- 471.7. **Inspection/registration.** Such businesses shall be registered with the Township, and the Township may inspect the site on an as needed basis.
- 471.8. **Lot size.** Minimum lot size shall be 2 acres.
- 471.9. **Noise, fumes, and other offensives impacts.** No such business shall create noise, fumes, smells, vibrations, light or other effects that are heard, observed, smelled, or felt beyond the property line.
- 471.10. **Parking.** No more than two (2) additional off-street parking spaces may be created on the premises for rural occupations. The existing driveway may be used to meet this requirement.
- 471.11. **Servicing.** No repetitive servicing by truck or service vehicles for delivery of supplies or materials to such business shall be permitted.
- 471.12. **Signs.** Signs shall be regulated under the Section 323 of this Ordinance.
- 471.13. **Sewage disposal.** Domestic and non-domestic sewage discharge is prohibited from buildings housing equipment used by such business.
- 471.14. **Storage of equipment/fuel.** Storage of equipment and any work related materials shall be in compliance with all Federal, State, County and/or local regulations. Fuel for vehicles or equipment shall not be stored on the site. There shall be no exterior storage of materials. Hazardous and toxic materials shall not be allowed to be stored on-site.
- 471.15. **Visits.** No business shall be conducted involving more than an average of 10 visits per week to the premises by clients or customers.
- 471.16. **Traffic.** Such business shall not create any additional traffic or parking problems for neighbors.

471.17. **Unobtrusive.** No business shall be conducted unobtrusively and shall not impinge upon neighbors nor adversely affect the residential character of the premises or the neighborhood.

Section 472 Sales, Storage and/or Wholesaling for the Local Delivery of Home and Auto-Related Fuels, Nursery and Garden Materials and Stock, Redi-Mix Concrete, Contractor Supplies and, Plumbing, Heating, Air Conditioning, Electrical, and other Structural Components of Buildings.

- 472.1. Within the (I-1) Zone the sales, storage and/or wholesaling for the local delivery of home and auto-related fuels, nursery and garden materials and stock, redi-mix concrete, contractor supplies and, plumbing, heating, air conditioning, electrical, and other structural components of buildings is permitted by conditional use subject to the following requirements:
- 472.2. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 472.3. If the subject property contains more than (2) acres, it shall front along an arterial or collector road;
- 472.4. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above;
- 472.5. Off-street parking shall be provided at the minimum rate of one (1) space for each two hundred fifty (250) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- 472.6. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six foot (6') high fence;
- 472.7. The applicant shall furnish expert evidence that any exterior amplified public address system has been arranged and designed so as to comply with Section 311 of this Ordinance;
- 472.8. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Section 309 of this Ordinance;
- 472.9. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building;
- 472.10. The applicant shall submit a Traffic Impact Report, as governed by Section 324 of this Ordinance; and,
- 472.11. The applicant shall submit a working plan for the collection, recycling and disposal of litter and wastes.
- 472.12. No storage of bulk fuels shall be located within one thousand feet (1000') of any property within the (R-1, R-2, and MH) Zones and/or any property that contains any one or more of the following specified land uses:
 - 1. Amusement park;
 - 2. Camp (for minors' activity);
 - 3. Child care facility;
 - 4. Church or other similar religious facility;

5. Community center;
6. Museum;
7. Park;
8. Playground;
9. School; or
10. Other lands where minors congregate.

Section 473 Sawmills

- 473.1. Within the (I-1) Zone, sawmills are permitted by conditional use, subject to the following requirements:
- 473.2. No material shall be deposited or stored, and no building or structure shall be located, within three hundred feet (300') of any property line and five hundred feet (500') of any land within an (R-1, R-2 and/or MHP) Zone;
- 473.3. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back-up onto public roads;
- 473.4. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted.
- 473.5. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and,
- 473.5. The applicant must demonstrate compliance with Section 311 of this Ordinance.

Section 474 Septage and Compost Processing

- 474.1. Within the (A) Zone, septage and compost processing are permitted by conditional use, subject to the following criteria:
- 474.2. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof;
- 474.3. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 474.4. The use shall be screened from all roads and adjoining properties;
- 474.5. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads;
- 474.6. All driveways onto the site must be paved for a distance of at least one hundred feet (100') from the street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 474.7. The unloading, processing and transfer, of septage and compost shall be continuously supervised by a qualified facility operator;
- 474.8. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations;

- 474.9. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
- A. calculations of the projected water needs;
 - B. a geologic map of the area with a radius of at least one mile from the site;
 - C. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - D. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - E. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - F. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - G. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 - H. a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 474.10. A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip;
- 474.11. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road; and,
- 474.12. Any structure used for the storage, loading, processing and/or packaging of compost shall be set back at least three hundred feet (300') from all property lines, and five hundred feet (500') from any land within the (R-1, R-2, or MHP) Zones. In addition, any ventilation outlets must be oriented away from any land within the (R-1, R-2, or MHP) Zones.

Section 475 Shopping Centers

- 475.1. Within the (HC and RC) Zones, shopping centers are permitted by conditional use, subject to the following requirements:
- 475.2. The initial approval of the shopping center shall require conditional use review. For freestanding pad sites, the applicant may choose to identify proposed building envelopes and a list of potential uses to be applied to each pad site respectively as an alternative to the specific identification of each use; however, in reviewing such pad sites the Township will consider the worst case scenario of building site envelope and potential uses when evaluating the conditional use application. Any subsequent substitution of use within the shopping center shall be permitted by right so long as the proposed use is permitted and does not require amendment of the site plan approved by the original conditional use. Future uses to be substituted that require separate conditional use or conditional use approval, shall follow such review and approval processes. Future uses that require amendment of the site plan shall require conditional use approval under Section 905 of this Ordinance;

- 475.3. Shopping centers shall front on an arterial road. Drive-through lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots. Access drives serving all shopping centers shall be set back at least two hundred feet (200') from the intersection of any street right-of-way lines along the same side of the street;
- 475.4. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas;
- 475.5. Unless deferred by the Board of Supervisors, all shopping centers must provide an improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree;
- 475.6. Shopping centers must integrate a designated location for a minimum of twenty (20) park and ride off-street parking spaces that is readily-identifiable and conveniently accessible to passing motorists. Such park and ride spaces can include those spaces required to serve the shopping center and shall be designed, signed, lighted and maintained in accordance with Section 312 of this Ordinance;
- 475.7. The applicant's site plan shall clearly depict the proposed locations and dimensions of all on-site circulation improvements which must demonstrate safe vehicular and pedestrian movements both upon and abutting the subject property;
- 475.8. A Traffic Impact Report shall be submitted by the applicant, in accordance with Section 324 of this Ordinance;
- 475.9. Both public sewer and public water utilities shall be required.
- 475.10..The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Floor Area	Minimum Required Interior Landscaping As Described in Section 312.23. this Ord.	Minimum Required Off-Street Loading Spaces
Shopping center	Minimum 2.86 Maximum 4.00	5%	2 plus 1 per 50,000 sq. ft., or fraction thereof, of gross floor area over 20,000 sq. ft.
Freestanding restaurants that are integrated within the shopping center	Minimum 10 Maximum 20	5%	1 for uses with at least 2000 square feet plus 1 per 10,000 sq. ft., or fraction thereof, of gross floor area over 10,000 sq. ft.

- 475.11. The proposed shopping center design shall comply with the applicable regulations contained within the following table:

SHOPPING CENTER DESIGN REQUIREMENTS	
↓Standard / Use ⇒	shopping center
Required Lot Area	Minimum - 5 acres;
Minimum Required Lot Width	250 ft. at the building setback line & street line

SHOPPING CENTER DESIGN REQUIREMENTS	
↓Standard / Use ⇒	shopping center
Minimum Required Lot Depth	250 ft.
Required Minimum Yard Setbacks:	The following lists required setbacks between features of the shopping center and perimeter lot lines. No specific setbacks are required between buildings located upon the shopping center site except those that may be required by the Township Fire Official or by the Pennsylvania Uniform Construction Code.
Front, as Measured from Street R.15.W.	100 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.
One Side	60 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters
Both Sides	120 ft. for buildings & structures (except permitted signs); 50 ft. for off-street parking & loading spaces & dumpsters
Rear	60 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters
Minimum Required Setback from R-1, R-2, MHP and TND Zone	500 ft. for uses (e.g. buildings, structures, access drives, off-street parking and loading, outdoor storage, dumpsters and etc.) that operate between the hours of midnight and 6:00AM; 100 ft. for other buildings, structures, off-street loading, dumpsters, and off-street parking
Maximum Permitted Impervious Lot Coverage	60%
Maximum Permitted Building Height	55 ft., all uses must comply with Section 221.7. of this Ordinance.

475.12. The applicant shall submit written expert evidence that demonstrates compliance with the lighting requirements of Section 309 of this Ordinance;

475.13. The applicant shall submit a landscape plan prepared by a landscape architect or professional engineer registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of Section 322 of this Ordinance. Such plans shall include but not be limited to details depicting:

- A. Landscape buffers and screens used to protect adjoining residential zones and residential uses;
- B. Screening used to prevent the spillage of headlights onto adjoining properties;
- C. Typical interior landscape island treatments;
- D. Typical landscape strip treatments; and,
- E. Landscape treatments at the shopping center access drives' intersections with streets.

475.14. Developers are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors;

- A. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - 1. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;

2. Feature prominent customer entrances and exterior pedestrian amenities;
 3. Make use of a combination of wood, brick, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or “exterior insulation and finish systems” (EIFS) as viewed from adjoining streets and properties;
 4. Employ “earth-tone,” “pottery-tone” or “Williamsburg-type” colors for primary wall surfaces;
 5. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 6. Place utilities underground.
- B. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
 - C. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of seventy percent (70%).
 - D. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another land conditional use approval at that time.
 - E. Should any part of this Section 475.14. be declared invalid by the courts, the entire Section 475.14. shall be automatically repealed.
- 475.15. The applicant shall submit a sign plan that demonstrates compliance with the sign requirements listed in Section 323 of this Ordinance for planned centers. Once approved as part of the conditional use review, any subsequent substitution of sign that does not increase the size and/or alter the location of signs permitted on the originally approved sign plan is permitted by right. Future signs that would alter the size and/or location of signs will require shall require conditional use approval:

Section 476 Slaughtering, Processing, Rendering, and Packaging of Food Products and Their By-Products

- 476.1. Within the (I-1) Zone, slaughtering, processing, rendering, and packaging of food products and their by-products (as a principal use) are permitted by conditional use, subject to the following criteria:
- 476.2. Minimum Lot Area - Five (5) acres;
- 476.3. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads as listed in Section 321 of this Ordinance;
- 476.4. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
- 476.5. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- 476.6. The applicant shall furnish a written working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;

- 476.7. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;
- 476.8. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- 476.9. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels. The applicant must demonstrate those methods that will be used to comply with Section 311 of this Ordinance;
- 476.10. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- 476.11. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within three hundred feet (300') of any property line nor five hundred feet (500') of any land within a (R-1, R-2 and/or MHP) Zone;
- 476.12. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip;
- 476.13. Both public sewer and public water shall be utilized. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- 476.14. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
- 476.15. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- 476.16. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 476.17. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- 476.18. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with Section 324 of this Ordinance.

Section 477 Traditional Neighborhood Design Developments

- 477.1. Within the (R-1 and R-2) Zones traditional neighborhood design developments are permitted by conditional use, subject to Section 213 of this Ordinance.

Section 478 Truck Stops or Motor Freight Terminals

- 478.1. Within the (I-1) Zone, truck stops or motor freight terminals are permitted by conditional use, subject to the following criteria:

- 478.2. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.
- 478.3. The applicant shall furnish a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with Section 324 of this Ordinance;
- 478.4. The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along an arterial and/or collector road as listed in Section 321 of this Ordinance;
- 478.5. The subject property shall be located no closer than five hundred feet (500') from any (R-1, R-2, and/or MHP) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 478.6. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;
- 478.7. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 478.8. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop according to the schedule contained within Section 312.2.A. of this Ordinance. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 478.9. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 478.10. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited;
- 478.11. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 478.12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 311 of this Ordinance;
- 478.13. The applicant shall demonstrate compliance with Section 309 of this Ordinance; and,
- 478.14. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 479 Two-Family Conversions

- 479.1. Within the (R-2) Zone, a detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted into two (2) dwelling units, subject to the following:
- 479.2. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 479.3. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 479.4. All floors above and/or below grade shall have direct means of escape to ground level;
- 479.5. Four (4) off-street parking spaces shall be provided; however, such uses may share the same driveway provided that vehicles entering and/or exiting the property are unimpeded by a parking space; and,
- 479.6. The applicant shall obtain any required land development approvals.

Section 480 Valet Parking Compounds

- 480.1. Within the (HC, RC and I-3) Zones, valet parking compounds are permitted by conditional use, subject to the following criteria:
- 480.2. The parking compound shall have an employee on duty at all times during operation of the use;
- 480.3. The parking compound shall be connected to the adjoining street via one or more access drives in accordance Section 301 of this Ordinance;
- 480.4. The parking compound shall be designed in accordance with Section 312 of this Ordinance;
- 480.5. The applicant shall demonstrate compliance with Section 309 of this Ordinance;
- 480.6. Any booths or other structures used for the collection of parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
- 480.7. The use must employ some advance notification (signage) that informs potential patrons before they enter the site that the parking compound is full;
- 480.8. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 311 of this Ordinance;
- 480.9. The applicant shall prepare, submit and explain, and continuously implement a working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris; and,
- 480.10. If provided, all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No "porta-potties" are permitted.

480.11. At no time will loitering, washing, waxing, or fueling of vehicles, or any other type of such activity be permitted. The only exception to these limitations shall be emergency repairs to a vehicle lawfully parked upon said premises.

480.12. Excessive loud noises, such as radios, the tooting of horns, or the racing of motors, shall not be permitted.

480.13. There shall be no parking in the aisles.

Section 481 Veterinary Offices, Animal Hospitals and Kennels

481.1. Within the (C, A and I-1) Zones, veterinary offices and animal hospitals are permitted by right, within the (I-1) Zone, kennels are permitted by right and within the (C and A) Zones, kennels are permitted by conditional use, all subject to the following criteria:

481.2. Within the (I-1) Zone, no outdoor keeping or running of animals is permitted; and,

481.3. Within the (C and/or A) Zones, kennels are subject to the following minimum required lot sizes and required setbacks based upon the number of animals kept:

Type and Number of Animals Kept	Minimum Required Lot Area	Minimum Required Setback of Unenclosed Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line
1 dog to 50 dogs and/or up to a maximum of 200 animals, other than dogs	5 acres	150 feet
More than 50 dogs and/or more than 200 animals, other than dogs	10 acres	300 feet

481.4. The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations listed in Section 311 of this Ordinance;

481.5. The applicant shall furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death;

481.6. The applicant shall demonstrate evidence of compliance with the PA Dog Law; and,

481.7. The applicant shall furnish evidence of an effective means of animal waste collection and disposal which shall be continuously implemented.

Section 482 Warehousing and Wholesale Trade Establishments

482.1. Within the (I-1 and I-3) Zones, warehousing and wholesale trade establishments are permitted by conditional use, subject to the following criteria:

482.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:

- A. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the

disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

- B. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
 - C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Article 3 of this Ordinance; and,
 - D. A traffic impact report prepared by a professional traffic engineer, according to Section 324 of this Ordinance.
- 482.3. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. Warehouses not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. Upon approval of conditional use, warehouse owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the warehouse and at a distance of 75 feet from the warehouse building.
- 482.4. Any warehouse where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 482.5. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road; and,
- 482.6. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads as listed in Section 321 of this Ordinance.

Section 483 Wind Farms

- 483.1. Within the (C) Zone, wind farms (as defined herein) are permitted by conditional use, subject to the following criteria:
- 483.2. The applicant shall prepare and submit a narrative and mapping describing the proposed wind farm, including:
- A. an overview of the project;
 - B. the project location;
 - C. the approximate generating capacity of the wind farm;

- D. the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers; and,
- E. a description of accessory facilities.
- F. an affidavit or similar evidence of agreement between the property owner(s) and the applicant demonstrating that the applicant has the permission of the property owner(s) to apply for necessary permits for construction and operation of the wind farm.
- G. a listing and map of the properties on which the proposed wind farm will be located, and the properties adjacent to where the wind farm will be located.
- H. a site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind farm to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

483.3. The applicant shall demonstrate with credible expert evidence that:

- A. to the extent applicable, the wind farm shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142;
- B. the design of the wind farm shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations;
- C. each of the proposed wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection;
- D. all electrical components of the wind farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards;
- E. wind turbines shall be a non-obtrusive color such as white, off-white, gray or some color similar to the background of the proposed wind turbine;
- F. wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety;
- G. wind turbines shall not display advertising, other than an incidental insignia of the turbine manufacturer;
- H. on-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
- I. a clearly visible warning sign concerning voltage must be placed at the base of all at-grade transformers and substations.
- J. visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of each guy wire and along each guy wire up to a height of ten feet from the ground. The

applicant shall also submit a working plan for the regular inspection of such guy wires and replacement of any needed flags, reflectors, or tape;

- K. wind turbines shall be designed and constructed to be non-climbable up to fifteen (15) feet above ground surface.
 - L. all access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
 - M. wind turbines shall be set back from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the principal building.
 - N. wind turbines shall be set back from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the adjoining property line.
 - O. wind turbines shall be set back from the right-of-way of any street a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the street right-of-way.
 - P. The applicant shall be responsible for the prompt repair and maintenance of all roads used to transport equipment and parts for construction, operation or maintenance of the wind farm. The applicant shall prepare an engineering report that documents road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. Such reports shall be reviewed by the Township engineer; any discrepancies shall be mediated by a third engineer selected by mutual acceptance by the applicant's and Township's engineers. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads and the Township may bond the road in compliance with state regulations.
 - Q. The applicant shall provide a copy of the project summary and site plan as required in Section 483.2. to the Township Emergency Management Coordinator. The applicant shall prepare and coordinate the implementation of an emergency response plan for the wind farm acceptable to the Township Emergency Management Coordinator prior to the issuance of a zoning permit for the proposed use.
- 483.4. Audible sound from a wind farm shall not exceed fifty (55) dBA, as measured at the following minimum distances. Methods for measuring and reporting acoustic emissions from the wind farm shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind turbine Generation Systems Volume I: First Tier*.
- A. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property;
 - B. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property; and,

- C. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater, from the right-of-way of any street.
- 483.5. The applicant shall make reasonable efforts to minimize shadow flicker and to avoid any disruption or loss of radio, telephone, television or similar signals. The applicant shall mitigate any such harm caused by the wind farm on any adjoining property whose owner has not agreed to locate the proposed wind farm upon his/her property.
- 483.6. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates of insurance coverage shall be made available to the Township each year that the wind farm operates.
- 483.7. The applicant shall be responsible for the decommissioning of the wind farm in accordance with the following requirements:
- A. The applicant shall, at his/her expense, complete decommissioning of the wind farm, or individual wind turbines, within (12) twelve months after the end of the useful life of the wind farm or individual wind turbines. The wind farm or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 - B. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 - C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter at the applicant's and/or any successor's expense.
 - E. The applicant shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than twenty five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
 - F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
 - G. If the applicant fails to complete decommissioning within the period prescribed by Section 483.7.1., of this Ordinance, then the landowner shall have six (6) months to complete decommissioning.
 - H. If neither the applicant, nor the landowner complete decommissioning within the periods prescribed by Sections 483.7.A., and 483.7.G. of this Ordinance, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township in accordance with Section 483.2.F. of this Ordinance shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

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

Section 484 Rural Cluster Developments

- 484.1. Within the (A) Zone, rural cluster developments are permitted by conditional use, subject to the following criteria:
- 484.2. Purpose - This conditional use is intended to blend various residential development types amid substantial areas of the Township that are characterized by natural sensitivity, productive farmlands and/or public parklands. It is the express purpose to offer a density bonus and flexible design standards as enabled in the Act for the preservation and protection of natural-cultural features and/or the provision of public accessible common open space. Clustering, as defined herein, may be arranged in many design configurations on a prospective lot or lots.
- 484.3. The minimum lot area devoted to a rural cluster shall be five (5) acres and the applicant shall demonstrate an approved means of water supply and sewage disposal will serve each dwelling unit;
- 484.4. Delineation of Required Common Open Space – Rural clusters are characterized by a minimum of 60 percent of the total lot area devoted to required common open space as defined herein. However, applicants may opt to provide for future agricultural use common open space provided that the planning considerations of Section 201.6. of this Ordinance are satisfied; in such cases public access shall not be required to such agricultural areas. Common open spaces can also be used for central sewer and water facilities provided such facilities are suited, designed and operated in a manner compatible with the permanent protection of the common open space without adverse impact. The following lists the minimum common open space requirements for each Zone in which rural clusters are permitted:
- 484.5. Identification of Required Common Open Space - As part of the site planning process for the rural cluster, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

Mandatory conservation features - The following features must be undisturbed and successfully integrated within the rural cluster's common open space:

- 100-year floodplains;
- steep slopes [greater than twenty-five percent (25%)];
- wetlands, streams, ponds, or other waterways;
- sinkholes, caves, or rock outcroppings;
- riparian buffers, as regulated by Section 511 of this Ordinance; and,
- Greenway corridors as identified in the Nittany and Bald Eagle Greenways Plan (2002).

Suggested conservation features - The following features should be undisturbed and successfully integrated within the rural cluster's common open space:

- productive agricultural soils;
- steep slopes [greater than fifteen percent (15%)];
- wetland margins, as defined herein;
- significant geologic features;
- scenic vistas;
- threatened or endangered species habitats as identified in the most recent inventory of the Pennsylvania Natural Diversity Inventory (PNDI);
- archaeological resources;
- historic resources; and,
- significant stands of mature trees.

In addition, the applicant can include proposed parklands within required common open space if such parkland complies with the following:

1. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each parkland site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
2. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
3. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the parkland site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;
4. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site;
5. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance; and,

484.6. Ownership and Maintenance of Common Open Space The ownership and maintenance of common open space shall be governed by Section 317 of this Ordinance.

484.7. Desired Trail Features - The Board may permit one additional dwelling unit for each 2500 lineal feet of trail that is designated for general public use. The decision whether to accept an applicant's offer to dedicate common open space for general public usage within a rural cluster shall be at the sole discretion of the Board, which shall be guided by the recommendations contained in the Township's Comprehensive Plan, particularly those sections dealing with active recreational facilities and passive trail networks.

484.8. Permitted Densities – The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new dwelling units that may be established, respectively, within a rural cluster. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. If land is added to the Agricultural Zone after the effective date of this Ordinance, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:

- A. such land is divided into one or more lots, parcels, purparts or tracts;
- B. such land was acquired by the landowner at different times or by different deeds or other means; and,
- C. such land is separated by public or private streets or rights-of-way.

Lot Area (Acres)		Total number of lots that may be subdivided and/or principal uses that may be created
At least	Less than	
5	10	1
10	15	2
15	20	3
20	25	4
25	30	5
30	35	6
35	40	7
40 or more		8, plus 1 per each 5 acres in excess of 40 acres
* These densities are subject to the bonuses described in Sections 484.7. of this Ordinance.		

- 484.9. Required Ratio Housing Types - The following tabulates permitted residential structure types within rural clusters based upon the extent of proposed common open space.

Proposed Common Open Space (Percent of Total Site Area)	Percentage of Dwelling Units Required by Structural Type		
	Single-Family	Duplex	Townhouse or Multiple-Family
No less than 60%	At least 80%	No more than 20%	No more than 20%
61 to 70%	At least 65%	No more than 35%	No more than 35%
71 to 80%	At least 30%	No more than 70%	No more than 70%
80% or more	No more than 100%	No more than 100%	No more than 100%

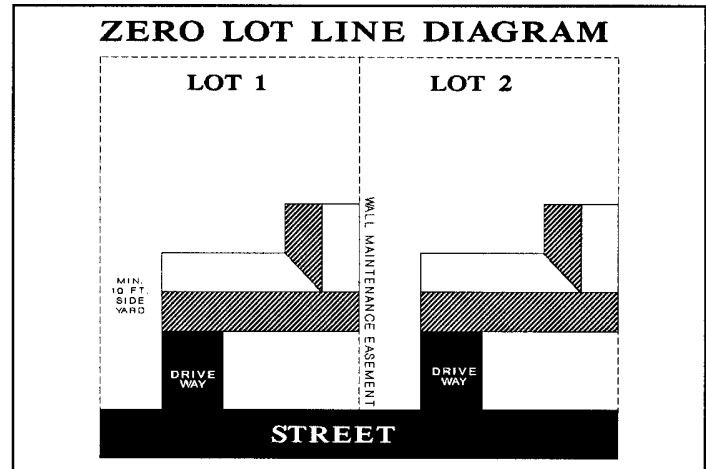
- 484.10. Required Design Standards - The following table and its footnotes present applicable design standards applied to the various dwellings/lots configured as a rural cluster:

Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback/(Frontage)	Maximum Lot Coverage	Minimum Required Yards			
					Front ⁴	One Side	Both Sides	Rear
Single- Family Detached Dwelling ¹	6,000 sq. ft.	35 ft.	60 ft. (50 ft.)	50%	25 ft.	6 ft.	12 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	45 ft. (40 ft. per unit)	60%	25 ft.	10 ft.	N/A	15 ft.
Townhouses ²	1,800 sq. ft. per unit	35 ft.	18 ft. (18 ft.) per unit	75%	25 ft.	15 ft.	(End Units)	20 ft.
Multiple- Family ³	43,560 sq. ft.	35 ft.	150 ft. (200 ft.)	60%	35 ft.	30 ft.	60 ft.	35 ft.

¹ Within a rural cluster, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- Minimum lot width shall be forty-five feet (45') and thirty-five feet (35') at the building setback and the lot frontage, respectively.
- One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten feet (10') wide.

- A perpetual six foot (6') wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.



d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24"), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.

- The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight feet (8') above grade, and have translucent panels.

² No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15') from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.

³ In those instances where several multiple-family dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty feet (50') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.
- A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- All multiple-family dwelling buildings shall be set back a minimum of fifteen feet (15') from any interior access drives or parking facilities contained on commonly-held lands.

⁴ If the property abuts an arterial road, the minimum front yard setback shall be forty feet (40') from the right-of-way line.

Article 5

Environmental Protection

Section 500 Purpose

In accordance with sound community and site planning principles, this Article provides for requirements that are imposed upon proposed uses and activities that, because of their location, pose a threat to the environmental integrity of the Township and thereby threaten public welfare. The respective sections of this Article impose necessary restrictions to ensure environmental stewardship and require an applicant to engage a proper site planning process.

Section 501 Relationship to Other Sections of This Ordinance

- 501.1.** The provisions of this Article are designed to supplement the provisions contained elsewhere in this Ordinance. In those instances where design, application, review and/or performance criteria contained herein differ from those imposed elsewhere in this Ordinance, the most restrictive standard shall apply. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.
- 501.2.** This Section shall expressly not prohibit land management practices which are intended to ecologically improve any wetland, woodland, stream, lake or pond, provided that all necessary permits have been obtained from the Pennsylvania Department of Environmental Protection and all other applicable regulatory entities.

Section 502 Feature Identification Procedures

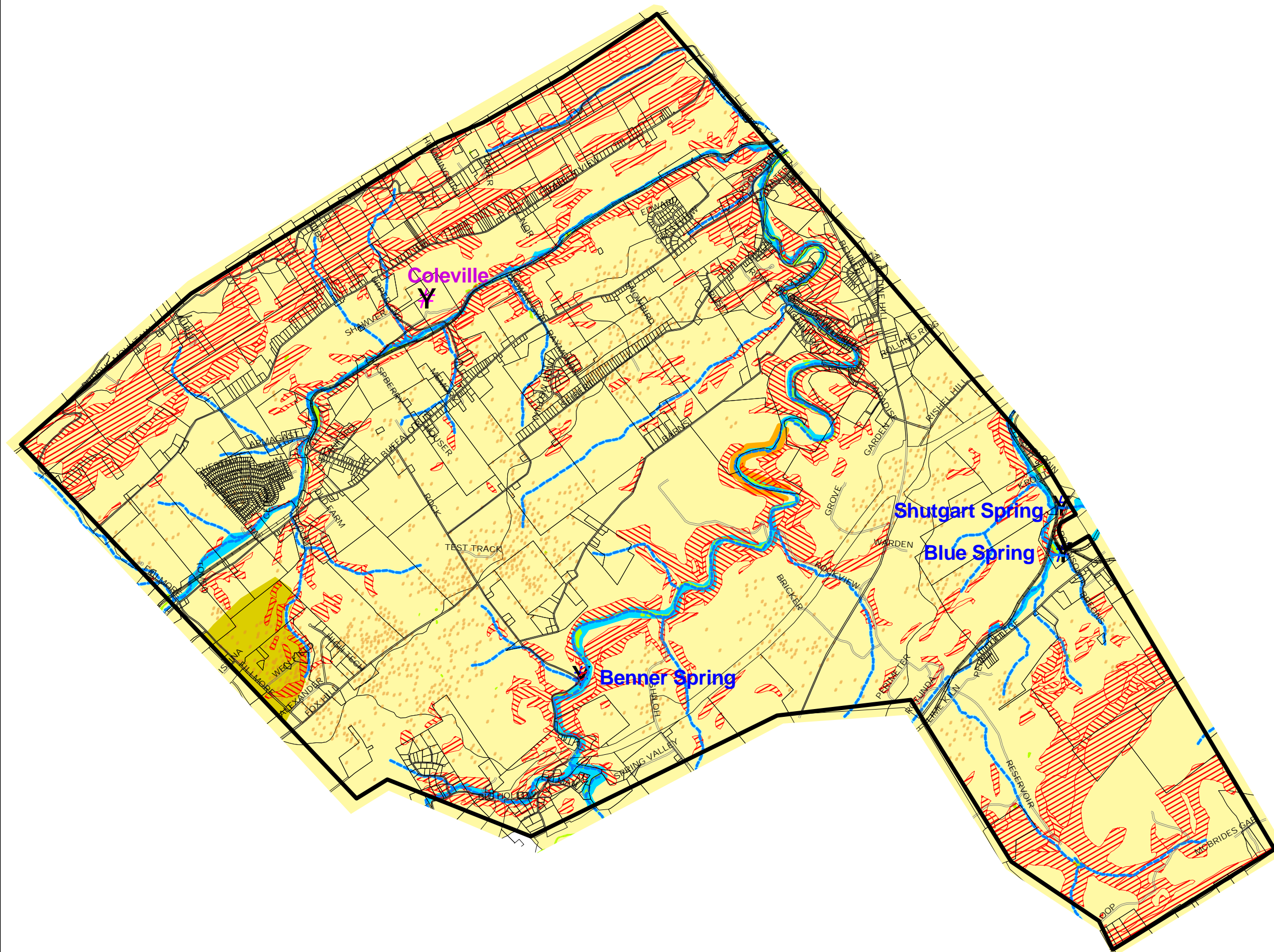
502.1. FEATURE IDENTIFICATION

All applications for new uses that involve land disturbance (except agricultural tilling and gardening) and/or development shall be required to conduct an investigation that identifies all natural and cultural features located on the subject property. Such investigation can include literary research, aerial photograph interpretation through on-site verification. It is noted that the Township has preliminarily identified specific natural and cultural features as depicted upon the Benner Township Natural Features Maps which are hereby incorporated as part of this Ordinance. However, other known sources and inventories shall also be used as needed (e.g. soil surveys, GIS data, topographic maps, geologic maps and reports, well drilling reports, etc.) Such investigation shall be comprehensive, detailed and conducted using professional and generally-accepted practices by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature.

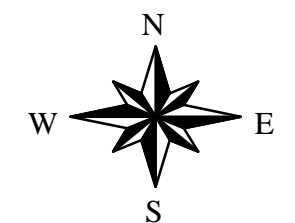
502.2. PREPARATION OF NATURAL & CULTURAL FEATURES SITE PLAN & REPORT

Next, the applicant shall be required to prepare a detailed natural and cultural features site plan depicting the extent and location of the various natural and cultural features as regulated by this Article. Except as noted for accessory use and/or individual dwelling unit zoning permit applications

Benner Township Natural Features Map 1



- Streams
- Steep Slopes
 - 15%+
 - 25%+
- Important Springs
- Caves
- Sinkholes
- Impaired Streams
- Wetlands
- Floodplains
- Riparian Buffers
- Wellhead Area
- Hi Quality CWF (HQCWF)



4000 0 4000 Feet



[illegible]

RothPlan

as described in Section 503.2., such Site Plan shall be prepared to the specifications and at the same scale as required for a sketch/preliminary plan as regulated by the SALDO. In addition, the applicant shall prepare a report that demonstrates compliance with all applicable requirements of this Article. Such Site Plan and Report shall be prepared by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature. The sources of all discovered natural and cultural features should be documented upon the Site Plan and contained within the Report as well as the qualifications of the preparer.

502.3. DISPUTES OVER THE PRESENCE/LOCATION OF NATURAL OR CULTURAL FEATURES

Should a dispute concerning the presence, extent and/or location of a particular natural or cultural feature arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 804.5. of this Ordinance. In such instances, the burden of proof shall rest with the applicant.

Section 503 Review Procedures

503.1. REVIEW OF USES REQUIRING SUBDIVISION / LAND DEVELOPMENT APPROVAL

For uses that require “subdivision” and/or “land development” (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the sketch/preliminary application requirements as listed in the SALDO. Such materials shall be reviewed and approved by the Board of Supervisors, after review by the Planning Commission and/or any other specified agent of the Township in accordance with the procedures contained within the SALDO. Should the Board of Supervisors determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the application shall be denied. As an alternative, the Board may approve the application with conditions imposed that directly overcome the application's deficiencies. Nothing within this Section shall be interpreted to supersede the requirement for individual lot grading plans as required by Section 513 of this Ordinance.

503.2. REVIEW OF USES REQUIRING ONLY ZONING PERMIT APPROVAL

For uses that do not require “subdivision” and/or “land development” (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the zoning permit application requirements as listed in Section 901 of this Ordinance. Applications for individual dwelling units and/or accessory uses merely need to present sufficient information to demonstrate that the proposed use in no way violates any of the regulations imposed on the respective natural and cultural features located on the subject property, subject to the Zoning Officer's right to require supplemental information. All such materials shall be reviewed and approved by the Zoning Officer, after review by any specified agent of the Township in accordance with the procedures contained within Section 901 of this Ordinance. Should the Zoning Officer determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the zoning permit application shall be denied.

Section 504 Resource Protection & Management Strategies

504.1. SUBMISSION OF REQUIRED MANAGEMENT REPORT

- A. Depending upon the presence of those natural and cultural features contained upon the site, the applicant for uses that require “subdivision” and/or “land development” (this Section shall not apply to uses reviewed under Section 503.2. of this Ordinance) shall be required to submit a written Management Report detailing the specific actions being employed to protect and manage the respective features. Such Management Report shall be prepared under the responsible charge of a Pennsylvania-licensed professional and should be signed and sealed by such professional for each respective natural and/or cultural feature and include the following minimum requirements.
1. Description of methods used to ensure the perpetual protection of those natural and cultural features contained on the site in accordance with the regulations of this Article 5.
 2. Description of methods used to protect those vulnerable natural and cultural features from grading and construction activities during any proposed development or disturbance on the site.
 3. Description of suitable long-term maintenance and management strategies of any required improvements, plantings, mitigating features and/or any other methods required under this Article 5.
 4. Description of ownership and maintenance responsibilities and methods to enforce compliance with the requirements of this Article.

Section 510 Floodplain Zone

510.1. All uses within Benner Township shall be required to comply with the Benner Township Floodplain Ordinance.

Section 511 Riparian Buffers

511.1. PURPOSE

- A. In order for Pennsylvania to meet the aggressive goals of the Chesapeake Bay Tributary Strategy, communities located within this drainage area will need to implement Best Management Practices (BMPs) to address point and non-point pollution sources; riparian buffers are one of the BMPs that will help the region meets these goals;
- B. The region is fortunate to contain high quality waterways which make significant contributions to our environment and quality of life;
- C. Recent events have stressed the importance of local efforts to maintain and protect the community’s waterways;
- D. The PA Department of Environmental Protection (DEP) is moving forward with the implementation of the Chesapeake Bay Tributary Strategy which established aggressive goals for reductions in the amount of sediments and nutrients such as nitrogen and phosphours;
- E. Our local streams contribute to the Susquehanna River drainage area and ultimately the Cheaspeake Bay;
- F. The potential exists for DEP to establish total maximum daily load (TMDL) regulations in order to prevent further increased sediment and nutrient loadings to our waterways;

- G. These signs point to the need for a more coordinated effort at the local municipal level to protect our streams and waterways;
- H. If local measures such as riparian buffers are not evaluated and implemented to reduce loadings to our streams, the community's healthy economy and environmental well-being could be permanently threatened;
- I. The region is located at the top of the watershed and since there are no upstream communities discharging nutrients and sediments to our local waterways, their protection and preservation rests with us; and,
- J. Benner Township has evaluated and taken the opportunity to pursue the following riparian buffer measures that will help to ensure the future health of our valuable water resources. The implementation of a regional riparian buffer program is an important step in our cooperative water management efforts.

511.2. LEGISLATIVE INTENT

- A. Under the authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended, other Commonwealth and federal statutes, and in recognition of the fact that natural features contribute to the welfare of its residents, the following riparian buffer regulations have been enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors.
- B. Benner Township's adoption of these regulations **does not** grant public access to private property. Any grant of public access remains the prerogative of each individual property owner.
- C. The regulations contained within this Section will apply to all new developments, subdivisions of existing developments and redevelopment of existing properties as established in Section 511.3.B. of this Ordinance.
- D. Further any riparian buffer preservation will remain the sole responsibility of each individual property owner.
- E. In addition, the specific purposes and intent of this ordinance are to:
 - 1. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, plant uptake, and de-nitrification, and by stabilizing concentrated flows.
 - 2. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic plants and animals.
 - 3. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance and accepted conservation practices, as well assure that the results of such uses remain within the carrying capacity of existing natural resources.
 - 4. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania

Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environment Protection and the Centre County Conservation District.

5. Conserve the natural features important to land or water resources (e.g. headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, prime wildlife habitats).
6. Work with floodplain, steep slope, and other municipal ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and important riparian features.
7. Conserve natural, scenic and recreation areas within and adjacent to riparian areas.

511.3. RIPARIAN BUFFER DEFINITION, ESTABLISHMENT, WIDTH DETERMINATION, APPLICABILITY, INTERPRETATION AND OTHER APPLICABLE DEFINITIONS OF THIS SECTION

- A. Riparian buffer definition. The riparian buffer is defined as areas surrounding Township designated surface water bodies, including but not limited to creek, streams, lakes, intermittent watercourses and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland courses and function to remove or “buffer” the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. A riparian buffer may also provide wildlife habitat and corridor connections, control water temperature and attenuate flood water flow. The riparian buffer may or may not contain trees and other native vegetation at the time of ordinance enactment.
- B. Riparian buffers are established upon the following areas which shall be identified on the Natural and Cultural Features Map incorporated herein and, if applicable, the Benner Township Official Map:
 1. Lands adjacent to municipally designated streams within Benner Township.
 2. Lands adjacent to municipally designated intermittent water courses within Benner Township.
 3. Lands at the margins of municipally, state or federally designated lakes and wetlands.
- C. Width Determination - The measurement of the riparian buffer shall extend a minimum total width of 100 feet from each defined upper edge of an identified watercourse or surface water body at bank full flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The Zone will consist of two distinct zones designated as:
 1. **Zone One:** This zone will begin at the edge of an identified waterway (which can include wetlands and intermittent watercourses) and occupy a margin of land within a minimum width of 35 feet measured horizontally on a line perpendicular to the edge of water at bank full flow. The width of Zone One may be required to extend beyond the minimum 35 feet depending upon existing topography, woodlands, and other natural conditions. This determination will be made by the Township engineer, the governing body, or its designated representative.

- a. Where steep slopes (in excess of 25 percent) are located within 35 feet of a municipally designated watercourse, Zone One shall extend the entire distance of this steep sloped area. If the distance of this sloped area is greater than 100 feet, there will be no requirement for the establishment of Zone Two. If the distance is less than 100 feet, but greater than 35 feet, the width of Zone Two will be adjusted so that the total riparian buffer width (Zone One and Zone Two) will total a minimum of 100 feet.
2. **Zone Two:** This zone will begin at the outer edge of Zone One and occupy a minimum width of 65 feet in addition to Zone One (Unless otherwise noted).
 - a. Where the 100-year floodplain extends greater than 100 feet from the waterway, Zone One shall remain a minimum of 35 feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the defined 100-year floodplain.
3. The developer, applicant, or designated municipal representative shall be responsible for the initial width determination of the riparian buffer and identifying this area on any plan that is submitted to Benner Township for subdivision, land development, or other improvements that require plan submissions or permits. This initial determination shall be subject to review and approval by the Township Engineer, governing body, or its appointed representative.
- D. **Applicability.** The requirements of this ordinance will apply to any structure(s) built, constructed or erected on a property, the use of which requires location on the ground or attached to something on the ground that is 150 square feet or greater in size.
- E. **Other Applicable Definitions.** The following words and or phrases shall have their respective meanings throughout this Section 511.3. unless when such words and or phrases used in the context clearly indicates otherwise:

AVERAGE BUFFER WIDTH: The total area of the riparian buffer in Zone One along the length of the stream or body of water divided by the total linear length of the stream for the case where buffer averaging is permitted.

AVERAGE TOTAL BUFFER WIDTH: The total area of the riparian buffer (Zones One and Two) along the length of a stream or body of water divided by the total linear length of the stream for the case where buffer averaging is permitted.

BEST MANAGEMENT PRACTICE (BMP): A structural or non-structural device designed to temporarily store or treat urban storm water runoff in order to mitigate flooding, pollution, and reduce soil loss and water quality degradation caused by nutrients, animal wastes, toxins, sediments and runoff.

BUFFER: An area adjacent to a shoreline, wetland or stream where development is restricted or prohibited.

BUFFER WIDTH AVERAGING: A technique for delineating the width of a buffer such that the buffer boundary can be narrower at some points along the stream and wider at others so that its average width meets the minimum criteria.

CHESAPEAKE BAY TRIBUTARY STRATEGY (CBTS): Pennsylvania's Chesapeake Bay Tributary Strategy is a catalog of measures that, if applied to the state's Susquehanna and Potomac Watersheds, will generate appreciable sediment and nutrient reductions in order to provide cleaner water resources in the state and downstream at the Chesapeake Bay.

CORRIDOR: A spatial link between two significant locations.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling of trees for commercial purposes, which *does not* involve any kind of land development.

HERBICIDES: Chemicals developed to control or eradicate plants.

INSECTICIDES: Chemicals developed to control or eradicate insects.

INTERMITTENT STREAM: Surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Most intermittent streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Centre County" mapping or as watercourses shown on a U.S.G.S., 7.5 minute quadrangle map as dashed lines or as State Open Waters identified in a letter of interpretation issued by the Pennsylvania DEP. Intermittent streams are shown as thin blue lines on the most recent Streams Within the Centre Region, U.S.G.S. National Hydrologic Dataset (NHD) mapping noted on attached Appendix A which shows the municipal area of applicability.

INVASIVE PLANT SPECIES OF PENNSYLVANIA: Invasive plants displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. If any of the following species are found in any designated riparian buffers that are required to be restored and replanted in accordance with the Riparian Buffer Management Plan, they are to be removed and should never be planted within a riparian buffer. These invasive plant species are:

Trees:

Acer platanoides, commonly known as Norway Maple

Acer pseudoplatanus commonly known as Sycamore Maple

Allanhus altissima commonly known as Tree-of-Heaven

Elaeagnus angustifolia commonly known as Russian Olive

Populus Alba commonly known as White Poplar

Ulmus pumila commonly known as Siberian Elm

Viburnum lantana commonly known as Wayfaring Tree

Shrubs and Vines:

Berberis thunbergii, commonly known as Japanese Barberry

Elaeagnus umbellaa, commonly known as Autumn Olive

Euonymus alatus, commonly known as Winged Euonymus

Ligustrum vulgara, commonly known as European Privet

Lonicera japonica, commonly known as Japanese Honeysuckle

Lonicera maacki, commonly known as Amur Honeysuckle

Lonicera morrowil, commonly known as Morrow's Honeysuckle

Lonicera tatarica, commonly known as Tartarian Honeysuckle

Lonicera x-bella, commonly known as Hybrid Honeysuckle

Lythrum salicaria, commonly known as Purple Loosestrife (herbaceous)

Morus Alba, commonly known as White Mulberry

Morus rubra, commonly known as Red Mulberry

Phyllostachys, commonly known as aubea Bamboo

Rhamnus cathartica, commonly known as Common Buckthorn

Rhamnus franguia, commonly known as Glossy Buckthorn

Rosa multiflora, commonly known as Multiflora Rose

Viburnum opulus, commonly known as European Highbush Cranberry

MINIMUM AVERAGE BUFFER WIDTH: The minimum value permitted in this Section for the Average Buffer Width in Zone One is 35 feet.

MINIMUM AVERAGE TOTAL BUFFER WIDTH: The minimum value permitted in this Section for the Average Total Buffer Width is 100 feet.

NOXIOUS WEEDS – Plants identified by the Pennsylvania Department of Agriculture's Noxious Weed Control list, as may be amended. The following lists the current known species at the time of adoption of this Ordinance:

Cannabis sativa, commonly known as Marijuana
Cirsium arvense, commonly known as Canadian thistle
Rosa multiflora, commonly known as Multiflora rose
Sorghum halepense, commonly known as Johnson grass
Polygonum perfoliatum, commonly known as Mile-a-minute
Pueraria lobata, commonly known as Kudzu-vine
Cirsium vulgare, commonly known as Bull or Spear Thistle
Carduus nutans, commonly known as Musk or Nodding Thistle
Sorghum bicolor, commonly known as Shattercane
Datura stramonium, commonly known as Jimsonweed
Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
Heracleum mantegazzianum, commonly known as Giant Hogweed
Galega officinalis, commonly known as Goatsrue

Source: <http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=127683>, April 13, 2007.

NUTRIENT: A substance that provides food or nourishment, such as usable proteins, vitamins, minerals or carbohydrates. Fertilizers, particularly phosphorus and nitrogen, are the most common nutrients that contribute to eutrophication.

NUTRIENT LOADING: A quantity of nutrients, such as phosphorous and nitrogen, entering an ecosystem in a given period of time.

OPEN SPACE: A portion of a development site which is permanently set aside for public or private use and will not be developed with homes. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural areas.

RIPARIAN BUFFER: That area defined by Benner Township which borders any body of water on either (or all) side(s) from the defined edges and which is 100 feet perpendicular to those defined edges as shown on a Township's Natural and Cultural Features Map and/or, if applicable, its Official Map. In most cases this riparian buffer will be composed of two distinct zones; Zone One will be 35 feet in width and directly adjacent to the body of water and Zone Two will be the next 65 feet outside the end boundary of Zone One.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

STREAM: Surface water drainage channels with definite bed and banks in which there is a permanent flow of water. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Centre County" mapping or as watercourses shown on a U.S.G.S., 7.5 minute quadrangle map as solid blue lines or as State Open Waters identified in a letter of interpretation issued by the Pennsylvania DEP. Streams are also shown as blue lines on the most recent Streams Within the Centre Region, U.S.G.S National Hydrologic Dataset (NHD) mapping noted on attached Appendix A which shows the municipal area of applicability.

STREAM CROSSING: A bridge, ford or structure installed across a stream or watercourse for temporary and/or permanent use as a means of ingress and egress, livestock, or construction and/or agricultural vehicles.

TOTAL BUFFER WIDTH: The sum of the widths of Zone One and Zone Two riparian buffers for the standard case where buffer averaging is not permitted.

TOTAL MAXIMUM DAILY LOAD (TMDL): A tool for establishing the allowable loadings for a given pollutant in a surface water resource to meet predetermined water quality standards.

VEHICULAR STREAM CROSSING: A bridge, ford or structure installed across a stream or watercourse for temporary and/or permanent use as a means of ingress and egress for vehicular use.

WATERSHED: All the land area that contributes runoff to a particular point along a waterway.

WETLAND: An area that is regularly saturated by surface water or groundwater and is characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions (e.g., swamps, bogs, fens, marshes, and estuaries).

511.4. USES PERMITTED IN THE RIPARIAN BUFFER

The following uses are permitted, either by right or as a conditional use in the riparian buffer. However, within any riparian buffer, no construction, development, use, activity or encroachment shall be permitted unless the activity is authorized by Benner Township.

- A. Zone One and Zone Two Uses Permitted by Right - Uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One and Zone Two, including:
1. Agricultural uses.
 2. Removal of trees where such removal is necessary as a means to eliminate dead, diseased or hazardous stands of trees that jeopardize public safety provided that such removal is in compliance with a municipally approved Riparian Buffer Management Plan and in accordance with the Best Management Practices for Forestry found in the Pennsylvania Department of Environmental Protection's Chapter 93-Water Quality Standards.
 3. Minimum required front, side and rear yards on private lots, provided that no yard may extend into Zone Two more than half the distance (50 feet) between the outer boundaries of Zone One and Zone Two.
 4. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands and native planting and reforestation in compliance with the guidelines of an approved Riparian Buffer Management Plan.
 5. Stream bank stabilization and/or recommended native tree reforestation, in compliance with the guidelines of an approved Riparian Buffer Management Plan.

6. Stream crossings for farm vehicles and/or livestock if part of a federal, state and/or privately funded Centre County Conservation District and/or local non-profit riparian buffer improvement project.
- B. Zone One and Zone Two Conditional Uses (Subject to the review procedures of Section 905 of this Ordinance.)
1. Stream crossings for roads, railroads, centralized sewer and/or water lines and public utility transmission lines, provided that they are:
 - a. Designed and installed in accordance with the Stream Crossing Standards of Section 511.11. of this Ordinance, and
 - b. Mitigated by the requirements for Buffer Averaging noted in Section 511.10. of this Ordinance and Appendix C – *Riparian Buffer Averaging and Example Calculations*, and
 - c. Any disturbance is mitigated by riparian buffer improvements identified in an approved Riparian Buffer Management Plan.
- C. Zone Two Uses Permitted by Conditional Use (Subject to the review procedures of Section 905 of this Ordinance.)
1. Public sewer and/or public water lines and public utility transmission lines running along the corridor provided that any disturbance is, at a minimum, offset by corridor improvements identified in an approved Riparian Buffer Management Plan. When feasible, these lines shall be located as far from Zone One as practical.
 2. Passive use areas such as camps, campgrounds, picnic areas and golf courses. Active recreation areas such as ball fields, playgrounds and courts provided these uses are designed in a manner that will not permit concentrated storm water flow.
 3. Naturalized storm water basins in compliance with the guidelines in an approved Riparian Buffer Management Plan. The entire basin shall be located a minimum of 50 feet from the defined edge of any identified watercourse and/or water body.

511.5. USES SPECIFICALLY PROHIBITED IN THE RIPARIAN BUFFER.

Any use or activity not authorized within Section 511.4. shall be prohibited within the riparian buffer. Furthermore, the following activities and facilities are specifically prohibited.

- A. Removal or disturbance of vegetation in a manner that is inconsistent with erosion and sedimentation control and riparian buffer protection.
- B. Storage of any hazardous or noxious materials.
- C. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of federally prescribed industry standards and/or the recommendations of the Centre County Conservation District.
- D. Roads or driveways, except where permitted as corridor crossings in compliance with Sections 511.4.A.6. or 511.4.B.1. of this Ordinance.

- E. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- F. Parking lots.
- G. Any type of permanent structure, including fences, except structures needed for any use(s) permitted in Section 511.4. of this Ordinance.
- H. Sod farming.

511.6. NON-CONFORMING STRUCTURES AND USES IN THE RIPARIAN BUFFER.

Non-conforming structures and uses of land within a riparian buffer shall be regulated under provisions of Article 7 of this Ordinance except as is modified as follows:

- A. Existing non-conforming structures or uses within Zone One or Two that are not permitted under Section 511.4. of this Ordinance may be continued but shall not have the existing building footprint or uses expanded or enlarged.
- B. Discontinued non-conforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment of use. No change or resumption shall be permitted that is more detrimental to the riparian buffer, as measured against the intent and objectives under Section 511.1. of this Ordinance, than the existing or former non-conforming use. This one-year time frame shall not apply to agricultural uses which are following prescribed best management agricultural practices for crop rotation.

511.7. BOUNDARY INTERPRETATION AND APPEALS PROCEDURE

- A. Any disputes concerning the location of Zone One or Two boundaries of the riparian buffer or the defined edge of a watercourse, surface water body, or wetland, shall be evaluated under Section 502.3. of this Ordinance.

511.8. INSPECTION OF RIPARIAN BUFFER.

- A. Lands within or adjacent to an identified riparian buffer may be inspected by the Township when:
 - 1. A subdivision or land development plan is submitted.
 - 2. A zoning and/or building permit is requested.
 - 3. A change or resumption of nonconforming use is proposed.
- B. The riparian buffer may also be inspected periodically by the Township for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees or at any time when the presence of an unauthorized activity or structure is brought to the attention of the Township.

511.9. MANAGEMENT OF THE RIPARIAN BUFFER

- A. Riparian Buffer Management Plan - Within any riparian buffer, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by implementation of an approved Riparian Buffer Management Plan (Appendix B), as specified herein.
 - 1. The applicant shall submit to the Township, a Riparian Buffer Management Plan prepared by a landscape architect, engineer or other qualified professional,

which fully evaluates the effects of any proposed uses on the riparian buffer. The Riparian Buffer Management Plan shall identify those existing conditions required under this Article 5 of the Zoning Ordinance, all proposed activities and all proposed management techniques, including any measures necessary to offset disturbances to the riparian buffer. This plan shall be approved by Township prior to approval of the proposed use or activity.

- B. Vegetation Selection - To function properly, dominant vegetation in the riparian buffer shall be selected from the following list of selective native buffer plants most suited to the riparian buffer. Plants not included on this list may be permitted by the Township when evidence is provided from qualified sources certifying their suitability for substitution. The Township may require species suitability to be verified by local qualified experts at the U.S. Fish and Wildlife Service, the National Resource Conservation Service, the Centre County Conservation District, the Penn State Cooperative Extension and/or Clearwater Conservancy, or other state and federal forest agencies.

SELECTIVE NATIVE BUFFER PLANTS LIST Source: Morris Arboretum of the University of Pennsylvania Botanic Name / Common Name	
FERNS <i>Osmunda cinnamomea</i> / Cinnamon fern <i>Osmunda claytoniana</i> / Interrupted fern <i>Onoclea sensibilis</i> / Sensitive fern GRASSES & SEDGES <i>Andropogon gerardii</i> / Big blue stem <i>Carex scoparia</i> / Broom sedge <i>Cyperus strigosus</i> / False nut sedge <i>Carex lurida</i> / Lurid sedge <i>Elymus riparius</i> / Riverbank wild rye <i>Carex vulpinoidea</i> / Sedge <i>Juncus effusus</i> / Soft rush <i>Panicum virgatum</i> / Switch grass <i>Carex stricta</i> / Tussock sedge <i>Elymus virginicus</i> / Virginia wild rye <i>Scirpus cyperinus</i> / Wool grass FLOWERING PERENNIALS <i>Penstemon digitalis</i> / Beard-tongue <i>Gentiana andrewsii</i> / Bottle gentian <i>Verbena hastata</i> / Blue vervain <i>Sisyrinchium angustifolium</i> / Blue-eyed grass <i>Eupatorium perfoliatum</i> / Boneset <i>Lobelia cardinalis</i> / Cardinal flower <i>Rudbeckia laciniata</i> / Cut-leaf coneflower <i>Veronica noveboracensis</i> / Ironweed <i>Arisaema triphyllum</i> / Jack-in-the-pulpit <i>Eupatorium fistulosum</i> / Joe-pye weed <i>Aster novae-angliae</i> / New England aster <i>Mitchella repens</i> / Partridgeberry <i>Aster puniceus</i> / Purple stemmed aster <i>Solidago gigantea</i> / Smooth goldenrod <i>Asclepias incarnate</i> / Swamp milkweed <i>Thalictrum pubescens</i> / Tall meadowrue <i>Verbesina alternifolia</i> / Wingstem <i>Geranium maculatum</i> / Wood geranium	SHRUBS <i>Sambucus Canadensis</i> / American elderberry <i>Viburnum dentatum</i> / Arrowwood <i>Aronia melanocarpa</i> / Black chokeberry <i>Cephalanthus occidentalis</i> / Buttonbush <i>Gaylussacia frondosa</i> / Dangleberry <i>Vaccinium corymbosum</i> / Highbush blueberry <i>Lyonia ligustrina</i> / Maleberry <i>Physocarpus opulifolius</i> / Ninebark <i>Viburnum recognitum</i> / Northern arrowwood <i>Salix discolor</i> / Pussy willow <i>Aronia arbutifolia</i> / Red chokeberry <i>Rhododendron maximum</i> / Rosebay <i>Cornus amomum</i> / Silky dogwood <i>Salix sericea</i> / Silky willow <i>Lindera benzoin</i> / Spice bush <i>Cornus racemosa</i> / Swamp dogwood <i>Rosa palustris</i> / Swamp rose <i>Ilex verticillata</i> / Winterberry holly <i>Hamamelis virginiana</i> / Witch-hazel TREES <i>Fagus grandifolia</i> / American beech <i>Tilia Americana</i> / Basswood <i>Fraxinus nigra</i> / Black ash <i>Nyssa sylvatica</i> / Black gum <i>Juglans nigra</i> / Black walnut <i>Salix nigra</i> / Black willow <i>Fraxinus pennsylvanica</i> / Green ash <i>Carpinus caroliniana</i> / Hornbeam <i>Cornus alternifolia</i> / Pagoda dogwood <i>Quercus palustris</i> / Pin oak <i>Acer rubrum</i> / Red maple <i>Betula nigra</i> / River birch <i>Amelanchier arborea</i> / Shadbush <i>Carya ovata</i> / Shagbark hickory <i>Acer saccharinum</i> / Silver maple <i>Quercus bicolor</i> / Swamp white oak <i>Betula lenta</i> / Sweet birch <i>Platanus occidentalis</i> / Sycamore <i>Liriodendron tulipifera</i> / Tulip tree

1. In Zone One and Zone Two, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for stream bank stabilization.
2. Disturbed areas shall be re-vegetated with approved, selective native buffer plants as listed above as part of an approved Riparian Buffer Management Plan.
3. Areas that cannot be re-vegetated shall be restored in compliance with an approved Riparian Buffer Management Plan.
4. As part of any approved Riparian Buffer Management Plan any noxious and/or invasive plant species shall be removed and destroyed as defined in Section 511.3.E. of this Ordinance.

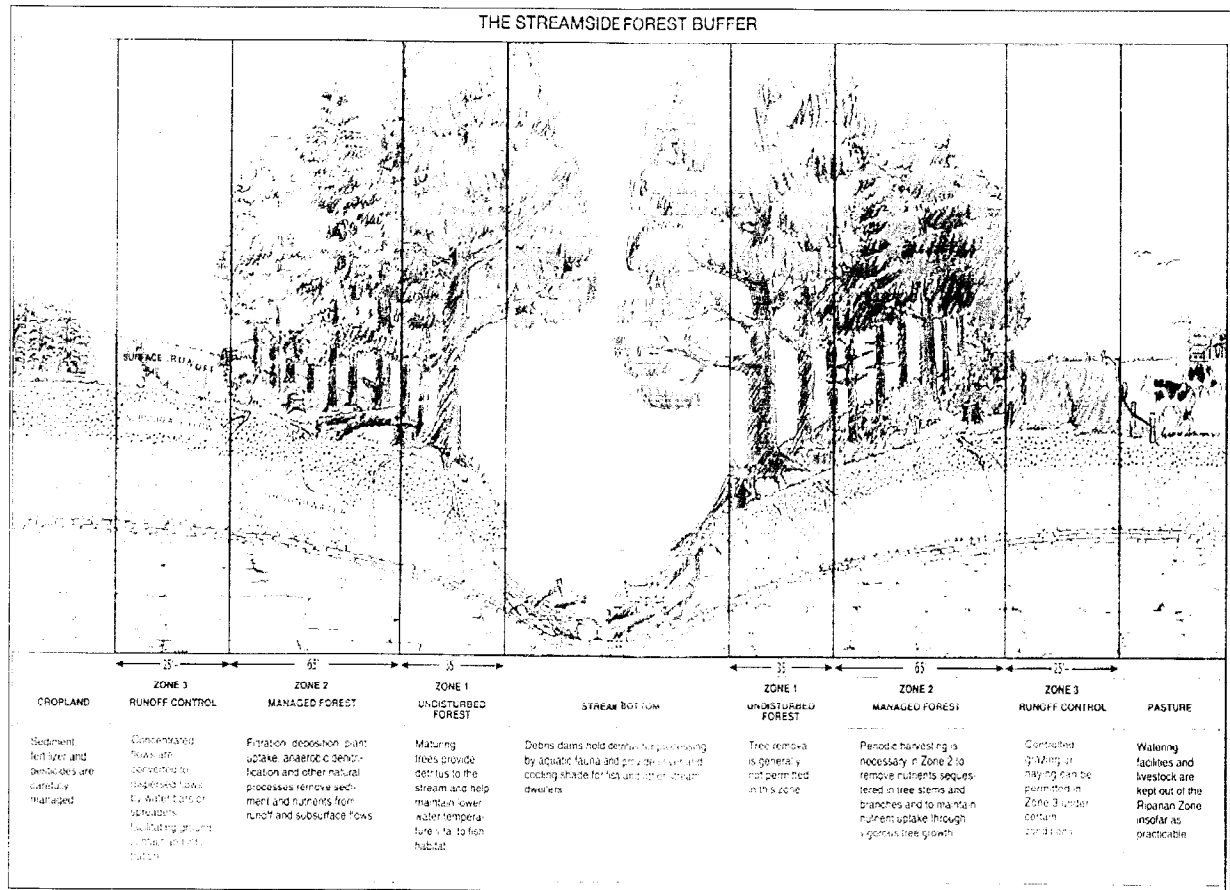
511.10. RIPARIAN BUFFER AVERAGING

- A. Allowance for Riparian Buffer Width Averaging - This section outlines the criteria for buffer averaging on new and redevelopment sites. Buffer averaging can be utilized to adjust the required total buffer width of one hundred (100) feet, allowing some flexibility for site development. Using this method the width can be varied following the criteria below, so long as the average total width of one hundred (100) feet is maintained within the property boundaries. (Examples illustrating the use of Stream Buffer Averaging and a Calculation is provided in Appendix C.)
 1. Buffer averaging is required for any buffers that have stream crossings and/or allowed where the municipality deems that a landowner can demonstrate severe economic hardship or unique circumstances that make strict compliance with the width determination requirement of the ordinance difficult.
 2. The average width must be calculated based on the entire length of the stream bank frontage of the property to be developed. When calculating the buffer length, the natural stream channel should be followed during full bank conditions.
 3. Stream buffer averaging shall be applied to each side of a stream independently. If a property encompasses both sides of a stream, buffer averaging can be applied to both sides, but calculation of permitted buffer averaging must be determined on each side independent of one another.
 4. The minimum total width of the buffer shall not be less than thirty-five (35) feet at any one location, except at approved stream bank crossings and/or where deemed appropriate by the Township. Those areas having a minimum total width or thirty-five (35) feet (or less at approved stream crossings) can comprise no more than 50% of the entire buffer length.
 5. The entire length of the buffer shall consist of a Zone One that has a minimum width of thirty-five (35) feet and an outer Zone Two that has a variable width along its length to achieve the minimum total average width of at least one hundred (100) feet.
- B. **AREAS WHERE BUFFER AVERAGING IS PROHIBITED** - Buffer width averaging is prohibited in developments that have or will have the following land uses:
 1. Slope protection areas or slopes greater than 15% located within fifty (50) feet of the stream to be buffered.

2. Developments proposing subsurface discharge from a wastewater treatment facility.
3. Junkyards
4. Commercial or industrial storage and/or service of motor vehicle facilities.
5. Storage tanks for fuel and fuel oil
6. Commercial greenhouses or landscape supply facilities.
7. Any commercial or public pools.
8. Concentrated animal feed operations.
9. Veterinary hospitals, kennels and/or similar operations.
10. Other uses deemed by the Township to have the potential to generate higher than normal sediment or pollutant loadings.

511.11. VEHICULAR CROSSING STANDARDS

- A. All stream crossings permitted under Section 511.4. of this Ordinance and/or associated with Section 511.10.A.1. riparian buffer averaging, shall comply with and incorporate, as required, the following minimum standards:
 1. Any stream crossings requiring any activity in, under and/or over any body of water should *first* consult the Department of Environmental Protection's North central Regional Office, Watershed Management Permitting and Technical Services Section at (570) 327-3636.
 2. The width of any right-of-way should not be greater than the minimum right-of-way width required by the Benner Township Street Standards Ordinance, as amended.
 3. Stream crossings should be designed to cross the riparian corridor at direct right angles to minimize disturbance of the corridor.
 4. Stream crossings should be separated by a minimum disturbance of the corridor.
 5. Bridges, with the appropriate federal and/or state permits, should be used in place of culverts when crossings would require a seventy-two (72) inch or greater diameter pipe. When culverts are installed they should consist of slab, arch or box culverts and not corrugated metal pipe. Culverts should be designed to retain the natural stream channel bottom to ensure the passage of water during low flow or dry weather periods.



SECTION 512 – Wetland and Wetland Buffers

512.1. PURPOSE

- A. The requirements of this Section help to protect valuable wetlands that:
1. supply food and habitats for wildlife.
 2. recharge groundwater, particularly during periods of drought.
 3. offer breeding, spawning, feeding, and cover for fish and amphibians.
 4. provide important nesting, migrating and wintering areas for waterfowl.
 5. naturally store surface waters during floods and storms.
 6. purify ground and surface waters by filtering and assimilating pollutants.

512.2. APPLICABILITY & USE

Any property containing a wetland and/or wetland buffer, or portion thereof, shall clearly depict such area upon the Natural and Cultural Features site plan. Such area shall be permanently protected from filling, grading, clearing, water diversion and/or development.

512.3. WETLAND & WETLAND BUFFER DELINEATION

- A. Wetlands shall be delineated by qualified experts having formal training and experience and using the techniques set out by the following referenced manuals:
- :
1. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
 2. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
 3. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.
- B. Wetlands buffers shall be established using the combination of the following methods that delineates the greatest land area:
- :
1. A width of twenty-five (25) feet from the outside edge of that identified wetland as described in the above Section 512.3.A.
 2. Any area adjoining a wetland that possesses upward slopes in excess of ten (10%) up to a maximum of fifty (50) feet from the outside edge of the identified wetland.

SECTION 513 – Steep Slopes

513.1. PURPOSE

- A. The requirements of this Section help to protect sensitive areas of steep slope that:
1. reduces rapid stormwater runoff.
 2. minimizes harmful soil erosion.
 3. prevents developments upon unstable soil conditions.
 4. prevents the installation of hazardous roads, access drives and driveways.

513.2. APPLICABILITY & USE

Any property containing steep slopes (as defined herein), shall clearly depict such area upon the natural and cultural features site plan. Except as exempted by Sections 513.6. and 513.8.A.. and permitted by Section 513.7. of this Ordinance, such area shall be permanently protected from disturbance and/or development (i.e. note on plan, recorded easements, etc.)

513.3. STEEP SLOPE DELINEATION

A topographic map of the site which depicts and distinguishes those areas that possess slopes exceeding fifteen percent (15%) and twenty-five percent (25%), respectively shall be incorporated into the natural and cultural features site plan.

513.4. REQUIRED INDIVIDUAL LOT GRADING PLANS AND PERMITS

Unless subject to a subdivision or land development surety agreement and except as noted in Section 513.6. of this Ordinance, any action involving an “area of disturbance” (as defined herein) shall require the submission of an individual lot grading plan to the Zoning Officer as part of the zoning permit review and approval process in accordance with Sections 307 and 901 of this Ordinance. Furthermore, any area of disturbance proposed subsequent to the approval of a prior individual lot grading plan and as-built plan that was not depicted on a prior individual lot grading plan shall require submission of a revised individual lot grading plan and as-built plan and issuance of another zoning permit in accordance with the provisions set forth in this Sections 307 and 901 of this Ordinance.

513.5. SUBDIVISION AND/OR LAND DEVELOPMENT PLANS SUBMISSION

As a requirement for preliminary subdivision and/or land development plan approval, the applicant shall demonstrate that the requirements of this Section 513 shall be achieved for each new lot and/or principal use proposed.

513.6. ROAD IMPROVEMENT EXEMPTIONS

The disturbance of steep slopes for widening, alignment improvement or sight distance improvements of an existing street for public safety reasons or that are required by, approved by or accomplished by the Township or PennDOT, are expressly exempted from the requirements of this Section.

513.7. LIMITS ON AREA OF DISTURBANCE

The total area of disturbance that is permitted upon steep slopes shall be limited on each individual lot as follows:

- A. Thirty percent (30%) of the aggregate areas of existing natural slopes of fifteen percent (15%) to twenty-five percent (25%); and/or,
- B. Fifteen percent (15%) of the aggregate areas of existing natural slopes greater than twenty-five percent (25%).
- C. The above limits listed in Sections 513.7.A. and 513.7.B. shall not apply to contiguous areas of steep slope disturbance involving less than five thousand (5000) square feet.

513.8. EXISTING LOTS

The following provisions shall apply to any lot that was lawful when created and which was in separate ownership duly recorded by plan or deed prior to the effective date of this Ordinance.

- A. Improved Lots – For lots that contained a principal structure, any future area of disturbance proposed shall require submission of a revised individual lot grading plan and as-built plan and issuance of a zoning permit in accordance with the provisions set forth in Section 307. of this Ordinance, but the limitations of Sections 513.7.A.. and 513.7.B. shall not apply.
- B. Unimproved Lots - For lots without a principal structure, any future area of disturbance proposed shall require submission of a revised individual lot grading plan and as-built plan and issuance of a zoning permit in accordance with the provisions set forth in Section 307 of this Ordinance that shall demonstrate compliance with this Section 513.

Section 514 Pennsylvania Natural Diversity Inventory (PNDI) Sites

514.1. PURPOSE

The requirements of this Section help to protect sensitive areas of wildlife habitat, natural communities and geological features that:

- A. have been formally identified a species of concern by Federal and State authorities.
- B. contributes to the bio-diversity and health of the Township's ecosystems.
- C. are worthy of protection and consideration during the development review process.

514.2. APPLICABILITY & USE

Any identified Pennsylvania Natural Diversity Inventory site, or any portion thereof, shall be protected and managed in accordance with specific findings attributed to the particular feature and location to be determined as follows.

514.3. SITE IDENTIFICATION

Any property containing an identified Pennsylvania Natural Diversity Inventory site, or any portion thereof, shall clearly depict such site upon the natural and cultural features site plan. Preliminary site locations are depicted upon the Natural features map; however, all locations should be verified with the latest information available as described as follows. Applicants for proposals with such features shall be required to engage a proper PNDI project environmental review through the Pennsylvania Natural Heritage Project. The following is an internet web link for such reviews:

<http://www.naturalheritage.state.pa.us/>

514.4. SITE PROTECTION AND MANAGEMENT

Any application with such a feature(s) shall require the preparation of a statement by a qualified expert which includes the following minimum considerations:

- A. A written description of the feature's local, regional, state, and national importance shall be furnished.
- B. Written evidence from the Pennsylvania Natural Diversity Inventory that indicates:
 - 1. there are no potential impacts anticipated with the special concern species or resources in the project area and that no further coordination is required with PNDI jurisdictional agencies. The applicant shall be required to submit a "no-impact receipt" from PNDI.
 - 2. there are potential impacts anticipated with the special concern species or resources in the project area and that the applicant has gained written recommendations and/or clearance letters from the respective PNDI jurisdictional agencies as follows:
 - a. For listed, proposed and candidate species under the Federal Endangered Species Act, the U.S. Fish and Wildlife Service, Endangered Species Biologist, 315 South Allen Street, Suite 322, State College, PA 16801;

- b. For PA-state listed birds and mammals, the Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Ave., Harrisburg, PA 17110-9797;
 - c. For PA-state listed fish, reptiles, amphibians and aquatic organisms, the Pennsylvania Fish and Boat Commission, Natural Diversity Section, 450 Robinson Lane, Bellefonte, PA 16823; and,
 - d. For PA-state listed plants, natural communities, terrestrial invertebrates and geological features, the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, PO Box 8552, Harrisburg, PA 17105-8552.
- 3. there are special concern species or resources in the vicinity of the project area that could be impacted by the project unless avoidance measures are implemented. In this case, the applicant must guarantee to fully comply the PNDI jurisdictional agencies'-specified avoidance measures and describe methods for such compliance. Should an applicant not fully comply with the specified avoidance measures for each respective feature, those features that do not provide such compliance shall be governed by the requirements of Section 514.4.B.2. of this Ordinance.
 - 4. there are special concern species or resources in the vicinity of the project area that could be impacted by the project but the impacts could be minimized with the application of PNDI jurisdictional agencies'-specified conservation measures. In this case, the applicant must provide written evidence of compliance with such conservation measures or furnish a written report from the Pennsylvania Department of Environmental Protection that such measures are not required.

Section 515 Carbonate Geology

515.1. PURPOSE

The requirements of this Section help to protect sensitive areas underlain by carbonate geology that:

- A. protect a uniquely sensitive and valuable potable groundwater resource area.
- B. protect groundwater quantity and quality from pollution from hazardous materials or toxic substances, sewage, oil and grease, de-icing compounds and sediment.
- C. promotes the recharge capability of the area achieved through best management practices; and,
- D. decreases and minimizes the dangers of land subsidence and sinkholes characteristic of carbonate geologic formations.

515.2. APPLICABILITY & USE

Any application for subdivision and/or land development application for property, or portion thereof, underlain by carbonate geology, shall clearly depict such area upon the Natural and Cultural Features site plan. Such area shall be subject to the following requirements.

515.3. CARBONATE FEATURE IDENTIFICATION

This Natural and Cultural Features Site Plan shall also depict the presence of any and all of the following carbonate features including a description of each feature and its source by the professional geologist directly responsible for preparing such information.

- A. Closed depressions - An area of topographic depression or ground surface elevation lower than the surrounding land surface with no surface drainage outlet;
- B. Faults – A physical break in rocks along which there has been movement of the two sides relative to one another.
- C. Fissures - The surface expression of a fracture or crack in bedrock along with there is a distinct separation.
- D. Fracture Traces – Evidence of a break in rock caused by stresses.
- E. Lineaments– A linear topographic feature of regional extent (typically greater than one mile) that is believed to reflect bedrock structure, faults or fracture traces;
- F. Ghost Lakes– A surface water body that occurs intermittently and subsequently infiltrates or evaporates;
- G. Outcrops of Bedrock - The exposure of the rock that underlies soil or other unconsolidated material that appears at the surface of the earth.
- H. Seasonal High Water Tables - The condition where groundwater intermittently occurs at a shallow depth in the soil or bedrock;
- I. Sinkholes - A circular or funnel-shaped depression in the land surface where the soil or bedrock has collapsed into a void or cavity;
- J. Soil Mottling, as may identified from aerial photography - The condition that the land surface is irregularly marked with spots of patches of varying color reflecting differences in soil drainage;
- K. Springs– A place where groundwater naturally flows from the soil or bedrock onto the land surface or into a surface water body;
- L. Surface Drainage Entering the Ground - Observation of a place where surface water or storm water rapidly infiltrate such as a disappearing stream or lake;
- M. Caverns - A solution cavity, cave, or series of underground chambers;
- N. Disappearing Lakes - A surface water body that has no apparent outlet but whose water rapidly infiltrates, sinks into the ground, or enters the ground through an outcrop or sinkhole; and,
- O. Disappearing Streams - A surface stream whose water rapidly infiltrates, sinks into the ground, or enters the ground through an outcrop or sinkhole.

515.4. ADDITIONAL SUBMISSION REQUIREMENTS

In addition to the submission requirements listed in Sections 502, 504 and 515.3. of this Ordinance, an applicant must provide the following information:

1. Statement of Purpose. This Section shall indicate those applicable standards in this Section 515 and whether the applicant is attempting to demonstrate compliance or justify non-compliance with such standards.
2. This Section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.
3. A map, at a scale no smaller than 1" = 100' and a contour interval of two feet indicating the location of the property and all proposed improvements thereon and their geographic relationship to areas underlain by Carbonate geology.
4. The applicant shall furnish a map indicating existing and proposed drainage conditions, the locations of all proposed private, community and public sewage disposal systems, and the location of existing private and public water supplies on adjoining properties.
5. Description of the Proposed Action. This Section shall describe the proposed action including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany this submission.
6. Proposed Measures to Control Potential Adverse Environmental Impacts. This Section shall describe all measures proposed by the applicant to control any adverse impacts which may occur as a result of the proposed action.
7. List and Qualifications of Preparers. The names, addresses, telephone numbers and professional qualifications of persons directly responsible for preparing the Environmental Assessment, shall be provided.
8. Appendices. Any additional information which the applicant wishes to provide may be included in one or more appendices to this submission.
9. The Township may require that additional information be submitted if the Township Engineer or Consultant concludes that such information would be instrumental in assessing the proposal environmental impact subject to the requirements of this Section 515 of the Zoning Ordinance.

515.5. STORMWATER MANAGEMENT REQUIREMENTS

No stormwater management basin shall be placed in or over the following features unless the location of such features is required by the PA DEP and is recommended based upon a detailed surface and subsurface investigation prepared by a Pennsylvania-licensed professional geologist experienced with carbonate terrain:

1. Sinkholes, closed depressions, lineaments, faults, fracture traces, caverns, ghost lakes, disappearing streams, and quarries;

2. Stormwater basins shall be located no closer than one hundred (100) feet from the rim of sinkholes, closed depressions and disappearing streams and no closer than fifty (50) feet from lineaments, fracture traces or surface or subsurface pinnacles;
3. Outflow from a stormwater management basin and stormwater flow generated as a result of development shall not empty into or be directed to any sinkholes, closed depressions, lineaments, fracture traces, caverns, ghost lakes, disappearing streams, and quarries.

515.6. MINIMUM REQUIRED SETBACKS

- A. Except as provided for in the following Section 515.6.B. of this Ordinance, no principal or accessory structure/building shall be located any closer than one hundred (100) feet from:
 1. the rim of sinkholes or closed depressions; or,
 2. the rim or high water line of ghost lakes, and the centerline of lineaments, faults, fracture traces or disappearing streams.
- B. The above setbacks of Section 515.6.A. of this Ordinance shall not apply provided:
 1. the applicant has undertaken a detailed surface and subsurface investigation prepared by a Pennsylvania-licensed professional geologist experienced with carbonate terrain;
 2. the results of the above-described study identify and incorporate within the plan, measures to mitigate any threat of the feature(s) on groundwater quality and stability of surface and subsurface structures; and,
 3. the mitigating measures proposed shall be approved by the Board of Supervisors upon advice by the Township's professional consultants and administrative staff.

515.7. REQUIREMENTS FOR UNDERGROUND UTILITY LINES, PIPELINES, TRUNKLINES, LATERALS, AND CONNECTIONS.

- A. All underground utility lines, pipelines (stormwater, sanitary sewer, water, and gas) and utility connections (except electric, telecommunications, and, cable) to any structure shall be installed consistent with regulations of the respective utility.
- B. The Township requires installation of a dike of clay or other suitable material across the width of the trench at intervals not to exceed one hundred fifty (150) feet.
- C. Use of "other suitable material" shall be approved by Board of Supervisors upon advice by the Township's professional consultants and administrative staff.

515.8. REQUIREMENTS FOR USES INVOLVING THE STORAGE AND/OR HANDLING OF TOXIC OR HAZARDOUS MATERIALS

- A. Impoundments for toxic and/or hazardous materials, the underground storage of toxic materials and the dispensing of fuels are prohibited;
- B. Uses involving the storage and handling of toxic and/or hazardous materials:
 1. must have impermeable surfaces designed to intercept and contain such material

and direct it to a predetermined collection point;

2. shall not be located within any Wellhead Protection Zones as determined by Section 518 of this Ordinance;
3. shall inventory and register these materials with the Township and develop a spill contingency plan acceptable to the Township that includes regular inspection and maintenance programs; and,
4. must develop and implement a groundwater protection plan that includes (at a minimum) the installation and regular monitoring of devices to detect groundwater contamination.

C. The storage of road de-icing salt and/ or urea is prohibited.

515.9. DISCLAIMER.

In carbonate areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Township shall attempt to make reasonable judgments as to the applicant's compliance with regulations of this Section. Under no circumstances shall Benner Township or any officer, employee, or professional consultant of the Township assume any liability for any damages that may result from an applicant's or any interested party's reliance upon the regulations of this Ordinance or any decisions made by the Township in the administration of such regulations. This Ordinance shall not create any liability on the part of Benner Township or any officer, employee, or professional consultant of the Township thereof for any damages that may result from reliance on its regulations or any decisions made by the Township in the administration of such regulations.

Section 516 Tree Cutting

516.1. TREE CUTTING PURPOSE

Recognizing that the presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, the following imposes restrictions upon the non-commercial cutting-down of mature trees upon private property.

516.2. EMERGENCY TREE CUTTING

At any time, a landowner may cut-down any tree that, because of its condition, location or any other factor, poses an immediate threat to the public health and safety. Examples of appropriate emergency tree cutting include, but are not limited to, partially uprooted trees that are likely to topple onto nearby structures, properties, roads and/or sidewalks, damaged trees with split trunks due to lightning strike or wind loads, trees that block emergency vehicle access during times of natural disaster, civil defense or rescue and trees that have been partially damaged or fallen that threaten to cause an immediate rise in floodwaters. In case of emergency where time does not allow the prior obtaining of such permit, a zoning permit shall be applied for within seventy-two (72) hours after the cutting down of such tree(s). No fee shall be charged for any such emergency permit.

516.3. NON-EMERGENCY TREE CUTTING

- A. Except for areas that are subject to a forest regeneration plan under Section 517.2.A.1. of this Ordinance:
1. Landowners may cut-down any tree without the need for any zoning permit outside of areas identified with steep slopes as regulated by Section 513.3. of this Ordinance.
 2. Landowners may cut-down any tree(s) after obtaining a zoning permit within areas identified with steep slopes as regulated by Section 513.3. of this Ordinance, provided that the tree(s) to be cut-down have been identified by an ISA certified arborist to be:
 - a. afflicted with a contagious disease, blight or infection or damage from natural causes, from which the tree is unlikely to recover, or
 - b. dead, or
 - c. in such a condition or physical position that it constitutes a danger to the structures or occupants of adjacent property, the property on which it is located or the public right-of-way; or
 - d. an invasive species.
- B. Landowners shall not remove trees located within any street right-of-way without prior approval of a zoning permit.

516.4. WOODLAND PRESERVATION REQUIREMENTS

- A. Except as noted below, within the (C) Zone, all trees six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level cut down under Section 516 of this Ordinance shall be replaced within ninety (90) days or as the season permits. Replacement trees shall be deciduous trees, native to the Township, nursery stock grown within a locale with similar climatic conditions as found within the Township, well branched, and free of disease. The trees shall be not less than two (2) inches in diameter as measured four and one-half feet (4.5') above grade. Replacement trees shall not be required:
1. for trees cut down at locations where approved buildings and structures have been placed in accordance with this Ordinance;
 2. when such replacement tree would constitute a danger to the structures or occupants of adjacent property or the property on which it is located or the public right-of-way;
 3. for the removal of invasive species as is certified by an ISA certified arborist; or,
 4. when such replacement trees would be located within the legal right-of-way of a public street.

516.5. TREE REPLACEMENT STANDARDS.

- A. Except for forestry uses as defined herein and regulated by Section 517 of this Ordinance, any person, partnership, corporation, and/or property owner who or which

removes or destroys trees in excess of those standards listed in this Section 516 of this Ordinance shall be subject to the penalties for violation as outlined herein and is responsible for replacement of said trees. This replacement shall be done on a tree-for-tree basis if the number of trees removed in violation of this ordinance can be identified. If the number of trees cannot be identified, then the trees shall be replaced at a rate of one tree per one thousand (1,000) square feet of area of tree removal that has occurred in violation of this ordinance as determined by the Township Zoning Officer.

- B. The replacement trees shall be deciduous, noninvasive, native to the Township, nursery stock grown within a locale with similar climatic conditions as found within the Township, well branched, and free of disease. The trees shall be not less than two (2) inches in diameter as measured four and one-half feet (4.5') above grade. The trees shall be at least ten (10) feet tall after planting and trimming. Branching shall start not less than six (6) feet from the top of the root ball.
- C. The replacement trees may be placed on the property at any location selected by the property owner as long as such location does not violate any other provision of this ordinance or laws of the State.
- D. The replacement trees cannot be used as credits to meet other planting requirements of this ordinance relative to street tree plantings, required landscaping, and/or required screening, unless the original trees would have satisfied such requirements. Any replacement trees that are to be counted as required screening shall comply with the standards listed in Section 322 of this Ordinance.
- E. Any tree that is replaced under the requirements of this Section shall be properly maintained and any such tree that dies shall be promptly replaced in accordance with the specifications of this Section 516.5. of this Ordinance.

Section 517 Forestry Uses

517.1. FORESTRY PERMITTED IN ALL ZONES

In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:

517.2. TIMBER HARVESTING PLAN REQUIREMENTS

- A. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 901 of this Ordinance, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The timber harvesting plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvesting plan and the zoning permit. All timber harvesting operations will be conducted only in accordance with this ordinance and the approved timber harvesting plan.
 - 1. A forest regeneration plan that identifies the principle species of trees intended to be logged and their respective method or methods of forest regeneration, including each species' respective forest regeneration schedule (i.e. in terms of years.) As soon as practical and consistent with sound forest management

practices, after the conclusion of the timber harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the forest regeneration schedule of the timber harvesting plan.

2. Site Plan - Each timber harvesting plan shall include a scaled drawing containing the following information:
 - A. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;
 - B. Significant topographic features related to potential environmental problems and all of the natural and cultural features required within this Article 5 of this Ordinance;
 - C. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
 - D. Location of all crossings of waters of the Commonwealth; and,
 - E. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
3. Required Approval of a Forest Stewardship Plan – All applicants for timber harvesting shall submit written approval of a Forest Stewardship Plan by the PA DCNR, Bureau of Forestry.
4. Compliance With State Law - The timber harvesting plan shall address and comply with the requirements of all applicable State regulations, including, but not limited to, the following:
 - A. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.); and,
 - B. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
5. Relationship of State Laws, Regulations and Permits to the Timber Harvesting Plan - Any permits required by State laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the timber harvesting plan and associated maps specified in Section 517.2.A., provided that all information required by these sections is included or attached.
6. Required Marking of Trees - Before any permitted timber harvesting operation begins, all trees that are at least six (6) inches in diameter as measured four and one-half feet (4.5') above grade to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the approved timber harvesting plan.

517.3. REQUIRED NOTIFICATIONS

- A. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least forty-eight (48) hours before any cutting of trees is to begin including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
- B. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.

517.4. REQUIRED FOREST PRACTICES

- A. The following requirements shall apply to all timber harvesting operations:
 - 1. Timber harvesting shall be accomplished with those professionally-accepted silvicultural practices that are most appropriate to the particular timber stand as indicated in the approved timber harvest plan.
 - 2. No treetops or slash shall be left within the fifty (50) feet of any public street, private roadway providing access to any adjoining residential property or Residential Zone, adjoining property or designated trail; or within ten (10) feet of any natural or artificial swale or drainage ditch. All tree tops and slash shall be lopped to a maximum height of four (4) feet above the ground.
 - 3. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - 4. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
 - 5. All cutting, removing, skidding and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, unless authorized in the approved timber harvesting plan.
 - 6. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
 - 7. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
 - 8. Where possible, stream crossings shall be avoided, but where deemed to be necessary, crossings shall be made at a right angle across suitable culverts or bridges.
 - 9. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
 - 10. Unless superseded by the Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.), "No Timber Harvesting Buffer Zones" are established in accordance with the following table. Except for the construction and use of roads and trails described in the approved timber

harvesting plan, no trees shall be cut, removed, skidded or transported in a No Timber harvesting Buffer Zone.

No Timber harvesting Buffer Zones	
Use	Required Minimum Setback
Adjoining street	50 feet
Adjoining property	50 feet
Streams or other watercourse	25 feet
Designated Trails	25 feet
Springs, vernal ponds, seeps, Natural or artificial swale or drainage ditches	25 feet

11. Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting unless authorized within the approved timber harvesting plan.
12. All limbs and stubs shall be removed from felled trees prior to skidding.
13. All trees bent or held down by felled trees shall be released promptly.
14. No trees shall be left lodged in the process of felling with as little damage as possible to the remaining trees.
15. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or the Pennsylvania Department of Transportation in the case of state Highways.
16. The stumps of all felled trees shall be permitted to remain for soil for stabilization provided that they extend no more than two feet (2') above grade.
17. During the periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Benner Township, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
18. Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.

517.5. RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR; ROAD BONDING

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Board of Supervisors with advice from the Township Engineer.

517.6. TOWNSHIP'S RIGHT TO INSPECT

- A. The Township may, by its own personnel or outside agent, go upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and

thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.

- B. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

Section 518 Reserved for Future Use

Section 519 Historic Site Demolition

519.1. PURPOSE

- A. To provide the means that the Township can protect and preserve historic sites and structures.
- B. To initiate a process of public and technical review prior to the demolition of historic structures.

519.2. APPLICABILITY

This Section imposes a conditional use review procedure for the proposed demolition of historic structures, as defined herein.

519.3. DEMOLITION OF AN HISTORIC STRUCTURE

- A. No historic structure shall be demolished until the applicant has obtained conditional use approval and a zoning permit for such demolition.
- B. Prior to the application for conditional use approval to demolish an historic structure, the applicant shall be required to meet with the staff of the Centre County Historical Society (CCHS) and/or the Pennsylvania Historical and Museum Commission (PHMC) to gain their ideas about potential preservation options for the building/structure. No conditional use approval or zoning permit for the demolition of an historic structure shall be issued unless the applicant meets with the staff of the PHMC. To inform the staff of the CCHS/PHMC about the structure, the applicant shall be required to produce all of the available following materials:

1. Historic deeds, surveys and site plans of the subject property;
2. Current and historic photos of the property; and,
3. A description of the specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.

Following such meeting, the CCHS/PHMC shall, within ninety (90) days, prepare a letter of its findings for delivery to the applicant and the Township.

- C. In applying to the Township for conditional use approval to demolish an historic structure, the applicant is required to produce all of the available following materials and information:
 1. Historic deeds, surveys and site plans of the subject property;
 2. Current and historic photos of the property;

3. If the applicant is not the landowner, a notarized letter from the landowner requesting demolition of the historic structure;
 4. Additional information as may be requested by the Board of Supervisors;
 5. A review letter from the PHMC of its findings as required by Section 519.3.B. of this Ordinance; and,
 6. A description of specific measures and/or relief that could enable the preservation of the subject historic structure or specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.
- D. In evaluating the merits of a conditional use application for the demolition of an historic structure, the Board of Supervisors will consider the following:
1. The findings of the CCHS/PHMC in its review of the proposed demolition.
 2. Should the Board of Supervisors determine that the historic structure retains significant historic value and can be practically adapted to meet the needs of the applicant, the conditional use shall be denied.
 3. Should the Board of Supervisors determine that the historic structure retains significant historic value and can be preserved through some other practical means, the conditional use shall be denied.
 4. Should the Board of Supervisors determine that the historic structure fails to retain significant historic value, the conditional use shall be approved authorizing the demolition.
 5. Should the Board of Supervisors determine that the historic structure cannot be practically adapted to meet the needs of the applicant, the conditional use shall be approved authorizing the demolition.
 6. Should the Board of Supervisors determine that the historic structure cannot be preserved by any practical means, the conditional use shall be approved authorizing the demolition.

Section 520 Suspected Archaeological Resources

520.1. PURPOSE

- A. To provide the means that the Township can derive valuable information about its pre-historic past and when applicable protect and preserve archaeological sites and structures.
- B. To initiate a process of technical review prior to the disturbance of suspected archeological resources.

520.2. APPLICABILITY

- A. At such locations identified by the Pennsylvania Historical and Museum Commission (PHMC) of suspected archeological significance, applicants shall be required to undertake, and present the findings of, a review procedure prior to the disturbance of suspected archeological resources.

- B. All applications for lands identified with an area of suspected archaeological significance shall require the preparation of a statement by a professional archaeologist which includes the following minimum considerations:
1. A detailed account of a survey of archaeological resources conducted on the site and its findings. Such survey shall be conducted only after notification of the PHMC and undertaken in a manner specifically prescribed by the PHMC;
 2. A letter from the PHMC discussing the archaeological significance of the site. This letter should also suggest whether or not further study is warranted. If further study is warranted, a description of the level of investigation needed should also be explained.
 3. Should the PHMC determine that certain portions of the site can accommodate the proposed use without risking the loss of archaeological resources contained elsewhere on the site, a detailed description of the methods that are being used to:
 - A. prevent the disturbance of archaeologically-significant areas of the site during and following construction of the proposed use;
 - B. prohibit grading in the vicinity of archaeologically-significant areas of the site; and,
 - C. orient improvements and activities of the proposed use away from the archaeologically-significant areas of the site and suspected or known archaeologically-significant areas that adjoin the site; and,
 - D. A detailed description of the plans for disposition of any archaeologically-significant artifacts found, or to be found, on the site.
 - 4.. Written approval from the PHMC that the proposed use complies with all applicable state and federal requirements for the identification and protection of archaeological resources.

Article 6

Reserved for Future Use

Article 7

Nonconformities

Section 700 Continuation

Except as otherwise provided in this section, any use, building, or structure existing at the time of enactment of this Ordinance may be continued subject to the limitations described in this Article, although it is not in conformity with the regulations specified by this Ordinance. However, the storage of junk on residential properties is subject to amortization as described in Sections 708 of this Ordinance, respectively.

Section 701 Abandonment

All non-conforming uses of undeveloped land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired, or reconstructed. No other non-conforming use may be re-established after it has been discontinued for twenty-four (24) consecutive months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.

Section 702 Expansion of a Nonconforming Use of Land

Except as noted in Section 708 of this Ordinance, any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be expanded upon the lot upon which it exists at the time of the effective date of this Ordinance, but such expansion shall conform to area and lot regulations and to the design standards of this Ordinance. The expansion of a nonconforming use on a lot shall be limited to the lot that was in existence on the effective date of this Ordinance.

Section 703 Expansion or Alteration

703.A. Any nonconforming use may be expanded or altered through the approval of a special exception and subject to the following specific criteria, and those general criteria contained in Section 804.3.B. which are hereby specifically incorporated herein. The applicant shall be required to demonstrate compliance with these general criteria and the following specific criteria and must furnish whatever evidence is necessary to demonstrate such compliance:

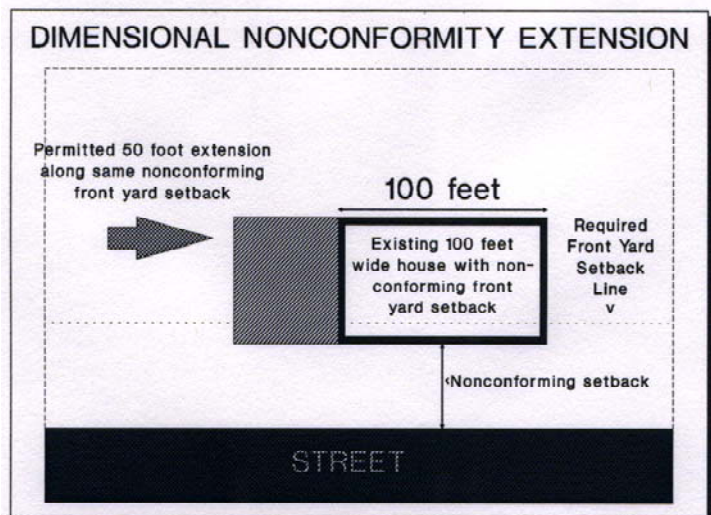
1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or struc-

tures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created;

3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in a floodplain shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements of the Township Floodplain Ordinance. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,

703.B. Any dimensional nonconformity may be reduced by permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as noted below in Section 703.C. of this Ordinance, no extension or enlargement of a dimensional nonconformity shall be permitted.

703.C. Any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of fifty percent (50%) of the area of the building that follows the setback when it was originally made nonconforming; the diagram above illustrates this



regulation. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity.

- 703.D. Dimensional nonconformities can be created as a permitted use through the acquisition of land and/or rights-of-way by a governmental agency.

Section 704 Substitution or Replacement

- 704.A. A nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.
- 704.B. If a non-conforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a special exception to permit such non-conforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

Section 705 Restoration

Except as noted in the Township Floodplain Ordinance, a non-conforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure shall not increase any dimensional non-conformity and that the reconstruction shall start within one (1) year from the time of damage to the structure and carried on without interruption.

Section 706 Unsafe or Unlawful Structures

If a non-conforming structure or building or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zone in which it is located.

Section 707 Previously Expanded Nonconforming Uses and Structures

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or Ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

Section 708 Amortization of the Nonconforming Storage of Junk on Residential Properties

Any external storage of junk (as defined herein) upon a property used as a principal residence that was legally existing as of the effective date of this Ordinance, shall be considered nonconforming. All such storage may continue for a period of up to six (6) months from the effective date of this Ordinance. After the six (6) month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the six (6) month period shall not waive the requirements for elimination of the use.

Section 709 Use of Nonconforming Lots of Record

Subject to the provisions of Section 508(4) of the Act, in any Zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected as a use by right on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to Section 804.4. of this Ordinance.

Section 710 Use Variances are not Nonconforming Uses

Any use that is permitted by variance under the terms of this Ordinance shall not be deemed a non-conforming use. Any expansion and/or alteration of such use will require approval of another variance by the Zoning Hearing Board in accordance with Section 804.4. of this Ordinance.

Article 8

Zoning Hearing Board

Section 800 Establishment and Membership

The Board of Supervisors shall appoint a Zoning Hearing Board which shall consist of three (3) members who shall be residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 801, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 802 unless designated as a voting alternate member pursuant to Section 801 of this Ordinance.

Section 801 Organization of Zoning Hearing Board

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 803. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be

the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 802 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to Section 801, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.

Section 803 Public Hearings

- 803.1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
- 803.2. Public notice shall be given to the applicant, the zoning officer, such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;
- 803.3. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs; and,
- 803.4. The first hearing before the Zoning Hearing Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- 803.5. The hearings shall be conducted by the Zoning Hearing Board or the Zoning

Hearing Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final;

- 803.6 The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;
- 803.7. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- 803.8. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- 803.9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 803.10. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;
- 803.11. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
- 803.12. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the

hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Act, where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing as provided in Section 803.4. of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in this Section of this Ordinance. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction:

803.13. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,

803.14. Time Limitations on Zoning Hearing Board's Decision –

A. For uses that do not require subsequent subdivision and/or land development approval:

1. If a variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;
2. Should the appellant or applicant fail to obtain the necessary zoning permit within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board; and,

3. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such two (2) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- B. For uses that require subsequent subdivision and/or land development approval:
1. If a variance or special exception is granted, or other action by the appellant is authorized, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the variance or special exception is finally granted, or the other action by the appellant is authorized, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
 2. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all approvals granted to him shall be deemed automatically rescinded by the Zoning Hearing Board; and,
 3. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted approvals, if the Zoning Hearing Board finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- C. As an alternative to the preceding requirements of Section 803.14.A. and 803.14.B., an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 803.14.A.-B. In so doing, the applicant

must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite time-frame for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 804 Zoning Hearing Board's Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

804.1. **Substantive Challenges to the Validity of the Zoning Ordinance**, except those brought before the governing body pursuant to Section 904.5. of this Ordinance.

A. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- i. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- ii. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
- iii. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
- iv. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;
- v. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
- vi. For challenges alleging the exclusion of one or more land uses within the Township, the Zoning Hearing Board shall consider the availability of opportunity for such uses throughout the Township.

B. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of

the last hearing;

- C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
- D. Public notice of the hearing shall be provided as specified in Section 904.2.B. of this Ordinance;

804.2. **Challenges to the Validity of the Zoning Ordinance**, raising procedural questions or alleged defects in the process of enactment or adoption;

804.3. **Special Exceptions** - The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Ordinance. The granting of a special exception shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

A. Filing Requirements - In addition to the required permit information (See Section 901) each special exception application shall include the following:

- i. Ground floor plans and elevations of proposed structures;
- ii. Names and address of adjoining property owners including properties directly across a public right-of-way;
- iii. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
- iv. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance;

B. General Criteria - Each applicant must demonstrate, by credible evidence, compliance with the following:

- i. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the Zone wherein the applicant seeks approval;
- ii. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- iii. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or

workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;

- iv. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 - v. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
 - vi. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
 - vii. For development within a floodplain, that the application complies with those requirements listed in the Township Floodplain Ordinance;
 - viii. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - ix. The proposed use will not substantially impair the integrity of the Nittany Valley Region Comprehensive Plan;
- C. Conditions - The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 9; and,
- D. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 804.3.A. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not

reflected on the originally approved site plan, shall require the approval of another special exception;

- E. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.14. of this Ordinance.

804.4. **Variances** - The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the following findings where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or Zone in which the property is located;
- B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
- C. That such unnecessary hardship has not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the Zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
- F. That variances within a floodplain shall require compliance with those regulations contained in the Township Floodplain Ordinance;
- G. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 9; and,
- H. If a Zoning Permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the

Zoning Officer.

- I. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.14. of this Ordinance.

- 804.5. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or enforcement notice or the registration or refusal to register any nonconforming use, structure or lot;
- 804.6. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone;
- 804.7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 804.8. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- 804.9. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

Section 805 Parties Appellant Before the Zoning Hearing Board

Appeals under Sections 804.5., 804.6., 804.7., 804.8., and 804.9. and proceedings to challenge this Ordinance under Sections 804.1. and 804.2. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 804.4. and for special exception under Section 804.3. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal/application shall state:

1. The name and address of the appellant and applicant.
2. The name and address of the landowner of the real estate to be affected.
3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

Section 806 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by

the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

Section 807 Stay of Proceeding

Upon filing of any proceeding referred to in Section 805 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

Section 808 Appeal

Any person, taxpayer, or the Township aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.

Section 809 Mediation Option

- 809.1. Parties to proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In no case shall the Zoning Hearing Board, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 8 once they have been formally initiated.
- 809.2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- A. Funding mediation;
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;
 - E. Identifying all parties and affording them the opportunity to participate;
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:
- 809.3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Article 9

Administration

Section 900 Zoning Officer

The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. He/she shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

900.1 DUTIES & RESPONSIBILITIES

The duties and the responsibilities of the Zoning Officer shall be:

- A. **Process Applications** - To receive, examine and process all zoning permit and certificate of use applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
- B. **Maintain Official Records** - To maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all Zoning Permits and Certificates of Use and Occupancy issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.
- C. **Inspections** - Before issuing any Zoning Permit or Certificate of Use and Occupancy at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Certificate of Use and Occupancy. Thereafter, he/she may make such inspections during the completion of the work for which a Zoning Permit has been issued. Upon completion of such work and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the Zoning Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. To inspect properties to determine compliance with all

provisions of this Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments.

- D. **Inspect and/or Register Nonconformities** - Upon request by a landowner and/or the direction of the Board of Supervisors to inspect nonconforming uses, structures and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
- E. **Assist Local Officials** - Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
- F. **Maintain Up-to-Date Ordinance** - To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto;
- G. **Floodplain Ordinance Variance Reporting** - Upon the granting by the Zoning Hearing Board of a variance pertaining to the Floodplain Ordinance, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance;
 - 2. Such variances may increase the risks to life and property, pursuant to the Township's Floodplain Ordinance.
- H. **Floodplain Report to DCED** - Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within any floodplain, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development.
- I. **Biannual Report to FIA** - To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
- J. **Preliminary Opinion** - To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
- K. **Investigate Complaints** - when in receipt of a verbal non-anonymous verbal or a signed written complaint stating fully the cause and basis thereof, to investigate alleged violations of this Ordinance. Said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer. If after the investigation the Zoning Officer determines that a violation has occurred, he/she shall take action as provided for by this Ordinance.
- L. **Prosecute Violations** - to institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions that are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.

900.2 VIOLATIONS

Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

900.3 ENFORCEMENT NOTICE

If it appears to the Township that a violation of this Zoning Ordinance, has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

- A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- B. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under Section 804.5. of this Ordinance.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

900.4 ENFORCEMENT REMEDIES

Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Magistrate. If the defendant neither pays, nor timely appeals, the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the District magistrate, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

900.5 CAUSES OF ACTION

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance enacted under the Act, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 901 Zoning Permits

901.1 GENERAL REQUIREMENT FOR ZONING PERMITS

A. **Actions Requiring Zoning Permits** - A zoning permit shall be required prior to:

1. a change in use of land or structure,
2. the erection or construction of a structure (principal or accessory) or portion thereof excluding satellite dish antennas that are less than one (1) meter in diameter;
3. the improvement or alteration of any existing structure (principal or accessory) where such improvement or portion thereof increases the amount of space which the structure encloses;
4. the erection or alteration of any signs specified in Section 323 of this Ordinance as requiring a zoning permit;
5. the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins (excluding ornamental ponds and wading pools as defined herein); and/or,
6. the conduct of any forestry use as defined herein.
7. the cutting of any tree in accordance with Section 516 of this Ordinance and the conduct of any forestry use in accordance with Section 517 of this Ordinance.
8. required for the replacement of existing structures; for example, replacing a storage shed with another storage shed.
9. for uses other than a single-family dwelling or agriculture:
 - a. The installation of a new outdoor lighting system;
 - b. The alteration, rehabilitation, or renovation to an existing outdoor lighting installation, which is commenced after the effective date of

this Ordinance, and involves the complete replacement of an existing lighting system with a new lighting system and,

- c. The replacement of an outdoor light fixture that existed on the effective date of this Ordinance.

B. **Permit Exemptions** - No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.

C. **Application for Zoning Permit**

1. **Form of Application** - Application for zoning permits shall be made in writing to the Zoning Officer. Two (2) copies of the application including a plot plan for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe.
2. **Authorization to Apply** - The parcel or parcels shall be in a single and full ownership, or proof of option shall be furnished at the time of application. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
3. **Required Permit Fees** - No permit shall be issued until the fees prescribed by the Board of Township Supervisors approved by resolution shall be paid to the Zoning Officer. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use and Occupancy. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use and Occupancy.

D. **Review of Zoning Application**

1. **Permit Review Deadline** - Such zoning permits shall be issued or rejected within ninety (90) days from date of application.
2. **Permit Referral** - The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
3. **Permit Conformity** - No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
4. **Permit Burden of Proof** - In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.
5. **Reconsideration of Application** - An applicant whose request for a permit

has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new review of the application if this condition is not met.

- F. **Issuance / Rejection of Permits** - Upon receipt, the Zoning Officer shall examine the permit application within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, he/she shall reject such application in writing, stating the reasons therefore. He/she shall inform the applicant of his/her right to appeal to the Zoning Hearing Board under Section 804.5. of this Ordinance, in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance, and all laws and ordinances applicable thereto, he/she shall issue a permit therefore as soon as practical, but not later than ninety (90) days from receipt of the application.
- E. **Permit Revocation** - The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application, or on the plans on which the permit or approval was based, or for any other cause set forth in the Zoning Ordinance
- G. **Expiration of Permit** - The permit shall expire after two (2) years from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed a total of five (5) years upon the request by the applicant who can demonstrate good cause for the extension.
- H. **Compliance with Ordinance** - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board through the issuance of an approved variance under Section 804.4. of this Ordinance.
- I. **Compliance with Permit and Plot Plan** - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.
- J. **Display of Zoning Permit** - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Certificate of Use and Occupancy.
- K. **Changes** - After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Zoning Officer for consideration.
- L. **Availability of Zoning Permit** - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.
- T. **Temporary Use Permits** - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, in times of local or national emergency and/or disaster which activities may be prohibited

by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of application, they will:

1. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
2. contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

901.2 APPLICATION FOR ALL ZONING PERMITS

A. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plot plans in duplicate drawn to scale and showing the following as may be applicable to the requested permit:

1. The actual dimensions and shape of the lot to be built-upon;
2. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto;
3. The number of dwelling units or other units of occupancy (eg. commercial, industrial, institutional, agricultural, accessory uses and etc.) if any, to be provided;
4. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies;
5. The height of all structures, buildings, and/or signs;
6. Distances of buildings and structures from lot lines and street right-of-way lines;
7. Off-street parking and loading areas and access thereto, including grades and proposed surfacing;
8. Outdoor areas devoted to storage of goods, materials and/or wastes;
9. Utility systems affected and proposed, including primary and back-up on-lot and/or public sewage disposal and water supply systems, including any required permits. No zoning permit shall be issued for any new use or construction, involving on-site or off-site disposal of sewage or waste until approval is granted by either the Pennsylvania Department of Environmental Protection (DEP), the Municipal Sewage Enforcement Officer, and/or the Municipal Sewage Authority and other authority by law;
10. Alteration or development of any improved or unimproved real estate;
11. Lot coverage;
12. Site lighting plans, including lighting of signs in accordance with the requirements of Section 309 of this Ordinance;

13. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses;
 14. Recreation areas;
 15. Screens, buffer yards, landscaping, erosion control filter strips and riparian buffers;
 16. Means of pedestrian access;
 17. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans;
 18. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors;
 19. Proof of approval from the PA Department of Labor and Industry, when required by such agency;
 20. Copies of any applicable subdivision/land development plan;
 21. Workers Compensation Certificates;
 22. Individual lot grading plans in accordance with Section 307 of this Ordinance;
 23. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- B. If any proposed construction, excavation or development is located entirely or partially within any identified as floodplain within the Township's Floodplain Management Ordinance, applicants for zoning permits shall meet all requirements of Township's Floodplain Management Ordinance before a zoning permit is issued.
- C. Applications involving any excavation or earthmoving shall require submission of one or more of the following:
1. Applications for permits for initial agricultural use involving earth disturbance on five thousand (5000) square feet or more shall require submission of a letter from the Centre County Conservation District or the United States Department of Agriculture's Natural Resource and Conservation Service (NRCS) that the proposed use has an approved Conservation Plan;
 - a. earth disturbance will occur on more than one (1) acre;
 - b. the site possesses slopes exceeding ten percent (10%);
 - c. the site contains or abuts a body of water or watercourse; and,
 - d. the site and proposed use or activity presents the potential for discharge into State designated "High Quality Waters," and/or State designated "Exceptional Value Waters," and/or "Exceptional Value Wetlands;" and;
 2. Applications for permits that do not involve agricultural uses or activities, and do not involve any of those conditions listed in the above-described Section 901.2.C.1.a.–d., shall require Compliance with Benner Township Stormwater

Management Ordinance.

- D. Applications involving forestry uses shall require the submission of information listed in Section 517 of this Ordinance.
- E. Applications involving disturbance proposed on steep slopes, shall require the submission of an individual lot grading plan in accordance with Section 513 of this Ordinance.
- F. A natural and cultural features site plan and report in accordance with Article 5 of this Ordinance

901.3 APPLICATION FOR ZONING PERMIT FOR USES IN ALL COMMERCIAL AND INDUSTRIAL ZONES

In addition to the preceding requirements for all zoning permits uses proposed within the Commercial and/or Industrial Zones shall provide the following information, as applicable:

- A. A location plan showing the tract to be developed, Zone boundaries, adjoining tracts, significant natural features, proposed topographic features, and streets for a distance of two hundred (200) feet from all tract boundaries.
- B. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- D. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
- E. Engineering plans for the handling of traffic, noise, light and glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
- F. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
- G. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- H. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

Section 902 Certificate of Use and Occupancy

902.1 When Required - Except in the case of zoning permits issued for tree cutting in accordance with Section 516 of this Ordinance, it shall be unlawful to use and/or occupy any structure, building, sign, or land or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate unless he/she has inspected said structure, building, sign, or land and has determined that all provisions of the Zoning Ordinance and other ordinances of the Township have been satisfied.

902.2 Form of Application - The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe, and shall be made at the same time as the application for a Zoning Permit is filed with the Zoning Officer.

902.3 Description of Use and Occupancy - The application shall contain a description of the intended use and occupancy of any structure, building, sign, or land or portion thereof for which a Zoning Permit is required herein.

902.4 Action Upon Application for Uses Not Requiring Individual Lot Grading Plans - Except in the case of zoning permits issued for tree cutting in accordance with Section 516 of this Ordinance, the Zoning Officer shall inspect any structure, building, sign or use of land within seven (7) days after notification that the proposed work that was listed under the Zoning Permit has been completed. If he/she is satisfied that:

- A. the work is in conformity and compliance with the work listed in the issued Zoning Permit;
- B. the work is in conformity and compliance with and all other pertinent local laws; and,
- C. that the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable;

he/she shall issue a Zoning Certificate of Use and Occupancy for the intended use listed in the approved application. If the Zoning Officer finds that the work has not been performed in accordance with this Ordinance and/or the approved application, the Zoning Officer shall refuse to issue the Zoning Certificate of Use and Occupancy and shall give in writing the reasons for such refusal. The Zoning Officer shall inform the zoning permit holder of his/her right of appeal to the Zoning Hearing Board under Section 804.E. of this Ordinance.

The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use and Occupancy. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use and Occupancy.

902.5 Action upon Application for Uses Requiring Individual Lot Grading Plans - In addition to the requirements of Section 902.4. of this Ordinance, any use requiring an individual lot grading plan under Section 307 of this Ordinance, will require:

- A. that the applicant schedule a first floor elevation inspection at such time as any footers and foundation walls have been poured. If the observed first floor elevation is not within tolerance of the elevation specified on the approved individual lot grading plan, the applicant will be required to correct the actual elevation or submit and receive approval of a revised as-built individual lot grading plan (including payment of a new individual lot grading plan review and inspection fee) prior to any further construction work on the site; and,
- B. that the applicant schedule a final grading inspection at such time as all grading is complete, the site is seeded and stabilized, all required erosion and sedimentation measures are installed and the driveway is paved with a final wearing course. If the observed final grading is not within tolerance of the elevation specified on the approved individual lot grading plan, the applicant will be required to correct the actual elevation or submit and receive approval of a revised as-built individual lot grading plan (including payment of a new individual lot grading plan review and inspection fee) prior to any further construction work on the site;
- C. If final grading stabilization and seeding are not possible because of the non-growing season (September 30 to April 15), the applicant may obtain a Temporary Zoning Certificate of Use and Occupancy as it relates to final grading. No

Temporary Zoning Certificates of Use and Occupancy will be issued after April 15th or before September 30th of each year. Applicants receiving a Temporary Zoning Certificate of Use and Occupancy as it relates to final grading shall still be required to schedule a final grading inspection no later than the next May 30th for final grading inspection.

- D. The fees collected for the review of an individual lot grading plan include one first floor grade inspection and another final grading inspection. Should an applicant fail to demonstrate compliance with an approved individual lot grading plan at either inspection, he/she will be required to submit an additional grading inspection fee for each time the Township must inspect the site prior to its final grading approval and issuance of a Zoning Certificate of Use and Occupancy.

902.6 Availability of Certificate - The Zoning Officer shall maintain a Certificate of Use and Occupancy (or a true copy thereof) for all uses that shall be kept available for inspection at all times.

902.7 Temporary Certificate of Use and Occupancy –

- A. It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance during times of local or national emergency and/or disaster. If such uses are of such a nature and are so located that, at the time of application, they will:

1. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
2. contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a Certificate of Use and Occupancy for a period not to exceed six (6) months. Such Certificate of Use and Occupancy may be extended not more than once for an additional period of six (6) months.

- B. **Residential Uses** - A Temporary Zoning Certificate of Use and Occupancy may be issued by the Zoning Officer when most of the work issued under the Zoning Permit is completed, and the structure or site is usable or habitable, but some aspects of the work (i.e., grading, landscaping, planting of borders or buffers, paving or graveling of drives and walks) are not completed due to weather, the season of year, or other reasonable cause. Authorized work necessary to be completed to obtain a temporary Zoning Certificate of Use and Occupancy are as follows:

1. Septic or Sewer system inspected and in working order;
2. Electrical Inspection through the local electrical company;
3. Exterior completed; and
4. Well/public water supply inspected and in working order.

- C. **Non-residential uses -- Posting of surety.** A Temporary Zoning Certificate of Use and Occupancy may be issued by the Zoning Officer only if the posting of a bond or certified check in an amount equal to the estimate of work remaining to be completed for a permanent Zoning Certificate of Use and Occupancy is secured by the Township. In all cases, the applicant requesting a Temporary Zoning Certificate

of Use and Occupancy shall post a bond or other surety, in an amount no less than 125% of the total estimated cost of finishing the work to appropriate standards.

1. The Township Engineer shall review the bond or other surety arrangement, to ensure the bond is no less than 125% of the total estimated cost of the work to be completed. The Township Solicitor shall also review the bond or other security arrangement to ensure the documents are in order, and that the Township will be able to recover against the surety.
2. The Zoning Officer shall not issue a Temporary Zoning Certificate of Use and Occupancy until the application and documents are reviewed by both the Solicitor and the Township Engineer, and found acceptable.
3. The Temporary Zoning Certificate of Use and Occupancy shall set a time, not to exceed one (1) year, by which the work must be completed and a permanent Zoning Certificate of Use and Occupancy shall be applied for. If the work is not completed within the required time, the Township may:
 - a. Invalidate the bond and cause the work to be performed, or
 - b. Revoke the permit, or
 - c. Avail itself of any other remedy open to it hereunder, or under State law. Election of any remedy or combination of remedies shall not preclude the Township from electing another remedy or combination of remedies at another time.
4. Upon expiration of the Temporary Zoning Certificate of Use and Occupancy, the applicant shall apply for a permanent Zoning Certificate of Use and Occupancy. If the work remains incomplete, the applicant may apply for only one (1) additional Temporary Zoning Certificate of Use and Occupancy. If the work remains incomplete after all additional Temporary Zoning Certificates of Use and Occupancy have expired, the Zoning Officer shall use the proceeds of the bond or other surety arrangement to complete the necessary work. Any costs incurred by the Township, over and above the amount of the bond or other surety arrangement, shall be paid by the Zoning Permit holder prior to occupying the structure or otherwise using the land.

902.8 Performance Standards - For uses that involve activities that are subject to operations and performance standards listed in Article 3 of this Ordinance, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facility is fully operating and when, upon re-inspection by the Zoning Officer, it is determined that the facility is in compliance with all such standards.

Section 903 Fees

903.1 The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Certificates of Use and Occupancy, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.

903.2 The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.

- 903.3 Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

Section 904 Amendments

- 904.1 **Power of Amendment** - The Board of Supervisors may, from time to time, amend, supplement, change, or repeal this Ordinance, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider and zoning amendment other than curative amendments submitted under Section 904.6. and 904.7. of this Ordinance;

904.2. **Hearing and Enactment Procedures for Zoning Amendments**

- A. **Public Hearing** - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
- B. **Public Notice** - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
1. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
 - An attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
 2. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.

3. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

C. **Enactment Notice** - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 904.2.B.

D. **Township Planning Commission Referrals** - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment.

A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township.

E. **Nittany Valley Region Referrals** - All proposed amendments shall be submitted to the Planning Commissions of Bellefonte Borough, and Marion, Spring and Walker Townships for review at least thirty (30) days prior to the hearing on the proposed amendment(s). The Borough Council of Bellefonte Borough and the Board of Supervisors of Marion, Spring and Walker Townships shall have the right to submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment(s), to the Board of Supervisors no later than the date of the public hearing. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendment(s).

F. **Centre County Planning Commission Referrals** - All proposed amendments shall be submitted to the Centre County Planning Commission at least forty-five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Centre County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.

G. **Adjournment of Public Hearing** – If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.

H. **Copies of Adopted Amendments** - Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the

Centre County Planning Commission, Bellefonte Borough, and Marion, Spring and Walker Townships.

- I. **Authentication of the Official Zoning Map** - Whenever there has been a change in the boundary of a zoning Zone or a reclassification of the zoning Zone adopted, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.
- 904.3 **Amendment Initiated by the Township Planning Commission** - When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors, which has already been reviewed by the Township Planning Commission;
- 904.4 **Amendment Initiated by the Board of Supervisors** - When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 904.2.;
- 904.5 **Amendment Initiated by a Petition from an Interested Party** - A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials;
- 904.6 **Curative Amendment by a Landowner** - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that his/her challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Centre County Planning Commissions, as provided for in Section 904.2., and public notice of the hearing shall be provided as defined herein.
- A. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider;
 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and

other natural features;

4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts;
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
 6. For challenges alleging the exclusion of one or more land uses within the Township, the Board shall consider the availability of uses permitted within the zoning ordinances throughout the Nittany Valley Region pursuant to Section 916.1.(h) of the Act.
- B. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.
- C. If the governing body fails to act on the landowner's request within the time limits referred to in paragraph (b), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- D. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments may be examined by the public.
- E. The challenge shall be deemed denied when:
1. The governing body fails to commence the hearing within sixty (60) days;
 2. The governing body notifies the landowner that it will not adopt the curative amendment;
 3. The governing body adopts another curative amendment which is unacceptable to the landowner; or
 4. The governing body fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
- F. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body pursuant to this section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 804.1., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply.
- G. Where the proposal appended to the curative amendment application or the validity challenge is approved, but does not require further application under any subdivision

or land development ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

904.7 Curative Amendment by the Board of Supervisors

- A. The Board of Supervisors, by formal action, may declare this Ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
 - 1. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity.
 - b. references to a class of use or uses which require revision; or,
 - c. references to the entire Ordinance which requires revisions.
 - 2. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
- C. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 804.1., subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
- D. The Board of Supervisors, having utilized the procedures as set forth in this section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation; and,

Section 905 Conditional Uses

905.1 **Filing of Conditional Use** - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. Applications for Conditional Use" shall be submitted no earlier than four (4) business days (excluding holidays, Saturdays and Sundays) prior to a regularly scheduled meeting of the Supervisors at which time the application and accompanying fee must be received from the applicant. Applications submitted by postal service or other carrier service must be received by the Township during the specified timeframe above. Incomplete applications shall not be accepted by the Township at any other time. The Supervisors will acknowledge receipt of such application at its regular meeting and then refer such application to the Township Planning Commission for review and recommendation. In addition to the information required on the zoning permit application, the conditional use application must show:

- A. Ground floor plans and elevations of proposed structures.
- B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
- C. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
- D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance;

905.2. **General Criteria** - Each applicant must demonstrate compliance with the following:

- A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the Zone wherein the applicant seeks approval;
- B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- C. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;
- D. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- E. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
- F. The applicant shall establish by credible evidence that the proposed conditional use

shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

- G. For development within a floodplain, that the application complies with those requirements listed in the Township Floodplain Ordinance;
- H. The proposed use shall comply with those criteria specifically listed for the use in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
- I. The proposed use will not substantially impair the integrity of the Nittany Valley Region Comprehensive Plan;

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

905.4 **Site Plan Approval** - Any site plan presented in support of the conditional use pursuant to Section 905.1. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval; and,

905.5 **Hearing Procedures**

- A. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
- B. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations;
- C. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;

- D. The first hearing before the Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal;
- E. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
- F. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose;
- G. The Chairman or Acting Chairman of the Board of Supervisors or hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- H. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- I. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- J. The Board of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof;
- K. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present;

- L. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer;
- M Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction; and,
- N. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

905.6 Time Limitation:

- A. For uses that do not require subsequent subdivision and/or land development approval:
1. If a conditional use is granted, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;
 2. Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to

commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,

3. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such two (2) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.

B. For uses that require subsequent subdivision and/or land development approval:

1. If a conditional use is granted, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the conditional use is finally granted, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
2. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
3. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use approval, if the Board of Supervisors finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.

- C. As an alternative to the preceding requirements of Section 905.6.A. and 905.6.B., an applicant can request, as part of the original conditional use application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 905.6.A.-B. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Board of Supervisors must establish and bind a definite time-frame for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 906 Mediation Option

- 906.1 Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 9 once they have been formally initiated.
- 906.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- A. Funding mediation;
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;
 - E. Identifying all parties and affording them the opportunity to participate;
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:
- 906.3 No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 907 Information Submission Requirements

In order to ensure that the review processes and administration of this Zoning Ordinance are accomplished in a manner that is readily accessible to all citizens of the Township, any information and/or plans submitted associated with any application, permit, petition, appeal or any other request shall be provided in a form that is reproducible, without restriction, by any and all interested parties and/or the general public.

Section 908 Appeals

Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, their agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Ordinance shall be in accordance with Article X-A of the Act, as amended.

Section 909 Repealer

Any Resolution, Ordinance, or part of any Resolution or Ordinance, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

Section 910 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Benner Township, County of Centre, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this _____ day of _____, 2009.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP

By: _____ Chairman

ATTEST:

Secretary

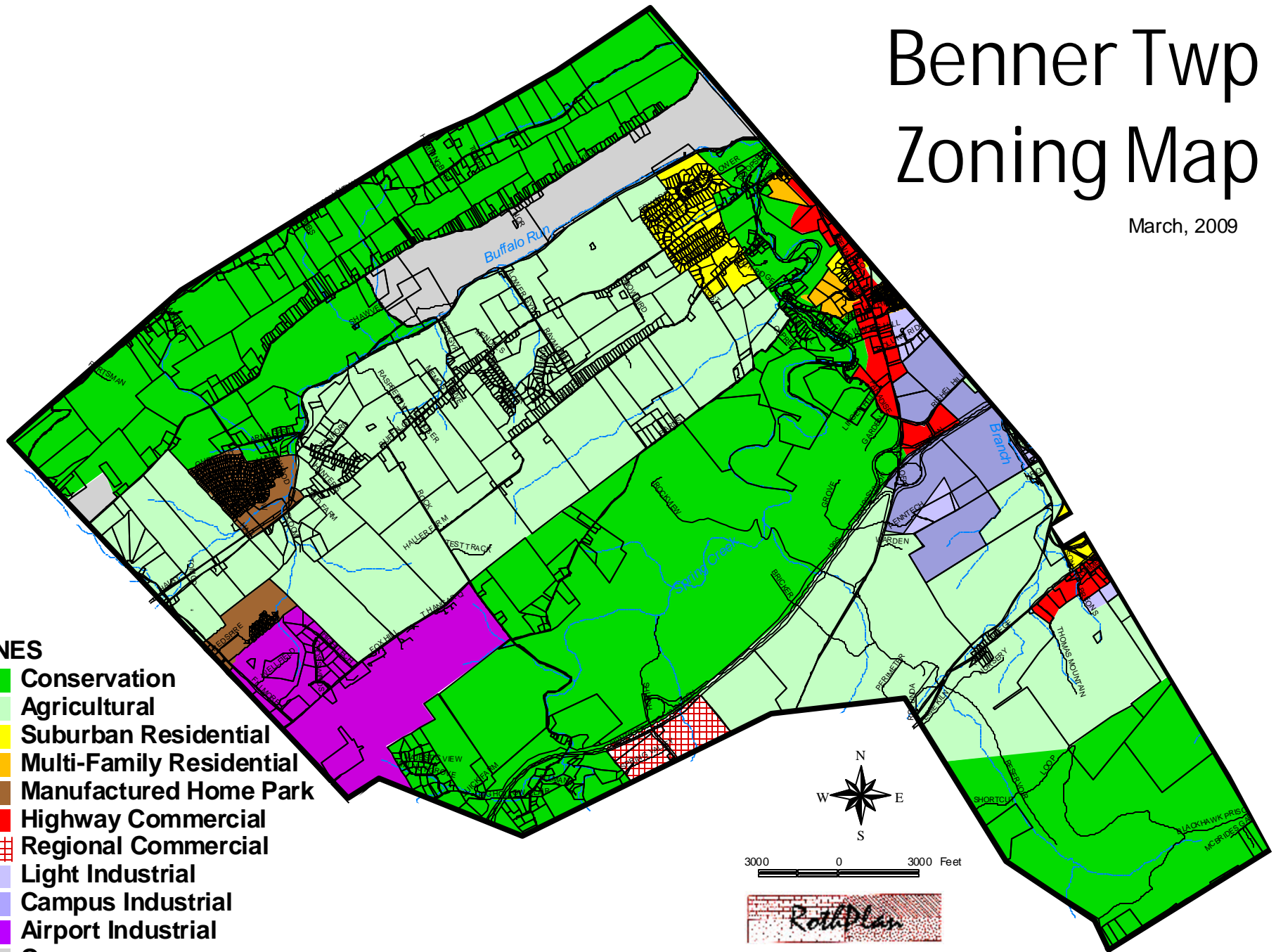
(SEAL)

Benner Twp Zoning Map

March, 2009

ZONES

- Conservation
- Agricultural
- Suburban Residential
- Multi-Family Residential
- Manufactured Home Park
- Highway Commercial
- Regional Commercial
- Light Industrial
- Campus Industrial
- Airport Industrial
- Quarry



Appendix A

JOINT USE DRIVEWAY AGREEMENT for up to four lots.

LOT 1 The undersigned, *(insert 1st owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 1st property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Centre, Commonwealth of Pennsylvania, in *(insert deed number of 1st property)* Deed Book _____,
Page _____, known as tax map number *(insert 1st property tax number)* _____;

&

LOT 2 The undersigned, *(insert 2nd owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 2nd property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Centre, Commonwealth of Pennsylvania, in *(insert deed number of 2nd property)* Deed Book _____,
Page _____, known as tax map number *(insert 2nd property tax number)* _____;

&

LOT 3 The undersigned, *(insert 3rd owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 3rd property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Centre, Commonwealth of Pennsylvania, in *(insert deed number of 3rd property)* Deed Book _____,
Page _____, known as tax map number *(insert 3rd property tax number)* _____;

&

LOT 4 The undersigned, *(insert 4th owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 4th property address)* _____
and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County
of Centre, Commonwealth of Pennsylvania, in *(insert deed number of 4th property)* Deed Book _____,
Page _____, known as tax map number *(insert 4th property tax number)* _____.

In order to provide access to the proposed lots, Owners desire to create a mutual easement and right-of-way for access to all of the lots as set forth in this instrument and as depicted on a plan attached hereto as Exhibit "A."

EASEMENT GRANT - NOW THEREFORE, the Owners do hereby declare, make known and covenant for themselves, their heirs and assigns, that herein and hereby they do subject all the lots to the following easement for the mutual benefit of the owners of each other lot:

1. The Owners, their heirs, successors and assigns of each lot shall have a perpetual casement for a right-of-way, together with free ingress, egress, and regress to and for the said owners, their heirs, successors, assigns, tenants and undertenants, occupiers, or possessors of the owners upon and across that portion of each lot more fully described on Exhibit "B" and depicted on Exhibit "A."
2. The proper maintenance and repair of said right-of-way shall be borne equally by the owners, successors and assigns of all the lots.
3. This agreement is intended to run with and be binding upon the owners of all the lots as set forth in this agreement, their heirs, successors and assigns.

IN WITNESS WHEREOF, the said Owners have hereunto set their hands and seals this ____ day of _____, 20____.

ATTEST:

_____ <i>Insert signature for witness for owner of Lot 1</i>	_____ <i>Insert signature of owner of Lot 1</i>
_____ <i>Insert signature for witness for owner of Lot 2</i>	_____ <i>Insert signature of owner of Lot 2</i>
_____ <i>Insert signature for witness for owner of Lot 3</i>	_____ <i>Insert signature of owner of Lot 3</i>
_____ <i>Insert signature for witness for owner of Lot 4</i>	_____ <i>Insert signature of owner of Lot 4</i>

REQUIRED EXHIBITS TO BE ATTACHED

EXHIBIT A – Scaled plan that depicts the location and dimensions of the proposed joint-use driveway.

EXHIBIT B – Legal description of proposed joint-use driveway perpetual easement.

COMMONWEALTH OF PENNSYLVANIA)

LOT 1

COUNTY OF CENTRE)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 2

COUNTY OF CENTRE)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 3

COUNTY OF CENTRE)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 4

COUNTY OF CENTRE)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal. _____

Notary Public

Appendix B

Riparian Buffer Management Plan

The preparation of a riparian buffer management plan is essential for ensuring a healthy and successful riparian corridor environment. While wooded riparian corridors provide the greatest water quality benefits, there are other management alternatives that contribute to water quality. Therefore, the management plan should balance the intent of the riparian buffer with a site's existing conditions and the landowner's desires for the property. When completed, the management plan should clearly define the landowner's goals for the riparian buffer and what specific actions will be taken to achieve those goals. For example, the landowner may intend to allow an existing meadow to revert to woodland over 20 years. To ensure this happens, the plan will identify what specific management techniques will be implemented. Similarly, if the effectiveness of a portion of the riparian buffer is reduced, mitigation measures will need to be identified that will offset the disturbance. The management plan should clearly define what actions will be taken to fulfill the goals of the plan and who is responsible for implementing them.



A portion of this meadow has been managed to allow for natural succession.

All landowners and developers proposing subdivision or development of land within the riparian buffer must submit a riparian buffer management plan. Certain requirements of the plan may overlap with other municipal subdivision and land development requirements, such as the existing conditions plan. Landowners with no plans for subdivision or development are encouraged to submit riparian buffer management plans on a voluntary basis.

The riparian buffer management plan will include scale drawings and explanatory text and should be prepared by a licensed landscape architect, engineer, or other qualified professional. This plan should be

submitted and approved as part of any normal municipal subdivision and/or land development review process. The riparian buffer management plan should include the following four elements:

Section I: Existing Conditions

This section should include a sketch plan showing the boundaries of Zone 1 and Zone 2 at a minimum, and existing environmental conditions (such as five foot contours, steep slopes and swales and other drainage features highlighted, wetlands, floodplains, woodlands and other vegetation, and any existing structures). A written description of unusual or other "site specific" significant conditions also should be included.

Section II: Goals

An analysis should be done that identifies the landowner goals for the entire property, considering the intent of the riparian buffer. For example, the goal for land in Zone 1 may be to preserve existing woodland. The goal for Zone 2 may be to convert an existing pasture into a wildflower meadow. The goal outside the riparian buffer zones may be to construct a house and barn. For those riparian areas that include improvements, there should be a discussion of how disturbance to the buffer(s) will be minimized and offset with other riparian improvements. A schematic plan illustrating the goals should also be included.

Section III: Proposed Activities

This section should include a scaled drawing and a discussion of activities proposed for land in Zone 1, Zone 2 and land directly adjacent to the riparian buffer(s). The plan should clearly show the areas that will be disturbed and those which will be protected and preserved. The plan should identify which proposed activities are permitted by right, which will require any conditional use approval, and which will require mitigation and restoration measures.



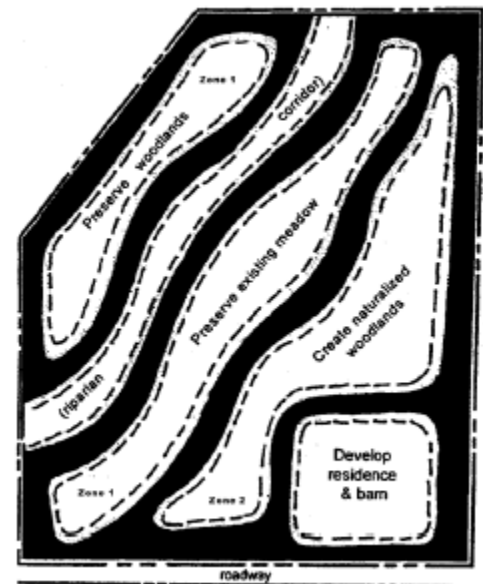
Section IV: Management

The final section of the riparian buffer management plan should include a discussion of how the *goals* identified in Section II will be met, given the *proposed activities* from Section III. The plan should be very specific in terms of when the construction, planting, or other activities are to begin and end and should address long- and short-term maintenance and improvement activities necessary for preservation of the riparian buffer.

Details for management measures for existing vegetation could include application of herbicides, identification of invasive plants to be removed, number/species of native stock to be planted, and spacing required for newly planted trees. All other activities necessary to reach the goals stated in the schematic plan should be referenced. These may include mowing schedules, farming practices, other plantings, renovations to structures, and all other related functions.

There are some basic guidelines landowners should consider prior to deciding how to manage their riparian areas. They are as follows:

- Three distinct layers of native vegetation are recommended to protect stream resources. The three “layers” include trees that form an overhead canopy, shrubs that provide an understory, and herbaceous plants that serve as groundcover. The three layers provide specific water quality benefits and a diversity of animal habitat.
- Maintaining land is one of the most expensive methods for managing land on a suburban property.
- Native species are required to be used, since they will adapt the best to existing site conditions. The creation of additional edges should be minimized, and a reduction in existing edges should be sought.
- The importance of continued maintenance of the riparian buffer should always be balanced with a landowner’s financial resources.

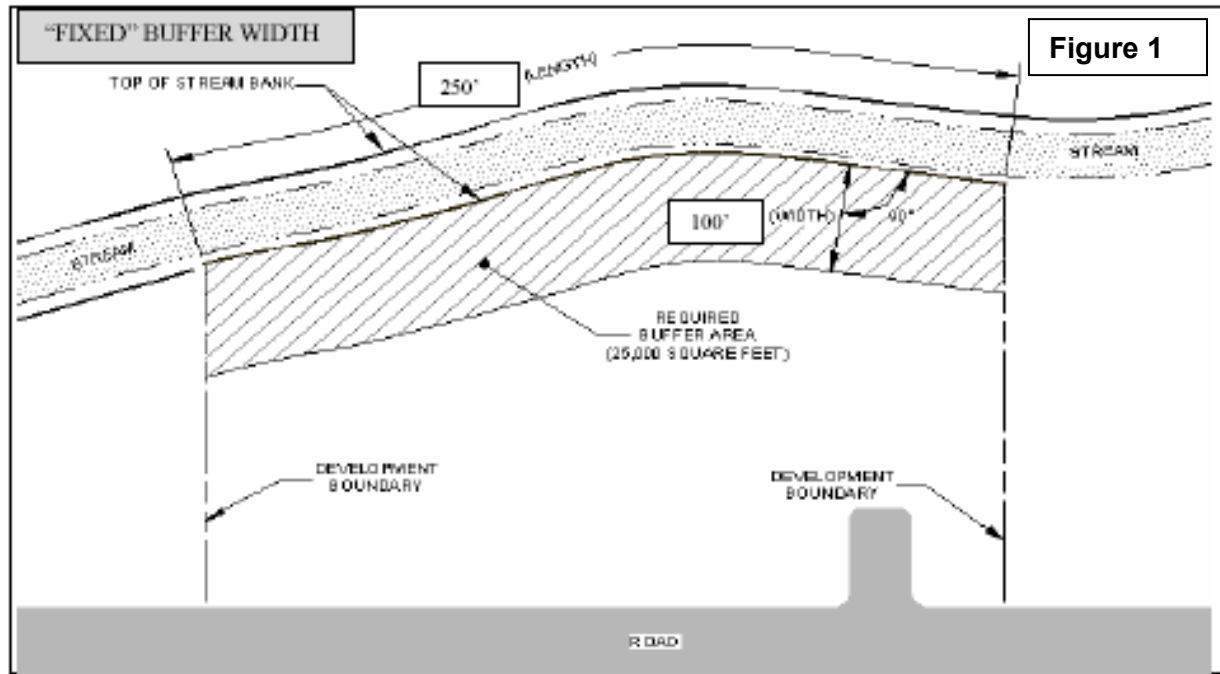


The riparian buffer management plan should include a schematic plan that illustrates the landowners' goals for the riparian corridor.

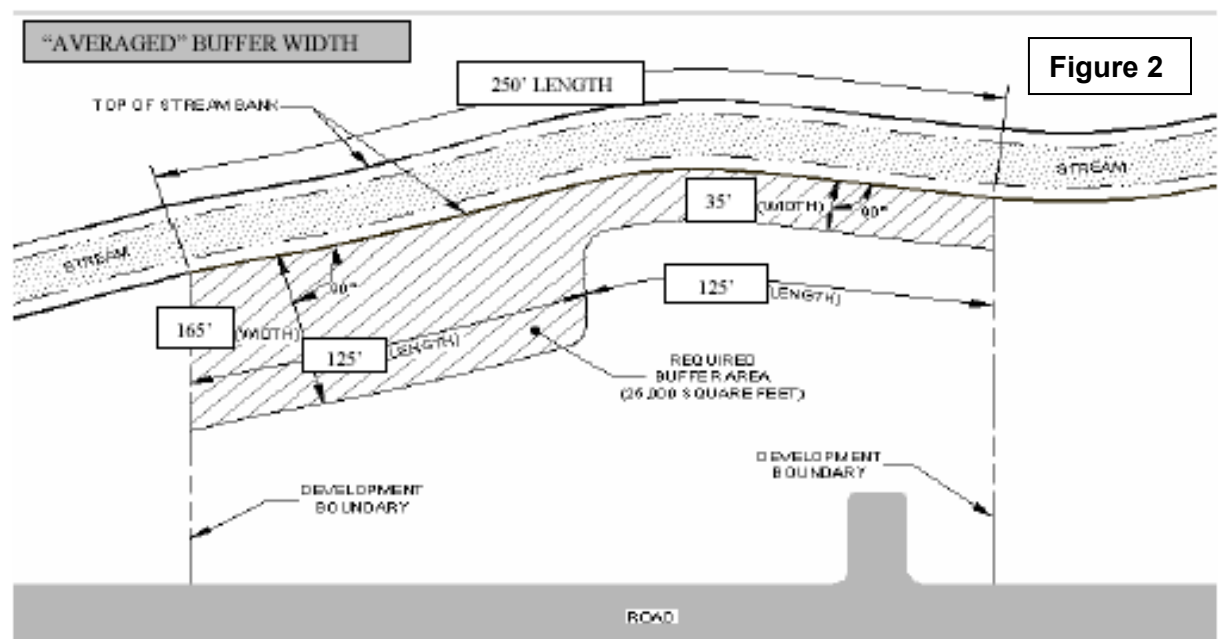
Appendix C

Riparian Buffer Averaging Example & Calculations

Stream Buffer Averaging “Before” and “After” Graphics.



Buffer averaging is usually used to accommodate stream crossings, existing structures and recover lost lots. Using **buffer** averaging, the total width of the 100' **buffer** can vary (or narrow) from point to point, as long as the average total width of the **buffer** and the overall **buffer** area meet the minimum criteria. Zone 1 *should not* be encroached upon unless absolutely necessary and/or authorized by the Township.



Buffer Averaging Example Calculation. This section provides an example calculation of stream “buffer averaging”. Consider a development site that is bounded by 250 linear feet of stream frontage, measured following the stream channel. Only one side of the stream is located within the boundaries of the site to be developed in this example.

Constants: Total linear length of buffer: 250 feet and required width of buffer: 100 feet (both Zones One and Two)

Step 1. Calculate the total required area of the buffer.

Length of buffer (250 feet) x width of buffer (100 feet) = 25,000 sq. ft. of stream buffer area required. (See Fig 1)

Step 2. Calculate the maximum allowed length of buffer that has the minimum allowed buffer width.

A maximum of 50% of the total buffer length (250 feet) is allowed to be 35 feet wide. Step 2 will determine the maximum length of buffer that can have the minimum allowed buffer width of 35 feet.

Maximum length of 35 foot buffer = length of buffer x 50% = 250 feet; $250' \times 50\% = 125$ feet. Therefore 125 feet of the buffer can have the minimum width of 35 feet. (See Fig. 2)

Step 3. Calculate total area of buffer that has the minimum allowed buffer width and determine the remaining buffer area required.

Total buffer area provided = Length of buffer @ 35 feet x 35 foot width = 125 feet x 35 feet = 4,375 sq. ft. (See Fig 2)

Available buffer area remaining = Total required area of buffer – 4,375 sq. ft. = 25,000 sq. ft. – 4,375 sq. ft. = 20,625 sq. ft. (See Fig. 2)

Step 4. Determine the width of the remaining buffer.

Length of remaining buffer = Total length of buffer – Length of buffer @ 35 foot width. 250 feet – 125 feet = 125 feet.

Width of remaining buffer = 20,625 sq. ft. / 125 feet = 165 feet (See Fig. 2)

Therefore, 125 linear feet of buffer will have a 35 foot wide buffer (4,375 sq. ft. of area) . An additional 125 linear feet will have a minimum buffer width of 165 feet (20,625 sq. ft. of area) with an overall average total buffer width of 100 feet (4, 375 sq. ft + 20,625 sq. ft. = 25,000 sq. ft. total buffer area) (See Fig. 2).