

ZONING ORDINANCE

Exeter Township
Luzerne County, Pennsylvania

Adopted: August 1, 1972

Revised: March 1990

Amended: March 2, 1994

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PREFACE:

HOW TO USE THIS ORDINANCE

All articles in the Zoning Ordinance are important. However, some are more important to the property owner; some are more important to the Zoning Officer; some are more important to the Zoning Hearing Board; and some are more important to the Planning Commission and the Board of Supervisors. Those most important to each user are discussed below.

Property Owner

A property owner who wants to know what is required of him under the Zoning Ordinance should first refer to the Zoning Map in order to determine the district (or "zone") in which the property is located. (See Article 4.) Once that determination is made, he should review the basic regulations for that district (Article 5.) These district regulations tell the property owner the purpose served by the creation of such a district, which purpose is related to the Community Development Objectives (Article 2); the uses allowed in the district; the dimensional requirements for lots, yard areas, and building height and coverage in the district; and supplementary regulations dealing with such concerns as flood plains, signs, and parking, which apply to most, if not all, the districts.

Permitted Uses: The majority of property owners will want to know the principal uses permitted in the district and the dimensional requirements that apply. Therefore, Article 5, District Regulations, will tell the owner nearly everything that he needs to know. However, since the Supplementary Regulations apply to most, if not all, districts, he is referred to Article 8, which he should also review. He is then prepared to contact the Zoning Officer for an application for a zoning permit. The Zoning Officer will then inspect the property for compliance with the provisions of the Zoning Ordinance and, if he determines that compliance has been met, will issue a permit.

Special Exception Uses: In certain instances a property owner may find that the use for which he seeks a permit is listed as a "Special Exception Use" in his district. This means that, although the use is allowed in the district, its particular character requires special regulation. The special requirements for the use are described in Article 6, Special Exception Uses, to which the property owner should refer.

Since the Zoning Officer is not empowered to issue a permit for a "special exception use" until the Zoning Hearing Board authorizes him to do so, the Zoning Officer will inform the property owner that he must file an application with the Zoning Hearing Board to hear and decide the case.

The Zoning Hearing Board will hold a public hearing in order to make a judgement as to whether the use proposed by the property owner meets the requirements for a "special exception use" and all other requirements of the Zoning Ordinance. The Board may decide to approve the use with or without additional restrictions or to reject it. If the use is approved, the Zoning Officer will issue a permit; if disapproved, the applicant can appeal the case to court. The decision of the Zoning Hearing Board will be given to the property owner in writing.

Conditional Uses: Occasionally, a property owner may find that the use for which he seeks a permit is listed as a "Conditional Use" in his district. This means that the use can be allowed in the district under certain conditions which are specified for each use in Article 7, Conditional Uses, to which the property owner should refer.

Just as for "special exception uses" the Zoning Officer is not empowered to issue a permit for a "conditional use" because a judgement is involved in determining compliance with the requirements of

Article 7. However, due to the nature of "conditional uses" as being major or controversial developments, the Board of Supervisors, after review and recommendation of the Planning Commission, decides whether a permit should be granted. Therefore, the Zoning Officer will refer the property owner to the Planning Commission and Board of Supervisors by filing an application for the case to be heard and decided.

The Planning Commission will review the application for its compliance with the requirements for Conditional Uses (Article 7) and all other requirements of the Zoning Ordinance and will make a recommendation to the Board of Supervisors on the application.

The Township Board of Supervisors will then hold a public hearing and review the report of the Planning Commission in order to make a decision on the application. The Board of Supervisors may decide to approve the use with or without additional restrictions or to deny it. Its decision will be given to the property owner in writing and, if the application is approved, the Board of Supervisors will direct the Zoning Officer to issue a permit. If the application is rejected, the property owner can appeal to court.

Zoning Officer

The responsibilities of the Zoning Officer are addressed in Article 9, Administration and Enforcement. As the one who enforces the Ordinance, the Zoning Officer, more than any other person or agency, should be thoroughly conversant with all articles of the Zoning Ordinance so that he can direct applicants as to appropriate actions (appeals to the Zoning Hearing Board, for example) as well as carry out the actions for which he is directly responsible. These actions include: providing applications, granting or denying permits for "permitted uses", citing violators, maintaining a map and register of non-conforming uses and issuing "certificates of non-conformance", posting properties for public hearings, and keeping records of permits and all amendments to the zoning map and text.

Zoning Hearing Board

The Zoning Hearing Board should be especially knowledgeable with regard to Article 10, Zoning Hearing Board and Other Administrative Proceedings; Article 11, Appeals to Court; and Article 6, Special Exception Uses.

The Zoning Hearing Board performs a "quasi-judicial" function; that is, it hears and makes judgements on zoning issues that come before it. The Board's hearing procedures are extremely important in making decisions on matters appealed, for procedures leading to its decisions, as well as the substance of the decisions itself, can be appealed to court. Therefore, the Zoning Hearing Board should always conduct its hearings with its own legal counsel and a standing commissioner to take a stenographic record of the proceedings.

The issues that most commonly come before the Zoning Hearing Board are: 1) appeals from the decision of the Zoning Officer, 2) challenges to the validity of the Zoning Ordinance text or map, 3) variances, and 4) special exceptions. Since variances and special exceptions are the most common types of cases that come before it, the Board should thoroughly familiarize itself with the very stringent conditions under which variances can be granted and with the requirements of each special exception use permitted by the Ordinance.

Planning Commission and Board of Supervisors

The only responsibility that the Planning Commission and the Board of Supervisors have in administering and enforcing the Zoning Ordinance is with regard to Conditional Uses (Article 7).

When an application for an appeal to the Township Board of Supervisors for a "conditional use" is referred to it by the Zoning Officer, the Board of Supervisors must then obtain the advice and recommendation on the proposal from the Planning Commission, and render a decision. If it decides to approve the use, with or without additional requirements to those prescribed for the particular "conditional use", it directs the Zoning Officer to issue a Zoning permit. If it denies the permit, the applicant can appeal the decision to court.

The most important role that the Planning Commission and the Board of Supervisors play in regard to the Zoning Ordinance is not in its administration and enforcement but in establishing the policies and regulations contained in the Ordinance. The Planning Commission, at the direction of the Board of Supervisors, prepares the Zoning Ordinance and recommends it to the Board of Supervisors for adoption. It also prepares amendments to the Zoning Ordinance on its own initiative or at the direction of the Board of Supervisors; in those instances where it does not prepare the amendments, it reviews the amendments and recommends their adoption or rejection to the Board of Supervisors. Although the Planning Commission, the Board of Supervisors, and any property owner can request an amendment to the text or map, only the Board of Supervisors can officially adopt the amendment after review by both the Township Planning Commission and the County Planning Commission. (See Article 12, Amendments.)

ORDAINING CLAUSE

Article 1

GENERAL PROVISIONS

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| 101 | Title |
| 102 | Short Title |
| 103 | Purpose |
| 104 | Interpretation and Conflict |
| 105 | Validity |
| 106 | Repealer |
| 107 | Effective Date |

ORDINANCE NO. _____

EXETER TOWNSHIP ZONING ORDINANCE

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Exeter Township, County of Luzerne, by authority of and pursuant to the provisions of Act 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code", and any amendments and supplements thereto, as follows:

Article 1

GENERAL PROVISIONS

101 Title

An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; the protection and preservation of natural resources and agricultural land and activities; and providing for the administration of such Ordinance.

102 Short Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of Exeter Township".

103 Purpose

This Ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more 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 provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;
2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers,
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use,

Section 103 (cont'd)

4. To provide for the use of land within the municipality 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 multiple-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that the zoning ordinance shall not be deemed invalid for the failure to provide for any of other specific dwelling types and nonresidential uses, and
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

104 Interpretation and Conflict

1. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the Township.
2. Conflict with Public and Private Provisions
 - a. Public Provisions: These regulations are not intended to interfere with or abrogate or annul any other ordinance, rules or regulations previously adopted or previously issued by the Township which are not in conflict with any provisions of this Ordinance. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.
 - b. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of this Ordinance and such private provisions are not inconsistent with the requirements of this Ordinance, then such private provisions shall be operative and supplemental to these requirements.

105 Validity

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

106 Repealer

The Exeter Township Zoning Ordinance of August 1, 1972, as amended, is repealed. Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith and any amendments thereof are hereby expressly repealed.

107 Effective Date

This Zoning Ordinance shall become effective five (5) days after the adoption by the Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania.

The Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania

By: /s/ Donald J. Hoffman
Chairman

/s/ John R. [Signature]
Supervisor

/s/ [Signature]
Supervisor

/s/ [Signature]
Supervisor

/s/ _____
Supervisor

ATTEST

MARCH 2, 1994.

I, Mary Frances Martin, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania, on MARCH 2, 1994.

/s/ Mary Frances Martin
Mary Frances Martin, Township Secretary

Article 2

COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

Article 2

COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in carrying out the "Statement of Objectives" of the Comprehensive Development Plan. The Community Development Objectives include the following:

1. To achieve the best use of the land within the Township, insuring that the varying land uses will complement one another and thus improve the economic base and provide for increased aesthetic and cultural values.
2. To guide future development so as to render the provision of utilities, protection, public services, and facilities in the most economical and convenient manner.
3. To further the welfare of the people by helping to create an increasingly better, more healthful, efficient and attractive community environment.
4. To stimulate the local economy by encouraging controlled commercial, industrial, residential and agricultural growth.
5. To preserve the ecological quality of the environment by encouraging the prudent use of natural resources.
6. To improve the road system for better internal circulation and movement of through-traffic, which will facilitate the safe, efficient movement of people and goods.
7. To minimize future water, air and noise pollution and to eliminate existing pollution factors.
8. To establish realistic population densities which will assure adequate light, air, and privacy for all citizens.
9. To strive for the coordination of policies, plans, and programs in the Township and adjoining municipalities through cooperation among governing officials and special interest groups in both the public and private sectors.
10. To maintain the rural residential character as well as the farmland of the Township.
11. To improve the local recreational programs and facilities in order to insure that the needs of the residents are met.
12. To insure that future housing development provides various unit types proportionate to the needs of the Township.
13. To require all those uses, activities, and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

Article 3

DEFINITIONS

| | |
|-----|--------------------------------|
| 301 | Application and Interpretation |
| 302 | Definition of Terms |

Article 3

DEFINITIONS

301 Application and Interpretation

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

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

1. Words used in the present tense shall include the future tense.
2. The word "person" shall include a profit or non-profit corporation, company, partnership, or individual.
3. The words "used" or "occupied" as applied to any land or building shall include the words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" shall include "part thereof" and "structure".
5. The word "lot" shall include "plot" or "parcel".
6. The word "shall" is always mandatory.
7. The singular number shall include the plural, and the plural the singular.
8. The masculine gender shall include the feminine and neuter.
9. The word "street" shall include "road", "highway", and "lane".

302 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abandon: To desert, surrender, forsake, or cede. To relinquish or give up with intent of never again resuming one's right or interest. To give up or cease to use. To give up absolutely; to forsake entirely; to renounce utterly; to relinquish all connection with or concern in; to desert. It includes the intention, and also the external act by which it is carried into effect.

Abut: To touch at the end; be contiguous; join at a border or boundary. The term "abutting" implies a closer proximity than the term "adjacent." No intervening land.

Access: A means of vehicular approach or entry to or exit from property.

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

Accessory Structure or Use: A structure or use customarily incidental and subordinate to the principal structure or use and located on the same lot with such principal structure or use.

Section 302 (cont'd)

Adjacent: Lying near or close to; sometimes, contiguous; neighboring. "Adjacent" implies that the two objects are not widely separated, though they may not actually touch.

Adult Entertainment Establishments: These include adult bookstores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, adult motion picture theatres, and adult video cassette rental and sales outlets, which exclude minors by virtue of age. Each is defined as follows:

1. Adult Bookstore: An establishment which has as a substantial (10% or more) or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes minors by virtue of age.
2. Adult Cabaret: A cabaret which features go-go dancers, exotic dancers, strippers, male and female impersonators, or similar entertainers and which excludes minors by virtue of age.
3. Adult Drive-in Theatre: An establishment showing motion picture films to patrons, designed to permit patrons to remain in their automobiles or similar vehicles, and which excludes minors by virtue of age.
4. Adult Massage Business: An establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths, and which excludes minors by virtue of age.
5. Adult Mini-Motion Picture Theatre: An enclosed building with a capacity for fewer than fifty (50) persons used for showing motion picture films to patrons and which excludes minors by virtue of age.
6. Adult Motion Picture Theatre: An enclosed building with a capacity of fifty (50) or more persons used for showing motion picture films to patrons and which excludes minors by virtue of age.
7. Adult Video Cassette Rental and Sales Outlet: An establishment which has as a substantial (10% or more) or significant portion of its stock in video cassettes for rental or sale and which excludes minors by virtue of age.

Agriculture: The use of the land for agricultural purposes, including farming, dairying, pasturage, apiculture, forestry, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for farm homes and packing, treating, or storing produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include fertilizer plants, riding academies, livery or boarding stables, and animals kennels. The agricultural activities carried on in conjunction with buildings and structures in an R-1 Rural Density District shall be such that they emit no odor unreasonably objectionable at or beyond the lot boundaries.

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

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

Section 302 (cont'd)

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

Amendment: A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Township Board of Supervisors.

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

Animal Kennel: Any lot or premises on which ten (10) or more dogs or cats or both, at least four (4) months of age are kept, boarded or trained, whether in special buildings or runways or not.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Article 10 and Article 11.

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

Area, Lot: The total area within the lot line.

Basement: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Billboard or Outdoor Advertisement: An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located but not including official notices or directional road signs of a governmental body.

Board: Any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended) to render final adjudications.

Boarding House: Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished-room house shall be deemed a boarding house.

Building: Any structure having a roof supported by walls and intended for shelter, housing, or enclosure of persons, animals, or property.

Building, Accessory: (See Accessory Structure or Use.)

Building Area: (See Area, Building.)

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

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include

Section 302 (cont'd)

steps.

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

Building Line: The line of a structure or building existing at the effective date of this Ordinance or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

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

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

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

Certificate of Zoning Compliance: The certificate (sometimes called "occupancy permit") issued by the Zoning Officer after he has inspected any structure, building, sign and/or land or portion thereof for which a zoning permit was issued in order to determine compliance with the terms of the permit and the zoning ordinance before the structure, building, sign, and/or land or portion thereof can be lawfully used and/or occupied..

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the "corner" so as not to interfere with traffic visibility across the corner.

Cluster Housing Developments: A group of single, double, or multiple-unit dwellings, in any combination, occupying smaller lot areas in order to increase the amount of open space held in common.

Commercial: Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

Commission, Planning: The Planning Commission of the Township of Exeter, Luzerne County, Pennsylvania.

Community Living Facility: A living arrangement whereby unrelated individuals with diagnosed mental health or mental retardation problems reside on a permanent basis with twenty-four (24) hour supervision and whose primary purpose is the development and maintenance of community living skills.

Comprehensive Plan: A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Township. The Comprehensive Plan includes, but is not limited to, the

Section 302 (cont'd)

following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas.

Conditional Use: Any uses considered major developments (such as shopping centers, mobile home parks, etc.) in certain zones or districts where the conditions described for permitting each type of major development have been enumerated in the Zoning Ordinance and where permission for such use can only be given by the Board of Supervisors after review and recommendation by the Township Planning Commission and a public hearing after proper legal notice.

County: Luzerne County, Pennsylvania.

Coverage: That portion or percentage of the plot or lot area covered by the building area.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Luzerne County.

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

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

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public right-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

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

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (See also Subdivider and Land Development.)

Development: (See Land Development.)

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the governing body;
2. the zoning hearing board; or
3. the planning commission, only if and to the extent the planning commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Section 302 (cont'd)

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

District or Zone: A portion of the area of Township of Exeter, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

Domiciliary Care Home: A premises certified by the Area Agency on Aging for the purpose of providing a supervised living arrangement in a homelike setting for a period exceeding 24 consecutive hours to clients placed there by the Area Agency on Aging.

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

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

Dwelling Types

1. Residential Conversion Unit: To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that District for that particular use.
2. Conventional House: A residential structure built at the site from individual building components or pre-assembled combinations of such components.
3. Single-Family Detached: A dwelling unit accommodating a single family and having two (2) side yards. (See also Mobile Home.)
4. Single-Family Semi-Detached: Two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
5. Two-Family Detached: Two dwelling units accommodating two families which are located one over the other, and having two (2) side yards.
6. Two-Family Semi-Detached: Four dwelling units accommodating four families, two units of which are located directly over the other two units. A combination of both the single-family semi-detached and the two-family detached structure.
7. Townhouse (Row Dwelling): Three or more dwelling units accommodating three or more families which are attached side-by-side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height, but may conceivably be either one (1) or three (3) stories in height.
8. Garden Apartment: Three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Multiple-family dwelling units are generally built to a height of three (3) stories, but may conceivably be built to a height of only two (2) stories. Each dwelling

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unit is accessible by a common stairwell.

9. Apartment House: A structure consisting of a series of single-story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height. For the purpose of this Ordinance: (i) a low-rise apartment structure shall not be greater than three (3) stories in height; (ii) a mid-rise apartment structure shall not be greater than six (6) stories in height.
10. Industrialized House (Modular): Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, but excluding mobile homes.

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

Dwelling Unit (Housing Unit): A building or portion thereof providing complete housekeeping facilities for one family or household.

Easement: A limited right of use granted in private land for public or semi-public purposes.

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

Essential Services for Public Utilities: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Excavation: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Family: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. A family may consist of a single person or two (2) or more persons, whether or not related by blood, marriage or adoption. Family may also include domestic servants and gratuitous guests.

Farm: Any parcel of land containing ten (10) or more acres, which is used for gain for agricultural purposes. (See: Agriculture.) This definition excludes fertilizer plants, riding academies, livery or boarding stables, and animal kennels.

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

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Garage, Private Residential: Any accessory residential building or part of a principal residential building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.

Garage, Commercial Service: A commercial garage used for the storage, equipping for operation, repairing, maintaining, keeping for remuneration, hiring, or selling of motor vehicles.

Gasoline Service Station: A place, building, or establishment from which a gasoline refueling service for motor vehicles and minor repair service for such vehicles are provided. (See also Mini-Market/Convenience Store with Gas Pumps.)

General Nuisance: Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including the following: fire and explosion hazards; electrical and radio-active disturbances; noise and vibration; dust, dirt, and fly ash; glare; smoke and odors; and other forms of air pollution.

Group Home: (See Community Living Facility.)

Hazardous Material: A solid material or waste, or a combination of these 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 serious irreversible, or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. This definition is intended to include radioactive material.

Hearing: An administrative proceeding conducted by a board pursuant to Section 1002.

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

Home Nurseries and Greenhouses: The cultivating of plants either outdoors or in glass-enclosed structures on the same lot as a dwelling and not for sale commercially. (See also Nursery [Plants].)

Home Occupation: An occupation or a profession which is customarily carried on in a dwelling unit, is carried on by a member of the family residing in the dwelling unit, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes, the character of which is unchanged by the home occupation.

Hotel (See Motel or Hotel.)

Impervious Cover: Those ground areas covered by surfaces which do not absorb water are impervious. They consist of all buildings, paved parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

Junk: Junk shall include all scrap metals and alloys and bones, rags, cloth, rubber, rope, tinfoil, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, vehicles, tires and all other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, and therefore subject to being dismantled. This definition is to be construed as including two (2) or more abandoned or unlicensed vehicles.

Section 302 (cont'd)

Junk Yard: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded materials; or for the collecting, dismantling, storing and salvaging or machinery or vehicles, including two (2) or more abandoned or unlicensed vehicles, and for the sale of parts thereof.

Kennel: (See Animal Kennel.)

Land Development - any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. a group of two or more residential or nonresidential buildings whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land. (See Subdivision.)
3. Development excluding the following:
 - a. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - c. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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 Area: The minimum square footage of a lot area that is available for the use of the residents of a dwelling unit complex in which it is located or a part of the required area of a commercial or industrial development. This area must be both unsurfaced and water absorbent, and no more than one-third of this total space footage requirement may be made up of the area located within the setback requirements for the front, side, or rear yards of the complex.

Section 302 (cont'd)

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended.

Loading House: A building in which three (3) or more, but not more than fifteen (15) rooms, are rented and in which no table board is furnished.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: (See Area, Lot.)

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

Lot, Depth: The mean horizontal distance between the front and rear lot lines. Measurement shall be from the street or highway right-of-way line to the opposite rear line.

Lot Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Interior: A lot other than a corner lot.

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

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Luzerne County, Pennsylvania.

Lot, Through: An interior lot having frontage on two parallel or approximately parallel streets or roads.

Lot Width: The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80% requirement shall not apply.

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 and Dental Clinic: An establishment run by several specialists working cooperatively in diagnosing, preventing, or treating diseases and injury of the body and mind and of the teeth and related structures of outpatients.

Mini-Market/Convenience Store with Gas Pumps: A convenience store (of not more than 1,000 square feet) providing for the sale of grocery, household items, newspapers, and similar products as well as vehicular gasoline at gas pumps at a service island outside the store.

Section 302 (cont'd)

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

Mobile Home Park: A parcel, or contiguous parcels, of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Model Home or Apartment: A dwelling unit used initially for display purposes which typifies the type of unit that will be constructed in a subdivision or in a multiple-family dwelling structure.

Motel or Hotel: A building or group of buildings used, or intended to be used, for the lodging of more than ten (10) persons for compensation.

Municipality: The Township of Exeter, Luzerne County, Pennsylvania.

Natural Resources: Material sources of wealth that occur in a natural state including forests, minerals (including coal, petroleum, gas, sand, gravel, clay, topsoil, shale, limestone, etc.), and water.

Net Buildable Site Area: The area of a site remaining after area used for streets, easements, flood plains, swamps, steep slopes, recreation land or required open space are deducted from the total area.

Non-Conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

Nurseries and Day Care Centers for Children: Places where children are kept and cared for away from home and their parents. The children are generally of pre-school age.

Nursery (Plants): An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items such as clay pots, potting soil, fertilizers, etc., directly related to their care and maintenance.

Section 302 (cont'd)

Nursing or Convalescent Home: Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long-term nursing care.

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

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

Outdoor Advertisement: (See: Billboard or Outdoor Advertisement.)

Parking, Off-Street: A reasonably level space, available for the parking of one (1) motor vehicle, and having dimensions of at least ten (10) feet in width and eighteen (18) feet in depth, or one hundred eighty (180) square feet, exclusive of passageways, driveways, or other means of circulation or access.

Permanent Foundation: A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, pressurized wood, or stone, placed on a concrete footer, to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels from the mobile home.

Personal Care Board Home for Adults: A premises in which food, shelter, personal assistance or supervision are provided for a period exceeding 24-consecutive hours for more than three (3) adults who are not relatives of the operator and who require assistance or supervision in matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

Personal Services: Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.

Place of Religious Worship: A building used for religious services, including churches, synagogues, mosques, and similar edifices.

Planning Commission: (See: Commission, Planning.)

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Pond: A small, natural or artificial body of water used for fire protection, irrigation, or recreation purposes.

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

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

Section 302 (cont'd)

Private: Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

Public: Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

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 (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Uses, Appropriate: (See also: Services, Essential.) Includes public and semi-public uses of a welfare and educational nature, such as medical and dental clinics, nursing and convalescent homes, schools, parks, and playgrounds, churches and cemeteries, civic centers, historical restorations, fire stations, municipal buildings; essential public utilities that require enclosure within a building; airports; fraternal clubs and homes; non-profit recreational facilities; and easement for alleys, streets, and public utility lines.

Recreational Facilities, Commercial: Recreational facilities operated as a business and open to the public for a fee.

Recreational Facilities, Private: Recreational facilities other than commercial or public, not operated for profit, and open only to its members.

Recreational Facilities, Public: Recreational facilities operated as a non-profit enterprise by a government entity or a non-profit organization, and open to the general public.

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Residential Conversion Unit: (See Dwelling Types.)

Residential District or Zones: Any district or zone in this Ordinance where residences are permitted as "Principal Uses".

Rooming or Boarding House: (See Boarding House.)

Section 302 (cont'd)

Sanitary Landfill: A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of: (i) depositing the discarded materials in a planned, controlled manner, (ii) compacting the discarded material in thin layers to reduce its volume, (iii) covering the discarded material with a layer of earth, and (iv) compacting the earth cover. The design and operation of the site is done according to standards established and enforced by the Pennsylvania Department of Environmental Resources.

Sanitary Sewage Disposal System, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, the total system being publicly or privately owned.

Sanitary Sewage Disposal System, On-Lot: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth or by means of conveyance to another site for final disposal.

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

Seasonal Residence: A dwelling, cabin, lodge, or summer house which is intended for occupancy fewer than one hundred and eighty-two (182) days of the year.

Semi-Public: Something owned, operated, and supported by private individuals or a corporation, on a non-profit basis, for the use or benefit of the general public or for some part of the general public.

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

Service Station: (See: Gasoline Service Station.)

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

Shopping Center: A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one-story or two-story buildings.

Sign: An advertisement displayed outside a building, pertaining to a product, service or name, related directly to the permitted activity carried on and use of the lot on which it is placed, including painted walls and structures. This definition does not include flags or pennants.

Special Exception: Any uses considered to have special requirements in certain zones or districts where the conditions described for permitting each such use have been enumerated in the Zoning Ordinance and where permission for such use can only be given by the Zoning Hearing Board.

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Stable, Private: A accessory building in which horses are kept for private use and not for hire, remuneration or sale.

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

Stoop: A covered or uncovered area at a front, side or rear door not exceeding four (4) feet by five (5) feet or twenty (20) square feet in area.

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

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

Street: Includes street, avenue, boulevard, road, highway, expressway, parkway, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The strip of land including the entire right-of-way, not just the cartway, and classified as follows:

1. **Arterial Road:** A road whose function is to provide for the movement of high volumes of through traffic and both limited access and direct access to abutting properties, subject to necessary control of entrances, exits, and curb use. The right-of-way is usually in excess of sixty (60) feet wide.
2. **Collector Street:** A road or street which provides for the movement of large volumes of traffic between arterials and local streets and direct access to abutting property. The right-of-way is usually between fifty (50) and sixty (60) feet wide.
3. **Local Street:** A street or road whose function is to provide for local traffic movement and direct access to abutting properties. The right-of-way is usually fifty (50) feet or less in width.

Street Right-of-Way Line: The line dividing a lot from the full street right-of-way, not just the cartway. The word "street" shall be defined as above.

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

Subdivider: (See: Developer.)

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (See also Land Development.)

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Subterranean House: A subterranean, earth-sheltered, or underground dwelling built either partially or totally underground for energy efficiency. It can be built either at or near the original grade and covered with earth or sod to form a berm over walls and roof or below the original grade as a chamber underground. No cellar or basement of an incomplete aboveground dwelling shall be considered a subterranean house.

Swimming Pool

1. **Private:** Any private swimming pool permanently attached to or temporarily erected on or in the ground, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds, lakes and rivers are not included, provided that swimming was not the primary purpose for their construction or use. (See also Private.)
2. **Community or Club (Public or Semi-Public):** Any public or semi-public swimming pool shall be construed to mean any outdoor pool constructed by an association of property owners or by a private club solely for the use and enjoyment of members of the association or club and their families and guests or by the Township government for residents of the Township and their guests.

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

Tourist Home: A dwelling in which overnight accommodations are provided or offered for transient guest for compensation. (Also known as "Bed and Breakfast".)

Trailer

1. **Pick-Up Coach:** A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, and vacation use.
2. **Motor Home:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
3. **Trailer or Mobile Home** (See Mobile Home.)
4. **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, permanently identified "travel trailer" by the manufacturer on the trailer and, when factory-equipped for the road, having a body width not exceeding eight (8) feet, or being of any length, provided its gross weight does not exceed 4,500 pounds, or being of any weight, provided its body length does not exceed 29 feet.
5. **Utility Trailer:** Any smaller trailer usually drawn by a passenger automobile and used for the occasional transport of personal effects.

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Use: The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance, for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Water Supply and Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and other buildings within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

Water Supply and Distribution System, On-Lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Yard: An unoccupied space open to the sky, on the same lot with a building or structure, but not intended to mean "court".

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

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

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

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

Zoning Compliance, Certificate of: (See Certificate of Zoning Compliance.)

Zoning Hearing Board: The Zoning Hearing Board of Exeter Township.

Zoning Map: The officially adopted Zoning Map of Exeter Township, Luzerne County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

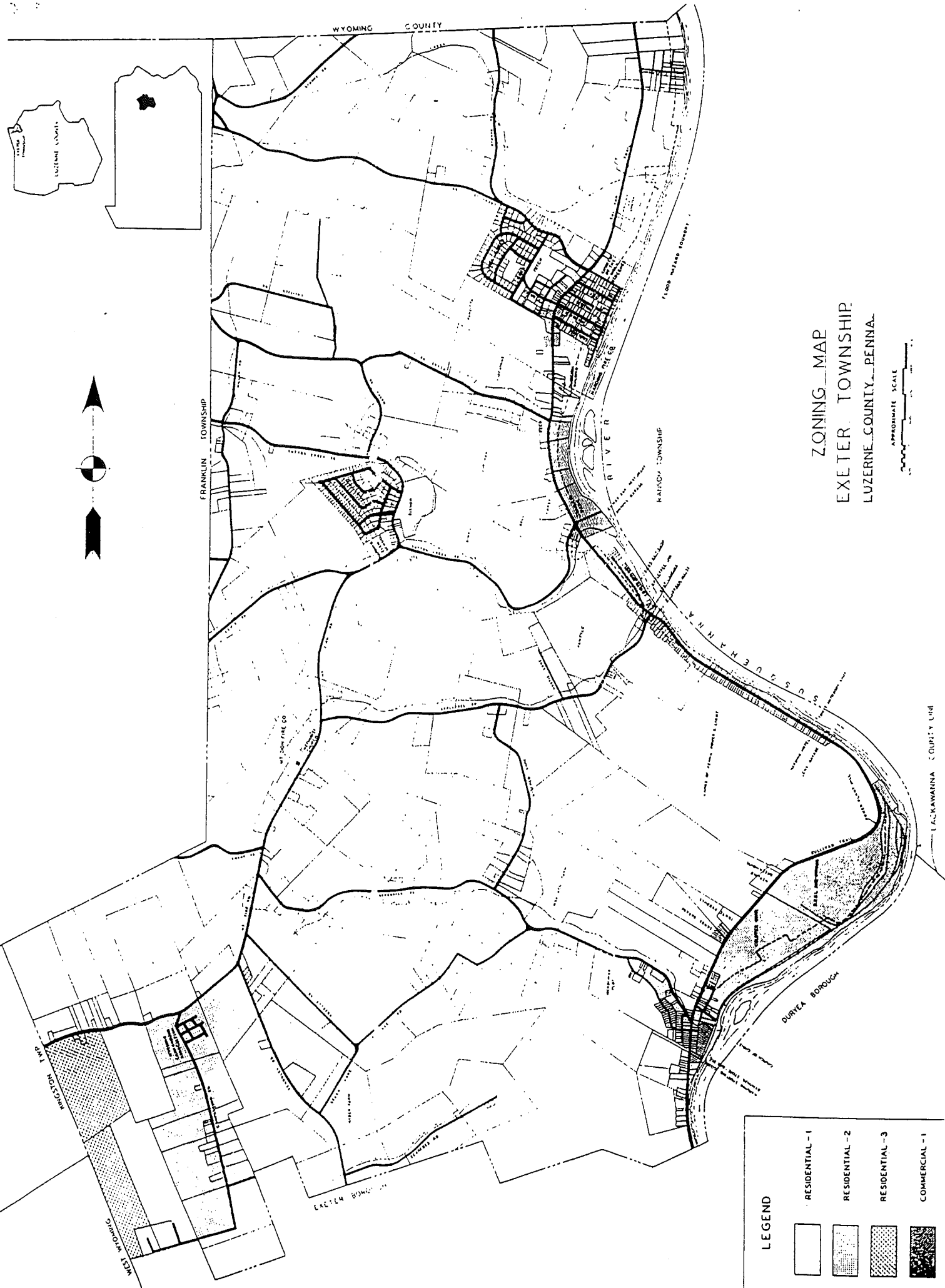
Zoning Officer: The Zoning Officer or his authorized representative appointed by the Township Board of Supervisors to enforce this Ordinance.

Zoning Ordinance: The "Exeter Township Zoning Ordinance", as amended.

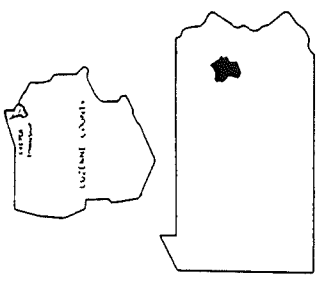
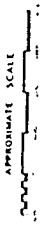
Article 4

ESTABLISHMENT OF DISTRICTS

- 401 Names of Zoning Districts
- 402 Zoning Map
- 403 Interpretation of Boundaries
- 404 District Boundaries
- 405 State-Owned Property
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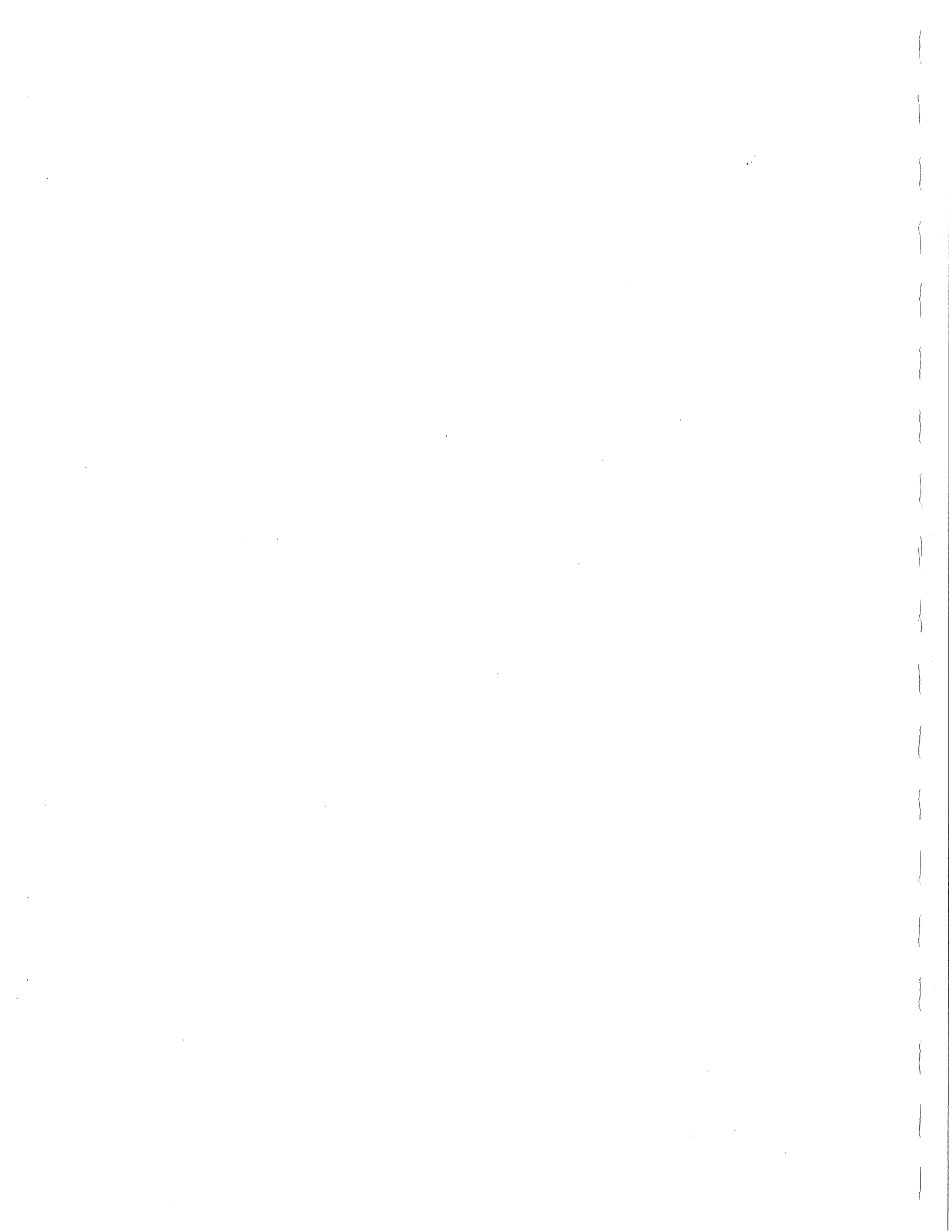


ZONING MAP
 EXETER TOWNSHIP
 LUZERNE COUNTY, PENNA.



LEGEND

| | |
|--|----------------|
| | RESIDENTIAL -1 |
| | RESIDENTIAL -2 |
| | RESIDENTIAL -3 |
| | COMMERCIAL -1 |



Article 4

ESTABLISHMENT OF DISTRICTS

401 Names of Zoning Districts

For the purposes of this Ordinance, the Township of Exeter is divided into the following districts:

- R-1 Residential - Rural-Density District
- R-2 Residential - Low-Density District
- R-3 Residential - Medium-Density District
- C-1 Commercial - General District
- I-1 Industrial - General District

402 Zoning Map

The boundaries of the above districts are delineated on a map entitled Township of Exeter "Zoning Map", which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

403 Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary according to the guidelines set forth below.

404 District Boundaries

Where uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following guidelines shall apply in determining the location of such boundary:

1. District boundary lines are intended to follow or parallel the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan in the County Recorder of Deeds Office at the time of adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
3. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Zoning Map or by survey of a registered surveyor hired and paid for by the property owner questioning or contesting the boundary location.

405 State-Owned Property

Wherever State-owned property is included in one or more zoning districts, it shall be subject to the provisions of the Ordinance only insofar as permitted by the Constitution and laws of the Commonwealth of Pennsylvania.

406 Federally-Owned Property

Wherever Federally-owned property is included in one or more zoning districts, it shall be subject to the provisions of the Ordinance only insofar as permitted by the Constitution and laws of the United States Government.

407 Exemptions

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

It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

Article 5

DISTRICT REGULATIONS

| | | |
|-----|-----|---------------------------------------|
| 501 | R-1 | Residential - Rural-Density District |
| 502 | R-2 | Residential - Low-Density District |
| 503 | R-3 | Residential - Medium-Density District |
| 504 | C-1 | Commercial - General District |
| 505 | I-1 | Industrial - General District |

Article 5

DISTRICT REGULATIONS

501 R-1 Residential - Rural-Density District

1. Purpose: The purpose of the R-1 Rural-Density Residential District is to: identify those areas where agricultural activities should be encouraged or preserved; provide for the preservation of natural, unpolluted drainageways, protection from flooding and high water tables, preservation of open space, and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives; provide for the orderly expansion of low-density residential development in those areas where public services are available; and exclude uses not compatible with such development.
2. Uses Permitted

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

 - a. Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of horses, cattle and other livestock, and the raising of poultry and poultry products.
 - b. Barns, silos, corncribs, chicken coops, and similar structures necessary to the proper operation of the agricultural activities.
 - c. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
 - d. Activities related to the preservation of natural amenities.
 - e. Public and semi-public parks and recreation areas including swimming pools, camp grounds, travel trailer parks, resort facilities, golf courses and country clubs.
 - f. Stables, animal kennels, and greenhouses
 - g. Single-family detached dwellings and seasonal residences, and mobile homes on permanent foundations.
 - h. Accessory buildings and uses customarily incidental to the above uses, including garages, private swimming pools, storage sheds, etc.
3. Special Exception Uses (See Article 6.)
 - a. Appropriate public uses and essential services
 - b. Domiciliary care home
 - c. Home occupations
 - d. Ponds
 - e. Subterranean houses

Section 501 (cont'd)

f. Temporary trailers

4. Conditional Uses (See Article 7.)

a. Natural resource uses such as: excavating, quarrying, mining, processing, and sale of topsoil, sand, gravel, clay, shale, limestone; forest uses related to the harvesting of lumber products, including saw mills; water uses related to bottling or otherwise using water for commercial purposes; and other natural resource uses.

b. Commercial outdoor recreation facilities.

5. Area, Density, and Lot Width Regulations

a. The lot areas, densities, widths and depths for single-family detached dwellings, including individual mobile homes and seasonal residences, shall be not less than the following:

(1) Lot area of sixty thousand (60,000) square feet.

Maximum net density - 1.00 dwelling unit per 1 1/2 acres

Minimum lot width - one hundred fifty (150) feet at the setback line

Minimum lot depth - one hundred fifty (150) feet

(2) A minimum lot area shall not be required for other permitted uses, except that a farm shall have a minimum of ten (10) acres, or unless otherwise provided for certain uses. (See Special Exception Uses and Conditional Uses.)

6. Coverage Regulations

a. All buildings, including accessory buildings, shall cover not more than twenty-five percent (25%) of the lot.

b. Buildings devoted to farm use shall be exempt from coverage regulations.

7. Setback Regulations

a. Front Yard: The following front yard setbacks and road classifications shall conform to the Transportation Plan of the adopted Comprehensive Plan for the municipality:

(1) Arterial or Primary Road - Fifty (50) foot minimum

(2) Collector or Secondary Road - Fifty (50) foot minimum

(3) Local Access Road - Forty (40) foot minimum

Section 501 (cont'd)

- b. **Side Yards: Principal Buildings** - Each lot shall have two (2) side yards neither of which shall be less than fifteen (15) feet. **Accessory Buildings** - All accessory buildings shall be a minimum of six (6) feet from any side lot line, except common or joint private garages, which may be on the common property line.
- c. **Rear Yard: Principal Buildings** - Minimum of fifty (50) feet in depth. **Accessory Buildings** - All accessory buildings shall be a minimum of six (6) feet from the rear yard line.

8. Height Regulations

- a. **Building Height:** Two and one-half (2 1/2) stories or thirty-five (35) feet maximum; however, no dwelling shall be less than one (1) story in height.
- b. **Supplementary Height Regulations:** Building heights shall also conform to Height Regulations in Article 8, Supplementary Regulations.

9. Off-Street Parking Regulations

- a. A minimum of two (2) off-street parking spaces shall be provided per dwelling unit.
- b. Off-street parking shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

10. Sign Regulations

Signs shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

11. Flood Plain Regulations

The use of land or structures located in the flood plain shall be allowed only in conformance with the regulations of the Exeter Township Flood Plain Ordinance.

502 R-2 Residential - Low-Density District

- 1. **Purpose:** The purpose of the R-2 Low-Density Residential District is to provide for the orderly development of existing and proposed low-density residential areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development.

2. Uses Permitted

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- a. Single-family detached dwellings, excluding mobile homes
- b. Single-family semi-detached dwellings, excluding mobile homes

Section 502 (cont'd)

- c. Accessory buildings and uses customarily incidental to the above uses, including garages, private swimming pools, storage sheds, etc.
3. Special Exception Uses (See Article 6.)
- a. Appropriate public uses and essential services
 - b. Boarding and lodging houses, provided that not more than four (4) rooms of a residence are used for such purpose.
 - c. Domiciliary care home
 - d. Home occupations
 - e. Medical and dental clinics
 - f. Model homes
 - g. Mortuary and undertaking establishments
 - h. Nursing and convalescent homes
 - i. Public and semi-public swimming pools
 - j. Residential conversion units
 - k. Temporary trailers
4. Area, Density, and Lot Width Regulations
- a. The lot areas, densities, widths, and depth for single-family detached dwellings shall be not less than the following:
 - (1) Lot area of forty thousand (40,000) square feet with both on-site water and on site sewer service.
 - Maximum net density - 1.09 dwelling units per acre
 - Minimum lot width - one hundred fifty (150) feet at the setback line
 - Minimum lot depth - one hundred and fifty (150) feet
 - (2) Lot area of sixteen thousand five hundred (16,500) square feet with both off-site water and off-site sewer service.
 - Maximum net density - 2.64 dwelling units per acre
 - Minimum lot width - one hundred (100) feet at the setback line
 - Minimum lot depth - one hundred twenty-five (125) feet

Section 502 (cont'd)

- b. The lot areas, densities, widths and depths for single-family semi-detached dwellings shall not be less than the following:

- (1) Lot area of twenty thousand (20,000) square feet per dwelling unit with both on-site water and on-site sewer service.

Maximum net density - 2.17 dwelling units per acre

Minimum lot width - one hundred (100) feet at the setback line

Minimum lot depth - one hundred twenty-five (125) feet

- (2) Lot are of twelve thousand five hundred (12,500) square feet per dwelling unit with both off-site water and off-site sewer service.

Maximum net density - 3.48 dwelling units per acre

Minimum lot width - eighty (80) feet at the setback line

Minimum lot depth - one hundred (100) feet

5. Coverage Regulations

- a. All buildings, including accessory buildings, shall cover not more than twenty-five percent (25%) of the lot.

6. Setback Regulations

- a. Front Yard: The following front yard setbacks and road classifications shall conform to the Transportation Plan of the adopted Comprehensive Plan for the municipality:

(1) Arterial or Primary Road - Forty (40) feet minimum

(2) Collector or Secondary Road - Forty (40) feet minimum

(3) Local Access Road - Forty (40) feet minimum

- b. Side Yards: Principal Buildings - Each lot shall have two (2) side yards, neither one of which shall be less than ten (10) feet. Accessory Buildings - All accessory buildings shall be a minimum of six (6) feet from any side lot line, except that common or joint private garages may be on the common property line.

- c. Rear Yard: Principal Buildings - Minimum of thirty-five (35) feet in depth. Accessory Buildings - All accessory buildings shall be a minimum of six (6) feet from the rear yard line.

- d. Front Yard Variance: In developed areas, a variance may be granted by the Zoning Hearing Board for adjusting the minimum building setback line in order that the building may be in proper relation to adjacent buildings.

Section 502 (cont'd)

7. Height Regulations

- a. Building Height: Two and one-half (2 1/2) stories or thirty-five (35) feet maximum; however, no dwelling shall be less than one (1) story in height.
- b. Supplementary Height Regulations: Building heights shall also conform to Height Regulations in Article 8, Supplementary Regulations.

8. Off-Street Parking Regulations

- a. A minimum of two (2) off-street parking spaces shall be provided per dwelling unit.
- b. Off-street parking shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

9. Sign Regulations

Signs shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

10. Flood Plain Regulations

The use of land or structure located in the flood plain shall be allowed only in conformance with the regulations of the Exeter Township Flood Plain Ordinance.

503 R-3 Residential - Medium-Density District

1. Purpose: The purpose of the R-3 Medium-Density Residential District is to prevent the overcrowding of land and yet encourage higher-density residential uses in those areas where public services are available or can be made available and to provide for the public convenience and avoid congestion of the streets.

2. Uses Permitted

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- a. Single-family detached dwellings, including mobile homes on permanent foundations
- b. Single-family semi-detached dwellings
- c. Two-family detached dwellings
- d. Two-family semi-detached dwellings
- e. Townhouses
- f. Garden apartments
- g. Low-rise apartments

Section 503 (cont'd)

- h. Accessory buildings and uses customarily incidental to the above uses, including garages, private swimming pools, storage sheds, etc.
3. Special Exception Uses (See Article 6.)
- a. Appropriate public uses and essential services
 - b. Boarding and lodging houses, provided that not more than four (4) rooms of a residence are used for such purpose.
 - c. Domiciliary care home
 - d. Home occupations
 - e. Medical and dental clinics
 - f. Mid-rise apartments
 - g. Model homes and apartments
 - h. Mortuaries and undertaking establishments
 - i. Nursing and convalescent homes
 - j. Personal care board home for adults
 - k. Public and semi-public swimming pools
 - l. Residential conversion units
 - m. Temporary trailers
4. Conditional Uses
- a. Mobile home parks
5. Area, Density, and Lot Width Regulations
- a. The lot areas, densities, widths and depths for single-family detached dwellings shall be not less than the following:
 - (1) Lot area of thirty thousand (30,000) square feet with both on-site water and on-site sewer service.
 - Maximum net density - 1.45 dwelling units per acre
 - Minimum lot width - one hundred twenty-five (125) feet at the setback line
 - Minimum lot depth - one hundred fifty (150) feet

Section 503 (cont'd)

- (2) Lot area of sixteen thousand five hundred (16,500) square feet with both off-site water and off-site sewer service.
- Maximum net density - 2.64 dwelling units per acre
- Minimum lot width - one hundred (100) feet at the setback line
- Minimum lot depth - one hundred twenty-five (125) feet
- b. The lot areas, densities, widths and depths for single-family semi-detached dwellings shall be not less than the following:
- (1) Lot area of twenty thousand (20,000) square feet per dwelling unit with both off-site water and off-site sewer service.
- Maximum net density - 2.17 dwelling units per acre
- Minimum lot width - one hundred (100) feet at the setback line
- Minimum lot depth - one hundred twenty-five (125) feet
- c. The lot areas, densities, widths, and depths for two-family detached dwellings shall not be less than the following:
- (1) Lot area of twenty thousand (20,000) square feet per dwelling unit with both off-site water and off-site sewer service.
- Maximum net density - 2.17 dwelling units per acre
- Minimum lot width - one hundred (100) feet at the setback line
- Minimum lot depth - one hundred twenty-five (125) feet
- d. The lot areas, densities, widths, and depths for two-family semi-detached dwellings shall not be less than the following:
- (1) Lot area of sixty thousand (60,000) square feet with both off-site water and off-site sewer service.
- Maximum net density - 2.90 dwelling units per acre
- Minimum lot width - one hundred fifty (150) feet at the setback line
- Minimum lot depth - one hundred fifty (150) feet
- e. The dwelling unit areas, densities, and lot widths and depths for townhouses, garden apartments, and low-rise apartments shall be not less than the following:
- (1) Minimum dwelling unit area - seven hundred fifty (750) square feet of floor area

Section 503 (cont'd)

- (2) Maximum gross density - shall be established by assigning "Density Factors" to each dwelling unit type in accordance with the following table:

| <u>Dwelling Unit Type</u> | <u>Density Factor</u> |
|---------------------------|-----------------------|
| Efficiency Unit | 1 |
| One-Bedroom Unit | 2 |
| Two-Bedroom Unit | 3 |
| Three-Bedroom Unit | 4 |
| Four-Bedroom Unit | 6 |

The aggregate "Density Factors" per gross acre shall not exceed twenty-four (24).

- (3) Maximum net density - 8.00 dwelling units per acre for townhouses and 12.00 dwelling units per acre for garden apartments and low-rise apartments.

(4) Minimum lot width - one hundred (100) feet at the setback line

(5) Minimum lot depth - one hundred thirty-five (135) feet

6. Coverage Regulations

- a. Principal buildings shall cover not more than twenty-five percent (25%) of the lot area.
- b. Accessory buildings, including tenant garages, together with principal buildings shall cover not more than thirty-five percent (35%) of the lot area.

7. Setback Regulations

- a. Front Yard: The following front yard setback and road classifications shall conform to the Transportation Plan of the adopted Comprehensive Plan for the municipality.

(1) Arterial or Primary Road - Forty (40) feet minimum

(2) Collector or Secondary Road - Forty (40) feet minimum

(3) Local Access Road - Forty (40) feet minimum

- b. Side Yards: Principal Buildings - Each lot shall have two (2) side yards, neither one of which shall be less than ten (10) feet, except that a lot for a low-rise apartment building shall have side yards no less than fifteen (15) feet each. Accessory Buildings - All accessory buildings shall be a minimum of six (6) feet from any side lot line, except that common or joint private garages may be on the common property line.

- c. Rear Yard: Principal Buildings - Minimum of thirty-five (35) feet in depth. Accessory Buildings - All accessory buildings shall be a minimum of six (6) feet from the rear yard line.

- d. Front Yard Variance: In developed areas, a variance may be granted by the Zoning Hearing Board for adjusting the minimum building setback line in order that the

Section 503 (cont'd)

building may be in proper relation to adjacent buildings.

8. Height Regulations

- a. The building height for single-family and two-family dwellings shall be not more than two and one-half (2 1/2) stories or thirty-five (35) feet; however, no dwelling shall be less than one (1) story in height.
- b. The building height for low-rise apartments, townhouses, and garden apartments shall be not more than three (3) stories or forty (40) feet.
- c. Supplementary Height Regulations: Building heights shall also conform to Height Regulations in Article 8, Supplementary Regulations.

9. Off-Street Parking Regulations

- a. A minimum of two (2) off-street parking spaces shall be provided per dwelling unit.
- b. Off-street parking shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

10. Sign Regulations

Signs shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

11. Flood Plain Regulations

The use of land or structures located in the flood plain shall be allowed only in conformance with the regulations of the Exeter Township Flood Plain Ordinance.

504 C-1 Commercial - General District

1. Purpose: The purpose of the C-1 Commercial - General District is to provide for the orderly development of those uses necessary to meet the community needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such activities.

2. Uses Permitted

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- a. Automobile parking lots and parking garages
- b. Business, professional, and financial offices
- c. Commercial indoor recreation uses such as billiard or pool parlors, bowling alleys, swimming pools, and skating rinks.

Section 504 (cont'd)

- d. Fraternal clubs, lodges, social clubs, recreational clubs, and youth clubs
 - e. Medical and dental clinics
 - f. Mortuaries, crematories, and undertaking establishments
 - g. Personal service shops such as barber, beauty, shoe repair, dry cleaning, and laundromats
 - h. Restaurants, cafes, tearooms, and other places serving food and beverages
 - i. Retail stores
 - j. Specialty shops for custom work and articles to be sold at retail on the premises, such as baking, confectionery, dressmaking, tailoring, and printing
 - k. Studios for teaching dancing, art, music or similar cultural subjects
 - l. Accessory buildings and uses customarily incidental to the above uses
3. Special Exception Uses (See Article 6.)
- a. Appropriate public uses and essential services
 - b. Temporary trailers
 - c. Automobile-related activities including car wash, gasoline service stations, and service garages
 - d. Boarding and lodging houses, provided that not more than four (4) rooms of a residence are used for such purpose
 - e. Drive-in banks and similar financial institutions
 - f. Drive-in and fast-food restaurants
 - g. Dwellings directly related to certain businesses
 - h. Dwellings over or attached to business establishments
 - i. Home occupations
 - j. Mini-market/convenience store with gas pumps
 - k. Nursing and convalescent homes
 - l. Motels
 - m. Residential conversion units

Section 504 (cont'd)

4. Conditional Uses (See Article 7.)

- a. Adult entertainment establishments
- b. Community shopping center

5. Area, Density, and Lot Width Regulations

- a. The lot areas, densities, widths, and depths for single businesses or other permitted uses shall be not less than the following:

- (1) Lot area of thirty thousand (30,000) square feet with both on-site water and on-site sewer service.

Maximum net density of 1.45 businesses or other permitted uses per acre

Minimum lot width - one hundred twenty-five (125) feet at the setback line

Minimum lot depth - one hundred fifty (150) feet

- (2) Lot area of ten thousand (10,000) square feet with both off-site water and off-site sewer service.

Maximum net density - 4.36 businesses or other permitted uses per acre

Minimum lot width - seventy-five (75) feet at the setback line

Minimum lot depth - one hundred twenty-five (125) feet

- b. The lot areas, densities, widths, and depths for two or more businesses or other permitted uses on the same lot shall be not less than the following:

- (1) Lot area of twenty thousand (20,000) square feet per business or permitted uses on the same lot shall be not less than the following.

Maximum net density - 2.17 businesses or other permitted uses per acre

Minimum lot width - one hundred (100) feet at the setback line

Minimum lot depth - one hundred twenty-five (125) feet

- (2) Lot area of eight thousand (8,000) square feet per business or other permitted uses with both off-site water and off-site sewer service.

Maximum net density - 5.44 businesses or other permitted uses per acre

Minimum lot width - seventy-five (75) feet at the setback line

Minimum lot depth - one hundred (100) feet

Section 504 (cont'd)

6. Coverage Regulations

- a. Principal buildings shall cover not more than twenty-five percent (25%) of the lot area.
- b. Accessory buildings together with principal buildings shall cover not more than thirty-five percent (35%) of the lot area.
- c. The landscaped area shall be not less than twenty percent (20%) of the total lot area.

7. Setback Regulations

- a. Front Yard: The following front yard setbacks and road classifications shall conform to the Transportation Plan of the adopted Comprehensive Plan for the municipality:
 - (1) Arterial or Primary Road - Forty (40) feet minimum
 - (2) Collector or Secondary Road - Forty (40) feet minimum
 - (3) Local Access Road - Forty (40) feet minimum
- b. Side Yards: Principal Buildings - Each lot shall have two (2) side yards, neither one of which shall be less than ten (10) feet. Accessory Buildings - All accessory buildings shall be a minimum of six (6) feet from any side lot line.
- c. Rear Yard: Principal Buildings - Minimum of thirty-five (35) feet in depth. Accessory Buildings - All accessory buildings shall be a minimum of six (6) feet from the rear yard line.
- d. Front Yard Variance: In developed areas, a variance may be granted by the Zoning Hearing Board for adjusting the minimum building setback line in order that the building may be in proper relation to adjacent buildings.

8. Height Regulations

- a. The building height for all principal buildings permitted in this district shall be not more than two and one-half (2 1/2) stories or thirty-five (35) feet.
- b. The building height for all accessory buildings permitted in this district shall be not more than fifteen (15) feet.
- c. Supplementary Height Regulations: Building heights shall also conform to Height Regulations in Article 8, Supplementary Regulations.

9. Off-Street Parking and Loading Regulations

- a. A minimum of two (2) off-street parking spaces shall be provided per dwelling unit.
- b. Off-street parking and loading shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

Section 504 (cont'd)

10. Sign Regulations

Signs shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

11. Flood Plain Regulations

The use of land or structures located in the flood plain shall be allowed only in conformance with the regulations of the Exeter Township Flood Plain Ordinance.

12. Buffer Area

Where the commercial district abuts a district permitting residences as a principal permitted use, there shall be a buffer area along the district boundary line within the commercial district at the side and rear boundaries with the residence district. The buffer area shall be used for no other purpose than landscaping and access roads. The buffer shall consist of trees, shrubbery, flowers, grass and other foliage in an area having a depth of not less than five (5) feet and may be part of the yard requirement. Such a buffer shall be maintained in good condition, free of paper and rubbish, and free from all advertising and other signs.

505 I-1 Industrial - General District

1. Purpose: The purpose of the I-1 General Industrial District is to provide sufficient space, in appropriate locations, to meet the current and anticipated future needs for limited industrial activities with due allowance for the need for a choice of sites. It is further intended that approved industrial operations will be compatible with surrounding residential or farm areas.

2. Uses Permitted

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- a. Administrative activities and offices
- b. Assembly from components, including the assembly of radios, television, and similar electronic products
- c. Completely enclosed (interior) storage of raw materials products or waste materials of any of the other uses itemized herein
- d. Fabrication of models or test equipment used in research
- e. Optical instrument systems development
- f. Pharmaceutical research and production
- g. Plastics assembly

Section 505 (cont'd)

- h. Radio or television transmitter operations, including such as an accessory use if it is of any type requiring licensing by the Federal Communications Commission
 - i. Research, engineering, or testing laboratories
 - j. Textiles and clothing manufacture
 - k. Warehouses, distribution centers, and truck and bus terminals
 - l. Accessory buildings and uses customarily incidental to the above uses, such as a restaurant, cafeteria, recreational facility, day care center, or medical clinic.
3. Special Exception Uses (See Article 6.)
- a. Appropriate public uses and essential services
 - b. Outdoor advertisements
 - c. Temporary trailers
4. Conditional Uses (See Article 7.)
- a. Junk yards
 - b. Sanitary landfill area
5. Performance Standards

All activities and uses allowed in the I-1 General Industrial District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire hazards, and any other side-effects of industrial operations deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), the Pennsylvania Department of Labor and Industry (DL&I), and Exeter Township, Luzerne County, Board of Supervisors.

6. Area and Lot Width Regulations
- a. The lot area, width and depth for each industrial activity or use shall be not less than the following:
 - (1) Lot area of forty thousand (40,000) square feet
 - (2) Minimum lot width - one hundred fifty (150) feet at the setback line
 - (3) Minimum lot depth - one hundred fifty (150) feet
7. Coverage Regulations
- a. All buildings, including accessory buildings, shall cover not more than thirty percent (30%) of the total lot area.

Section 505 (cont'd)

- b. The landscape area shall be not less than thirty percent (30%) of the total lot area.

8. Setback Regulations

- a. Front Yard: The following front yard setbacks and road classifications shall conform to the Transportation Plan of the adopted Comprehensive Plan for the municipality:
 - (1) Arterial or Primary Road - Sixty (60) feet minimum
 - (2) Collector or Secondary Road - Fifty (50) feet minimum
 - (3) Local Access Road - Fifty (50) feet minimum
- b. Side Yards: Minimum of fifty (50) feet for each side
- c. Rear Yard: Minimum of fifty (50) feet in depth
- d. Exception: No industrial building or structure shall be located within two hundred (200) feet of an existing residential building.

9. Height Regulations

- a. The building height for all buildings permitted in this district shall be not more than three (3) stories or forty (40) feet.
- b. Supplementary Height Regulations: Building heights shall also conform to Height Regulations in Article 8, Supplementary Regulations.

10. Off-Street Parking and Loading Regulations

- a. Off-street parking and loading shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

11. Sign Regulations

Signs shall be provided in accordance with the provisions of Article 8, Supplementary Regulations.

12. Flood Plain Regulations

The use of the land or structures located in the flood plain shall be allowed only in conformance with the regulations of the Exeter Township Flood Plain Ordinance.

13. Buffer Area

Where the industrial district abuts a district permitting residences as a principal permitted use, there shall be a buffer zone along the district boundary line within the industrial district at the side and rear boundaries with the residence district. The buffer area shall be used for no other purpose than landscaping and access roads. The buffer shall consist of trees, shrubbery, flowers, grass and other foliage in an area having a depth of not less

Section 505 (cont'd)

than twenty-five (25) feet and may be part of the yard requirement. Such a buffer shall be maintained in good condition, free of paper and rubbish, and free from all advertising and other signs.

Article 6

SPECIAL EXCEPTION USES

- 601 Purpose
- 602 General Provisions
- 603 Specific Provisions

Article 6

SPECIAL EXCEPTION USES

601 Purpose: The purpose of special use regulations is to provide additional standards for controlling the unique or special characteristics of certain uses which otherwise conform to uses permitted in their respective districts.

602 General Provisions: Decisions for granting or denying special use permits shall be made by the Zoning Hearing Board as provided for in Article 10.

1. Decisions: Decisions of the Board shall be made pursuant to standards and criteria expressed in this Article, to regulations for the respective districts in which the uses are located, and to all other requirements of this Ordinance.

The Board shall grant an approval for a special use only if it finds adequate evidence that the proposed use meets both the general and specific requirements for such use.

2. Effect of Ordinance Changes on Application: When an application for a special exception has been filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a land development or a subdivision as defined in Article 3, no change or amendment of the Zoning, Subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

Provided, further, should such an application be approved by the Zoning Hearing Board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board.

If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended), Section 508 (1) through (4), and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan. (These sections correspond to Sections 303 through 307 of the Subdivision and Land Development Ordinance of Exeter Township.)

3. Site Plan: A plan for the proposed development of a site for a special use shall be submitted with the application for a special permit. Such plan shall show the location of all buildings, open spaces, parking areas, traffic access and circulation, landscaping and any other information required for determining the conformance of the special use with the regulations for that use.
4. General Standards: Decisions for granting all special uses shall be guided by the following general standards:
 - a. The proposed use shall not jeopardize the objectives of the Comprehensive Plan or of this ordinance.
 - b. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use.

Section 602 (cont'd)

- c. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic.
- d. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the use, the size of the site relative to the proposed operation, and the nature and intensity of the operation involved.
- e. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.
- f. The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibration, or flashing lights than would be the operations of any permitted use in the district.
- g. Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be imposed by the Board if the Board deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended), this Zoning Ordinance, and subsequent amendments.

603 Specific Provisions: Uses permitted by special exception in this Ordinance include the following for which additional regulations are prescribed:

1. Appropriate Public Uses and Essential Services (R-1, R-2, R-3, C-1 and I-1 Districts)

Such uses, when located in buildings, shall abide by the following minimum regulations: Where the property abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence or evergreen hedges a minimum of five (5) feet in height and maintained in good condition shall be provided. The evergreens shall be of such height at the time of planting that they will attain a height of five (5) feet within five (5) years. A landscaped buffer area having a depth of not less than twenty-five (25) feet shall be provided along the property abutting residential properties. Access driveways shall be no more than twenty-five (25) feet in width, and, in case of a corner lot, access driveways shall be at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. Parking and loading spaces shall be provided as required by Article 8.

Easements for essential services shall be located, whenever possible, in the public right-of-way. Easements over private property shall be wide enough to provide access to any transmission line or other service and to protect the private property from damage.

2. Automobile-Related Activities (C-1 District)

- a. Car Wash: Car wash operations abutting an "R" Residential District on the side or rear property lines shall be provided with a solid wall or substantial, attractive, tight fence at least five (5) feet in height, which shall be maintained in good condition, along such boundary. Outside lighting shall be directed away from adjacent activities.

Section 603 (cont'd)

Wherever possible, wash water should be recycled to reduce water runoff. Appropriate drainage facilities for washing activities shall be provided. The site shall be sufficiently large to accommodate cars awaiting washing during peak periods so that lines along public roadways are avoided. Such operations shall also comply with regulations of the Pennsylvania Department of Environmental Resources (DER).

- b. Gasoline Service Stations: When a gasoline station or service station abuts on the rear or side lot line in a "R" Residential District, a solid wall or substantial, attractive, tight fence five (5) feet in height shall be constructed and maintained in good condition along such boundary. The site shall be sufficiently large to accommodate cars awaiting service during peak periods so that lines along public roadways are avoided. When a service station occupies a corner lot, access driveways shall be located at least sixty (60) feet from the intersection of the front and side street or road lines of the lot.

All access driveways shall be no more than twenty-five (25) feet in width. Gasoline pumps or other service appliances shall be located at least twenty (20) feet behind the street right-of-way line, and all other repair service, storage, or similar activities in connection with the operation shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes, and glare. Outside lighting shall be directed away from adjacent activities.

3. Boarding and Lodging Houses (R-2, R-3 and C-1 Districts)

The boarding or lodging house shall have no more than four (4) rooms of the residence used for boarding or lodging. The property shall maintain all yard areas for the district in which it is located and shall provide parking spaces as required by Article 8. In outward appearance the boarding or rooming house shall be consistent with the character of other residences in the immediate area.

4. Domiciliary Care Home (R-1, R-2 and R-3 Districts)

Domiciliary care service shall provide a supportive, homelike, community-based living arrangement for adults who cannot live independently in the community; encourage and assist such adults in developing and maintaining maximum initiative and self-determination in a homelike setting; provide an alternative to institutionalization; and help them remain in the community or return to it and, if possible, to their own homes.

A domiciliary care home shall be permitted under the following conditions:

- a. Such a home shall be operated by a resident of the Commonwealth who is 21 years of age or older, who resides in the home, and who has been approved by the Area Agency on Aging to operate the facility.
- b. The facility shall be limited to not more than three (3) clients who are not related to the domiciliary care provider.
- c. The facility shall have on file a certification or recertification report indicating compliance with State (Pa. Code, Title 6 Aging, Chapter 21 Domiciliary Care Services for Adults) and local requirements of the agencies responsible for enforcing health,

Section 603 (cont'd)

sanitation, and fire and panic regulations.

5. Drive-in Banks and Similar Financial Institutions (C-1 District)

Drive-in banks and similar institutions with drive-in service shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in service, and access driveways no more than twenty-five (25) feet wide. If located on a corner lot, access driveways to the bank or similar facility shall be at least sixty (60) feet from the intersection of the two streets, as measured along the right-of-way line. Where the property abuts on the side or rear property line a district having residences as a principal permitted use, a solid wall or substantial, attractive, tight fence five (5) feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjacent activities.

6. Drive-in Restaurants (C-1 District)

Restaurants which have a rapid turnover of patrons or which serve patrons in cars shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in service, and access driveways no more than twenty-five (25) feet wide. If located on a corner lot, access driveways to the restaurant shall be at least sixty (60) feet from the intersection of the two streets, as measured along the right-of-way line. Where the property abuts on the side or rear property line of a district having residences as a principal permitted use, a solid wall or substantial, attractive, tight fence at least five (5) feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjacent activities.

7. Dwellings Directly Related to Certain Businesses (C-1 District)

Single-family detached dwellings may be permitted on the same lot as the following business establishments: medical and dental clinics, mortuary and undertaking establishments, nursing and convalescent homes, and motels, provided that such dwellings are occupied by the owner or manager of such business establishment. Such dwelling shall be designed as living quarters, having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have private access and the required residence parking spaces in addition to commercial parking spaces.

8. Dwellings Over or Attached to Business Establishments (C-1 District)

In the "C-1" Commercial - General District dwellings may be permitted over business establishments. Such dwellings shall be designed as living quarters having at least seven hundred fifty (750) square feet of floor area per dwelling unit having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have private access and the required residence parking spaces in addition to commercial parking spaces.

9. Home Occupations (R-1, R-2, R-3 and C-1 Districts)

A home occupation shall be an incidental use of a dwelling unit or of a building or other structure accessory to a dwelling unit and shall be conducted by a person or persons residing in the dwelling unit and not more than one (1) non-resident employee working on the premises. Not more than twenty-five (25) percent of the building floor area

Section 603 (cont'd)

(including the floor areas of both the principal and accessory structures) shall be used for the home occupation.

The exterior appearance of the structure or premises shall be maintained in its residential character with the home occupation conducted entirely within the enclosed structure and with no goods publicly displayed on the premises other than a sign indicating the presence of the home occupation. The home occupation shall not involve display windows, the storage or sale of articles not produced on the premises, frequent truck deliveries, or the production of offensive noise, smoke, vibration, dust, odors, heat, or glare. Off-street parking requirements for both dwelling and home occupation uses shall be fulfilled in accordance with the regulations of Article 8.

Home occupations may include an office or studio of a physician, dentist, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesman, or member of some other similar recognized profession. This list is not all inclusive, but is intended to serve as a guideline.

Home occupations may also include beauty and barber shops, dressmaking and tailoring shops, appliance and lawn mower repair, and tutoring and music instruction. Home occupations do not include animal hospitals, commercial kennels or stables, funeral homes, clothing shops, restaurants, dance studios, business schools or automobile repair service. This list is not all inclusive, but is intended to serve as a guideline.

10. Medical and Dental Clinics (R-2 and R-3 Districts)

(See Appropriate Public Uses and Essential Services, above.)

11. Mid-rise Apartments (R-3 District)

A mid-rise apartment structure shall not be greater than six (6) stories or sixty (60) feet in height. The minimum dwelling unit area, the minimum lot width, and the minimum lot depth as well as coverage and setback regulations for low-rise apartments in the "R-3" Residential - Medium-Density District shall apply to mid-rise apartments. In calculating the maximum gross density, the same density factors for low-rise apartments shall be used, but the aggregate density factors per gross acre shall not exceed forty-eight (48). The maximum net density shall be 24.00 dwelling units per acre. Other factors to be considered by the Zoning Hearing Board are: the availability of public water and sewerage; the capacity of local roads to handle the increased traffic, the availability of fire fighting equipment to service buildings of increased height; the effect of a large building on the character of the neighborhood; and the need for a mid-rise building that cannot be fulfilled as well by a low-rise building.

12. Mini-Mart/Convenience Store with Gasoline Pumps (C-1 District)

The principal structure as well as the canopy over gasoline pumps shall meet all the minimum setback requirements for all yards in the district in which it is located. When the property abuts a property containing a residence, a screen and buffer shall be provided according to the requirements of Article 8. A parking area accommodating all spaces required by Article 8 shall be provided. Access driveways shall be no more than twenty-five (25) feet wide at the street line, and in the case of a corner lot, access driveways shall

Section 603 cont'd)

be at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. All lighting of parking areas and access driveways shall be directed away from adjoining property.

13. Model Homes and Apartments (Model Homes R-2 and R-3 Districts, Model Apartments R-3 District)

The exterior appearance of a model home or apartment and its premises shall be maintained and operated consistent with the residential character of the neighborhood. Landscaping shall also be provided consistent with that of the neighborhood within six (6) months of the use of the structure as a model home or apartment. The home or apartment shall be used only as a model display of homes or apartments available for sale or rent and not as a realtor's office or for storage of construction equipment and materials. When all units are sold, or rented, the use of the unit as a model shall be terminated. Off-street parking shall be provided according to the requirements of Article 8, with spaces for eventual residents temporarily allowed for patron use and with one (1) space for each employee. No construction or delivery trucks and vehicles shall be allowed on the premises. Signs only as provided for in Article 8 shall be allowed.

14. Mortuary, Crematory, and Undertaking Establishments (R-2 and R-3 Districts)

Mortuaries, crematories, and undertaking establishments shall have a minimum lot area of thirty thousand (30,000) square feet and shall accommodate all of the parking and loading area requirements described in regulations for Off-Street Parking, Loading, and Unloading in Article 8. In addition, sufficient area shall be provided for vehicular circulation on the premises and for the assembly area for the procession beyond the street right-of-way line. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be screened from view of adjacent properties by a solid wall or substantial, attractive, tight fence six (6) feet in height. Outside lighting shall be directed away from adjacent activities.

15. Motels (C-1 District)

Motels shall have a minimum lot area of thirty thousand (30,000) square feet and shall accommodate all of the parking and loading area requirements described for Off-Street Parking, Loading, and Unloading in Article 8. If public sewerage is not available within reasonable distance of the site, a system approved by the Pennsylvania Department of Environmental Resources shall be installed. Other factors to be considered by the Zoning Hearing Board are: the availability of public water and sewerage; the capacity of local roads to handle the increased traffic, the availability of fire fighting equipment to service buildings of increased height; the effect of a large building on the character of the neighborhood; and the need for a mid-rise building that cannot be fulfilled as well as by a low-rise building.

16. Nursing or Convalescent Homes (R-2, R-3 and C-1 Districts)

The minimum size of the tract shall be one (1) acre; it shall front on an arterial or collector street. A parking area shall accommodate all parking spaces as required by Article 8 as well as circulation and access areas. Access driveways shall be no more than twenty-five (25) feet in width, and, in the case of a corner lot, access driveways shall be

Section 603 (cont'd)

at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way lines. Where the property abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence, or evergreen hedges a minimum of five (5) feet in height and maintained in good condition shall be provided. The evergreens should be of such height at the time of planting that they will attain a height of five (5) feet within three (3) years. Minimum side and rear yards shall be fifty (50) feet.

17. Outdoor Advertising Signs (I-1 District)

No outdoor advertising sign shall be permitted within one hundred (100) feet of any Residence District nor within three hundred (300) feet of another outdoor advertising sign not located on the same structure or standard. The advertising surface area of any panel shall not exceed three hundred (300) square feet, and not more than four (4) panels (or two double-faces panels) shall be permitted on the same structure or standard. The yard setback requirements of the district in which the outdoor advertising is located shall apply. All other provisions of Article 8 shall apply.

18. Personal Care Board Home for Adults (R-3 District)

Personal care board homes for adults are intended to assure safe, humane, comfortable and supportive residential settings for aged, blind and disabled, and other dependent infirmed adults who require assistance beyond the basic necessities of food and shelter but who are not in need of hospitalization or skilled or intermediate nursing care. Residents will receive the encouragement and assistance they need to develop and maintain maximum independence and self-determination.

A personal care board home shall be permitted under the following conditions:

- a. Such facility may be operated by any incorporated, public or private, profit or not-for-profit organization, society or association including any agency of the county, county institution district, or municipality and person as defined in Articles IX and X of the Pennsylvania Public Welfare Code, for which standards have been developed. Such a facility shall hold a current license under that Code.
- b. The personal care board home shall be limited to twelve (12) individuals who are not related to the provider and who do not include the provider and staff.
- c. The facility shall have on file an inspection report indicating compliance with state and local requirements of the agencies responsible for enforcing health, sanitation, and fire and panic regulations.

19. Ponds (R-1 District)

All proposed ponds constructed to provided water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying, and related uses shall be designed, built, and maintained according to standards set forth for such ponds by the United States Department of Agriculture, Soil Conservation Service, and the Pennsylvania Department of Environmental Resources, Division of Dam Safety.

Section 603 (cont'd)

20. Public and Semi-Public Uses (R-2 and R-3 Districts)

All public and semi-public outdoor swimming pools shall comply with the following conditions and requirements: a) the pool and accessory structures thereto, including the area used by bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located; b) a buffer strip at least fifty (50) feet wide surrounding the pool and paved areas around the pool shall be used for trees, shrubs, and grass landscaping; c) a chain-link fence and gate at least six (6) feet high and maintained in good condition shall surround the pool and all areas used by bathers so as to prevent uncontrolled access by children; d) outside lighting shall be directed away from adjacent activities; e) circulation and parking areas shall be provided as required by Article 8 Supplementary Regulations; and f) relevant regulations of the Pennsylvania Department of Environmental Resources (DER) shall be met.

21. Residential Conversion Units (R-2, R-3 and C-1 Districts)

All dwelling units created through residential conversion shall maintain an average floor area of no less than five hundred (500) square feet per dwelling unit.

22. Subterranean Houses (R-1 District)

Subterranean, underground, or subsurface houses shall be permitted only in the R-1 Residential - Rural-Density District. The exterior, underground walls of such a house, or any above-ground extensions of such a house, shall not be located in any front, side, or rear yard setback; although the sloping ground of any earthen roof cover may extend into the yard setbacks. The residential use of land and structure for a subterranean house shall comply with all other regulations of the District and this Ordinance to the extent that such regulations are applicable. The structure shall also comply with all other applicable Township codes, including the Building Code.

23. Temporary Trailers (R-1, R-2, R-3, C-1 and I-1 Districts)

Temporary trailers for such uses as construction offices, classrooms, banks, homes, and other uses normally permitted in the district in which they are to be located may be allowed as determined by the Zoning Hearing Board.

In applying to the Zoning Hearing Board for a permit the applicant shall be required to specify the length of time the trailer is expected to be in use and the reasons for requesting the temporary use. The Zoning Hearing Board shall make a determination as to the acceptability of this information and shall set a date for the termination of the temporary use two (2) years from the date the special exception use is granted.

Request for a time extension of not more than one (1) additional year may be considered at any one time, provided that the applicant can show a need for the extension to the satisfaction of the Zoning Hearing Board. The Board shall require sewer and water facilities approved by Pennsylvania Department of Environmental Resources (DER).

SCHEDULE OF SPECIAL EXCEPTIONS

| Uses Permitted by Special Exception | Districts Permitting Special Exceptions | | | | | I-1 |
|--|---|-----|-----|-----|---|-----|
| | R-1 | R-2 | R-3 | C-1 | | |
| 1. Appropriate Public Use and Essential Services | X | X | X | X | X | X |
| 2. Automobile-Related Activities | | | | | X | |
| 3. Boarding and Lodging Houses | | X | X | | X | |
| 4. Domiciliary Care Home | X | X | X | | | |
| 5. Drive-in Banks and Similar Financial Institutions | | | | | X | |
| 6. Drive-in Restaurants | | | | | X | |
| 7. Dwellings Directly Related to Certain Businesses | | | | | X | |
| 8. Dwellings Over or Attached to Business Establishments | | | | | X | |
| 9. Home Occupations | X | X | X | | X | |
| 10. Medical and Dental Clinics | | X | X | | | |
| 11. Mid-rise Apartments | | | X | | | |
| 12. Mini-Market/Convenience Store with Gas Pumps | | | | | X | |
| 13. Model Homes | | X | X | | | |
| 14. Model Apartments | | | X | | | |
| 15. Mortuary, Crematory, and Undertaking Establishments | | X | X | | | |
| 16. Motels | | | | | X | |
| 17. Nursing or Convalescent Homes | | X | X | | X | |
| 18. Outdoor Advertising Signs | | | | | | X |
| 19. Personal Care Board Home for Adults | | | X | | | |
| 20. Ponds | X | | | | | |
| 21. Public and Semi-Public Uses | | X | X | | | |
| 22. Residential Conversion Units | | X | X | | X | |
| 23. Subterranean Houses | X | | | | | |
| 24. Temporary Trailers | X | X | X | | X | X |

Article 7

CONDITIONAL USES

- 701 Purpose
- 702 General Provisions
- 703 Specific Provisions
- 704 Planned Residential Development
- 705 Mobile Home Park
- 706 Neighborhood Shopping Center
- 707 Community Shopping Center
- 708 Sanitary Landfill Area
- 709 Storage of Explosives and Other Hazardous or Potentially
Hazardous Materials

Article 7

CONDITIONAL USES

701 Purpose: The purpose of conditional use regulations is to permit certain uses in particular zones or districts when the conditions described for each use have been fulfilled, as determined by the Board of Supervisors upon recommendation of the Exeter Township Planning Commission.

702 General Provisions: Decisions for granting or denying conditional use zoning permits shall be made by the Board of Supervisors according to the following procedures.

1. Decisions: Decisions for granting or denying conditional use permits shall be made by the Board of Supervisors after its receipt and review of the Planning Commission's recommendation and after it has held the required public hearing in order to hear evidence from involved parties for the purpose of better gauging the potential implications of the proposed use.

Hearings shall be conducted pursuant to the procedures outlined in Article 10, Zoning Hearing Board and other Administrative Proceedings.

The Board of Supervisors shall submit the application for the proposed conditional use to Exeter Township Planning Commission at least thirty (30) days prior to the public hearing on the proposed use to provide the Planning Commission with an opportunity to submit a non-binding recommendation.

The Board of Supervisors shall render a final decision on the application within forty-five (45) days after the last public hearing. Where the Board of Supervisors fails to make its decision within the period required, the decision shall be deemed in favor of the applicant.

Decisions of the Board shall be made pursuant to the standards and criteria expressed in this Article, to the regulations for the respective districts in which the uses are located, and to all other requirements of this Ordinance.

The Board of Supervisors shall grant an approval for a conditional use only if it finds adequate evidence that the proposed use meets both the general and specific requirements for such use.

2. Effect of Ordinance Changes on Application: When an application for a conditional use has been filed with the Board of Supervisors and the subject matter of such application would ultimately constitute either a land development or a subdivision as defined in Article 3, no change or amendment of the Zoning, Subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

Provided, further, should such an application be approved by the Board of Supervisors, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Board of Supervisors following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Board of Supervisors.

Section 702 (cont'd)

If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended), Section 508 (1) through (4), and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan. (These sections correspond to Section 303 through 307 of the Subdivision and Land Development Ordinance of Exeter Township.)

3. Site Plan: A plan for the proposed development of a site for a conditional use shall be submitted with the application for a conditional use permit to the Zoning Officer. Such plan shall show the location of all buildings, open space, parking areas, traffic access and circulation, landscaping and any other information required for determining the conformance of the conditional use with the regulations for that use.
4. General Standards: Decisions for granting all conditional uses shall be guided by the following general standards:
 - a. The proposed use shall not jeopardize the objectives of the Comprehensive Plan.
 - b. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use.
 - c. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.
 - d. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the site relative to the proposed operation, and the nature and intensity of the operation involved.
 - e. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that property is not impaired.
 - f. The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibrations, smoke, fly ash, or lights (such as flashing, neon, flood, spot, etc.) than would be the operations of any permitted use in the district.
 - g. Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be implemented by the Board of Supervisors if it deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Ordinance.

703 Specific Provisions: Uses permitted by Conditional Use include the following for which additional regulations are prescribed:

1. Adult Entertainment Establishments permitted in the following districts:

C-1 Commercial - General District

Section 703 (cont'd)

2. Commercial Outdoor Recreation Facilities permitted in the following districts:
 - R-1 Residential - Rural-Density District
3. Community Shopping Center permitted in the following districts:
 - C-1 Commercial - General District
4. Junk Yards permitted in the following districts:
 - I-1 Industrial - General District
5. Mobile Home Park permitted in the following districts:
 - R-3 Residential - Medium-Density District
6. Natural Resources Uses permitted in the following districts:
 - R-1 Residential - Rural-Density District
7. Sanitary Landfill Area permitted in the following districts:
 - I-1 Industrial - General District
8. Professional Office and Home Occupation Signs permitted in the following districts:
 - R-1 Residential - Rural-Density District
 - R-2 Residential - Low-Density District

704

Adult Entertainment Establishments (C-1 District)

1. Purpose: The purpose of this conditional use is to provide for establishments which have a sex-related nature or purpose in an appropriate environment which prevents the deleterious blighting or downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon surrounding neighborhoods.
2. Use Regulations: The permitted uses shall be adult entertainment establishments as designated herein under subsection (7) "Uses Designated and Regulated".
3. Dimensional Regulations: The dimensional regulations shall be the same as those applicable to the C-1 Commercial - General District.
4. Supplementary Regulations: (See Article 8.)
5. Development Regulations: Adult entertainment establishments (as defined herein) shall be subject to the following development regulations:
 - a. Comprehensive Plan: Proposed adult entertainment establishments shall be consistent with the Comprehensive Plan of Exeter Township.
 - b. Site Location: Adult entertainment establishments shall be located only in the "C-1" Commercial - General Districts, and the proposed location of such an establishment within such district shall be at least five hundred (500) feet distant from another such adult entertainment, and one thousand (1000) feet from a residential district, property

Section 704 (cont'd)

lines of churches and related religious institutions, and property lines of schools and playgrounds.

- c. Waiver: This five hundred foot (500-foot) distance restriction maybe waived by the Board of Supervisors upon recommendation of the Planning Commission after a petition requesting a waiver is received and verified by the Planning Commission signed by 51 percent of those persons residing within or owning or operating a business within a 500-foot distance of the proposed location, if the Planning Commission finds: that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed; that the proposed use will not enlarge or encourage the development of a "skid-row" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or non-residential; and that all applicable regulations of this ordinance will be observed.
6. Definitions used in this Subsection: (See Article 3.)
 - a. Adult Book Store
 - b. Adult Cabaret
 - c. Adult Drive-In Theatre
 - d. Adult Massage Business (other than those licensed by the Township).
 - e. Adult Mini-Motion Picture Theatre
 - f. Adult Motion Picture Theatre
 - g. Adult Video Cassette Rental and Sales Outlet
 7. Uses Designated and Regulated as Adult Entertainment Establishments include: adult book stores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, adult motion picture theatres, adult video cassette rental and sales outlet.

705

Commercial Outdoor Recreation Facilities (R-1 District)

1. Purpose: The purpose of this conditional use is to provide for areas and facilities located in the natural environment for such activities as outdoor concerts, dance, and theatrical performances and for religious, political, social, and community banquets, picnics, carnivals, and gatherings.
2. Use Regulations: The uses shall be cultural performances and religious, political, social, and community banquets, picnics, rallies, carnivals, and gatherings. Accessory uses to the above shall also be allowed. Uses allowed by special exception shall include ponds, semi-public swimming pools, and temporary trailers, such as portable band shells.

Section 705 (cont'd)

3. Dimensional Regulations

- a. Minimum Tract Area: A commercial outdoor recreation area shall be at least five (5) acres in size.
- b. Minimum Tract Width: A commercial outdoor recreation area shall have a minimum width of three hundred (300) feet at any point.
- c. Front, Side, and Rear Yards: All yard setbacks for the tract shall be at least one hundred (100) feet as measured at right angles from any property line. No activities except parking shall be allowed in this yard area, and parking spaces shall be no closer to any property line than twenty-five (25) feet.
- d. Tract Coverage: Not more than five percent (5%) of the tract shall be covered with buildings, including mobile band shells, pavilions, tents, and toilets facilities.
- e. Height Regulations
 - (1) Building Height: The maximum height of any building shall be two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (2) Supplementary Height Regulations: The heights of buildings, tents, and other structures shall also conform to the Height Regulations in Article 8.
- f. Supplementary Regulations (See Article 8.)
- g. Development Regulations: A commercial outdoor recreation area shall also be subject to the following development regulations.
 - (1) Comprehensive Plan: A commercial outdoor recreation area shall be consistent with the Exeter Township Comprehensive Plan.
 - (2) Site Location: A commercial outdoor recreation area shall be located on land having flat to rolling terrain (that is, having an average slope of less than fifteen percent [15%], and shall be free of swamps, marshes, and flooding by a one hundred (100) year flood. The site shall be accessible from a public road.
 - (3) Buffer Area: A commercial outdoor recreation area shall have a buffer area along all boundary lines. Such buffer shall be located within the tract, may include front, side, and rear yard setbacks, and shall be used for no other purpose than landscaping and access roads. The buffer shall consist of trees, shrubbery, flowers, grass, and other foliage in an area having a depth of not less than twenty-five (25) feet. Such buffer shall be maintained in good condition, free of paper and rubbish, and free from all advertising and other signs. In addition, recreation area lighting shall be directed away from abutting properties.
 - (4) Ingress and Egress: Road access to public streets from a commercial outdoor recreation area shall be located no less than two hundred fifty (250) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within the Township

Section 705 (cont'd)

shall be avoided.

- (5) Pedestrian and Vehicular Circulation: Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the tract.
- (6) Off-Street Parking and Loading: The requirements for off-street parking and loading, as described in Article 8, shall be met. Specifically, parking as provided for commercial purposes shall be one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof in the tract. The parking area shall be exempt from the landscaping requirements of Article 8 if a pervious gravel surface and natural outdoor landscaping are provided. Parking shall not be allowed on public streets.
- (7) Drainage: Storm drainage shall be channeled to natural drainage courses and away from adjoining properties. All areas not used for parking or driveways shall be maintained in trees, shrubbery, and grass for absorption of water run-off and hence for flood protection.
- (8) Water and Sewerage Facilities: Water and sewerage facilities serving patrons shall be provided according to the requirements of the Pennsylvania Department of Environmental Resources.
- (9) Refuse and Storage Collection: A commercial outdoor recreation area shall provide garbage and refuse containers from which garbage shall be collected on a weekly basis when the recreation facility is in use. All other Township regulations pertaining to garbage and other solid wastes shall be adhered to.
- (10) Noise Control: Except for emergency alarm signals the sound level of any activity, including amplifiers and loudspeakers, the operation of motor vehicles, and any other noises associated with the outdoor recreation facility, shall not exceed the decibel levels in designated octave bands as stated below. The sound-pressure level shall be measured with a Sound Level Meter and Octave Band Analyzer that conform to specifications published by the American National Standards Institute.

(American National Standard Specification for Sound Level Meters, SI. 4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specification for an Octave, Half Octave, and Third Octave Band Filter Sets, SI. 11-1966, R 1971, American National Standards Institute, Inc., New York, New York, shall be used.)

Sound-pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound-pressure levels for noise shall be as follows on the Decibel Measurement table. (All of the decibel levels stated below shall apply in each case.)

Section 705 (cont'd)

Maximum Permitted

Sound-Pressure Level

| <u>Frequency Band (Cycles per Second)</u> | <u>Maximum Decibels Along Property Lines</u> |
|---|--|
| 0-159 | 67 |
| 151-300 | 59 |
| 301-600 | 52 |
| 601-1200 | 46 |
| 1201-2400 | 40 |
| 2401-4800 | 34 |
| Above 4800 | 32 |

- (11) Lighting: Flood lights for nighttime use of the facility shall be prohibited in required yard setback areas. In all other locations they shall be directed away from adjoining properties and roads.
- (12) Size of Gatherings: The maximum number of people to be accommodated at the commercial outdoor recreation facility shall be no more than four (4) times the number of parking spaces provided.
- (13) Liability: Verification of liability insurance shall be supplied to the Township Board of Supervisors upon request.
- (14) Other Development Regulations: If the commercial outdoor recreation area involves the development of a group of two or more buildings, or otherwise complies with the definition of land development in this Ordinance, it shall also be subject to the regulations of the Subdivision and Land Development Ordinance of Exeter Township.

706 Community Shopping Center (C-1 District)

- 1. Purpose: The purpose of this conditional use is to provide for new or expanded community shopping and office centers, designed as single entities, with building space for lease or sale, to meet the community needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such activities.
- 2. Use Regulations: The uses shall be the same as those permitted in the "C-1" Commercial - General District and subject to the same limitations.
- 3. Dimensional Regulations
 - a. Minimum Tract Area: A community shopping center shall have an area of at least three (3) acres.
 - b. Minimum Tract Width: A community shopping center shall have a minimum mean width of three hundred (300) feet.

Section 706 (cont'd)

- c. Front Yard: The minimum front yard shall be one hundred (100) feet as measured from the street right-of-way line.
 - d. Side Yards: The minimum side yard for the tract shall be fifty (50) feet for each side.
 - e. Rear Yard: The minimum rear yard for the tract shall be fifty (50) feet as measured from the rear property line.
 - f. Tract Coverage: Not more than twenty-five (25) percent of the area of the community shopping center tract shall be covered by buildings.
 - g. Building Height: Height regulations for the "C-1" Commercial - General District shall apply.
4. Supplementary Regulations: (See Article 8.)
5. Development Regulations: A community shopping center shall be subject to the following development regulations:
- a. Comprehensive Plan: The proposed community shopping center shall be consistent with the Exeter Township Comprehensive Plan.
 - b. Arrangement of Buildings: The community shopping center shall be designed as a unit with a harmonious arrangement of building groups, open space, pedestrian and vehicular circulation, and parking areas so as to make a safe, convenient, aesthetically pleasing, and functionally efficient shopping area.
 - c. Buffer Area: The community shopping center shall have a buffer area along all boundary lines. Such buffer area shall be located within the shopping center tract, may include side and rear yard setbacks, and shall be used for no other purpose than landscaping and access roads. The buffer shall consist of trees, shrubbery, flowers, grass, and other foliage in an area having a depth of not less than twenty-five (25) feet. Such buffer shall be maintained in good condition, free of paper and rubbish, and free from all advertising and other signs. In addition, shopping center lighting shall be directed away from abutting properties.
 - d. Water and Sewerage Systems: All buildings within the shopping center shall be served by central water and sewerage.
 - e. Ingress and Egress: Road access to public streets from a community shopping center shall be located no less than two hundred and fifty (250) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within the Township shall be avoided. Not more than two (2) points of ingress and egress shall be allowed on any abutting street.
 - f. Pedestrian and Vehicular Circulation: Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center.

Section 706 (cont'd)

- g. Off-Street Parking and Loading: The requirements for off-street parking and loading, as described in Article 8 shall be met. In addition, off-street parking and loading spaces shall be provided as an integral part of the shopping center site; be physically separated from public streets; be paved with a bituminous or concrete material, and be physically separated into sections by traffic islands or other approved means to provide for a safe, convenient, and functionally efficient shopping area. Off-street parking and loading areas shall be lighted so that no part of such area is in total darkness during nighttime use.
- h. Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties. All areas not containing buildings or paved areas for necessary parking and circulation shall be maintained in trees and shrubbery for absorption of water runoff and hence for flood protection.
- i. Utilities: All utilities serving the community shopping center shall be placed four (4) feet underground.
- j. Other Development Regulations: If the community shopping center involves the development of a group of two or more buildings, or otherwise complies with the definition of land development in this Ordinance, it shall also be subject to the regulations of the Subdivision and Land Development Ordinance of Exeter Township.

707 Junk Yards (I-1 District)

- 1. Purpose: The purpose of this conditional use is to provide for the conduct of a commercial junk yard operation in a manner consistent with the purposes of this Ordinance for protecting the public health, safety, and welfare and preventing blight.
- 2. Use Regulations: The uses shall be junk yards, as defined in Article 3 of this Ordinance, and as allowed in the "I-1" Industrial - General District and subject to the same limitations.
- 3. Additional Regulations: All junk yards existing at the effective date of this Ordinance, within one year thereafter, and all new junk yards, where permitted, shall comply with the following.
 - a. No junk material, appurtenant structures, or other enclosure shall be stored or placed within fifty (50) feet of any adjoining property or public right-of-way and such setback shall be kept free of weeds and scrub growth unless the adjoining property is wooded.
 - b. All junk yards shall be completely screened from view on all sides by a solid wall, a substantial, attractive, tight fence or evergreen hedges each a minimum of eight (8) feet in height and maintained in good condition. The evergreens should be of such height at the time of planting that they will attain a height of eight (8) feet within five (5) years. Fences may be located on the property lines.
 - c. There shall be a twenty (20) foot roadway provided for in every forty (40) feet of junk, which roadway shall be kept passable for any fire-fighting equipment.
 - d. No junk shall be stored, maintained, situated, placed or otherwise located within twenty (20) feet of any river, stream, run, creek, irrigation ditch or any other natural water course within the boundaries of the Township.

Section 707 (cont'd)

- e. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises.
- f. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be conducted in accordance with the regulations of the Pennsylvania Department of Environmental Resources.
- g. Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed therefrom.
- h. The storage of any combustible materials such as gasoline or related items shall be placed in fireproof containers or fireproof sheds only.
- i. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.
- j. No garbage or other organic waste and rubbish shall be stored on such premises.
- k. There shall be no "stock piling" of motor vehicles higher than eight (8) feet, nor shall there be any junk piled higher than eight (8) feet.

708 Mobile Home Park (~~R-1 and~~ R-3 District)

1. Purpose: The purpose of this conditional use is to permit mobile home parks in districts where they are authorized in such a way that their development is safe and sanitary and fit for human habitation and that their development is acceptable and compatible with other development in the areas in which they are located.
2. Use Regulations: The use shall be mobile homes. Accessory uses, and special exception uses shall be the same as those permitted in the ~~R-1 Residential Rural Density District~~ and the "R-3" Residential - Medium-Density District and subject to the same limitations.
3. Dimensional Regulations
 - a. Minimum Park Area: A mobile home park shall have an area of at least ten (10) acres.
 - b. Density: The density shall not exceed five (5) mobile homes per gross acre.
 - c. Minimum Park Width: A mobile home park shall have a minimum width of three hundred (300) feet.
 - d. Front, Side, and Rear Yard: The minimum front, side, and rear yards for a mobile home park shall be fifty (50) feet in depth as measured at right angles from the property lines. This space shall be used for no other purpose but landscaping and access roads.

Section 708 (cont'd)

- e. Tract Coverage: Not more than twenty (20) percent of the tract shall be covered with buildings.
 - f. Building Height: The maximum height of any building shall be fifteen (15) feet or (1) story.
4. Supplementary Regulations: (See Article 8.)
5. Development Regulations: A mobile home park shall also be subject to the following development regulations:
- a. Comprehensive Plan: A proposed mobile home park shall be consistent with the Comprehensive Plan of Exeter Township.
 - b. Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average slope of eight [8] percent or less). The land area shall be free of swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one hundred (100) year flood and shall have access to public roads.
 - c. Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the wheels of the mobile home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide, and seventy (70) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio six (6) inches deep underlaid with six (6) inches of compacted 2-B gravel and at least one hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors embedded in concrete and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home.
 - d. Mobile Home Lots: Only one mobile home, including its extensions or additions, may be placed on each mobile home lot which shall have access to a street in the mobile home park. Each lot shall have a minimum area of four thousand (4,000) square feet and a minimum lot width of forty (40) feet. The minimum front, side, and rear yards for any mobile home lot shall be ten (10) feet. No more than thirty (30) percent of any lot shall be covered by structures.
 - e. Recreation Areas: A mobile home park shall be provided with a recreation area for mobile home residents. The recreation area shall be no less than five (5) percent of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.
 - f. Laundromats: At least one (1) laundromat shall be provided for every mobile home park for the exclusive use of residents of that park. At least one (1) washer for every ten (10) mobile homes and one (1) dryer for every fifteen (15) mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all requirements of the Pennsylvania Department of Environmental Resources.

Section 708 (cont'd)

- g. Utilities: All utilities serving mobile home lots shall be placed at least four (4) feet underground. In addition each mobile home in the park shall be served by central water and sewerage.
- h. Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection.
- i. Storage Sheds: Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home. No outside storage shall be permitted by any mobile home park or committed by any occupant, including the storage of anything underneath any mobile home.
- j. Refuse Storage and Collection: Each home shall provide its own garbage and refuse containers in accordance with Township regulations pertaining to garbage and other solid wastes. The owner of the mobile home park shall provide for the weekly collection of garbage and refuse.
- k. Ingress and Egress: Access points to public streets from a mobile home park shall be located no less than two hundred and fifty (250) feet from any public street intersection. Streets within the mobile home park shall be constructed according to Township specifications.
- l. Parking Areas: Parking spaces shall be provided as required by Article 8. All parking areas for mobile home lots shall be paved.
- m. Subdividing: A mobile home park is divided into parcels for leasing and is therefore subject to the regulations of the Subdivision and Land Development Ordinance of Exeter Township.

709

Natural Resource Uses (R-1 District)

1. Purpose: The purpose of this conditional use is to provide for: the excavating, quarrying, mining, processing and sale of topsoil, sand, gravel, clay, shale, limestone, gas or other similar substance; the growing, harvesting, processing, and sale of forest products; collecting, processing, storing, bottling, and sale of water and other natural resources while protecting the environment and adjacent property owners and residents from any nuisances and hazards associated with such operations and providing, where applicable, for the reclamation and reuse of such land.
2. Use Regulations: The uses shall be excavating, quarrying, mining, drilling, processing, and sale of mineral resources; growing, harvesting, processing, and sale of forest products; collecting, processing, storing, bottling, and sale of water resources; and the collecting or otherwise handling of any other natural resources. Accessory uses shall be any use usually associated with these uses.

Section 709 (cont'd)

3. Dimensional Regulations

- a. Minimum Tract Area: No lot or tract shall be less than ten (10) acres.
- b. Minimum Tract Width: No lot or tract shall be less than one hundred (100) feet wide at any point.
- c. Yards: Front, Side and Rear: The minimum front, side and rear yard setbacks shall be one hundred (100) feet in depth as measured from the street line, from the side or rear district lines, from a property line of any adjacent property in the same ownership but different use or in different ownership but the same use. (See also "Buffer Area" requirement below.)
- d. Tract Coverage: No more than ten (10) percent of the tract area shall be covered with buildings, whether principal or accessory.
- e. Building Height: The maximum height of any building shall be forty (40) feet or three (3) stories, whichever is less. Exceptions to this limitation include chimneys, antennae, and other structures which are not buildings.

4. Supplementary Regulations (See Article 8.)

- 5. Performance Standards: All activities and uses allowed as Natural Resource Uses shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire, and other hazards, water quality, soil erosion and sedimentation and any other side effects of the natural resource operation deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), the Pennsylvania Department of Environmental Resources (DER) and the Pennsylvania Department of Labor and Industry (DL&I).

6. Development Regulations: A natural resource operation shall also be subject to the following development regulations.

- a. Buffer Area: No permitted activities shall be conducted within one hundred (100) feet of any district boundary. All buffer areas shall be landscaped with trees and shrubbery, except for roadways crossing these buffer areas, and shall be maintained in good condition with no littering allowed. No parking of vehicles or storage of equipment and supplies shall be allowed in the buffer area.
- b. Fencing: Any natural resource operation involving mining, quarrying, drilling or excavating shall be required to provide a six (6) foot fence completely enclosing that activity on the property. Such a fence shall be so constructed as to have openings no larger than six (6) inches, and, if pickets are used, the openings shall not exceed six (6) inches.
- c. Bonding and Insurance: Verification of bonding and insurance, if required by the Pennsylvania Department of Environmental Resources (DER) or some other agency, shall be supplied to the Township Board of Supervisors upon request.

Section 709 (cont'd)

- d. Subdividing: Any land area divided into parcels or any business, industry or other activity consisting of one (1) or more principal buildings shall also be subject to the regulations of the Subdivision and Land Development Ordinance of Exeter Township.

710 Sanitary Landfill Area (I-1 Industrial-General District)

1. Purpose: The purpose of this conditional use is to provide for the appropriate disposal of solid wastes in accordance with the requirements of the Pennsylvania Department of Environmental Resources.
2. Use Regulations: The use shall be a sanitary landfill and accessory uses needed to conduct such an operation.
3. Dimensional Regulations
 - a. Minimum Tract Area: No lot or tract shall be less than one hundred (100) acres.
 - b. Yards: Front, Side and Rear: The minimum yard setbacks shall be one hundred (100) feet in depth as measured from the street line or from the side or rear district lines or from a property line in different ownership but in the same use. (See also "Buffer Area" requirement below.)
 - c. Tract Coverage: No more than ten (10) percent of the tract area shall be covered with buildings, whether primary or accessory.
 - d. Building Height: The maximum height of any building shall be as required for the district in which the landfill is operated.
4. Supplementary Regulations: (See Article 8.)
5. Performance Standards: All activities of the sanitary landfill operation shall comply with regulations governing odors, fumes, dust, smoke, vibration, noise, rodents, hazards, soil erosion and sedimentation, leachate runoff, and any other side effects of the operation deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), and the Pennsylvania Department of Environmental Resources (DER).
6. Development Regulations
 - a. Buffer Area: No permitted activities shall be conducted within one hundred (100) feet of any district boundary. All buffer areas shall be landscaped with trees and shrubbery, except for roadways crossing these buffer areas, and shall be maintained in good condition with no littering allowed. No parking of vehicles or storage of equipment and supplies shall be allowed in the buffer area.
 - b. Design and Operation: No sanitary landfill shall be allowed until approved as to design by the Pennsylvania Department of Environmental Resources, and no operation will be allowed to continue except in conformance with the operational regulations for landfills of the Pennsylvania Department of Environmental Resources.

Article 8

SUPPLEMENTARY REGULATIONS

- 801 Supplementary Use Regulations
- 802 Supplementary Area Regulations
- 803 Supplementary Yard Regulations
- 804 Supplementary Height Regulations

Article 8

SUPPLEMENTARY REGULATIONS

801

Supplementary Use Regulations

1. Flood Plains (See Flood Plain Ordinance of Exeter Township.)
- 1a. Houses on Permanent Foundations: All dwelling structures, including mobile homes other than those located in mobile home parks, shall be erected on permanent foundations.

2. Non-Conforming Uses and Structures

- a. Continuation of Use: Any lawful use of any dwelling, building, structure or land existing at the effective date of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance, except as otherwise provided.

A "certificate of non-conformance" shall be issued by the Zoning Officer for all structures, lots and uses which do not conform to the provisions of this Ordinance and shall provide the reasons why they are identified as nonconformities. The Zoning Officer shall maintain a map and register showing the registration, identity, and location of non-conforming structures, lots, and uses for which "certificates of non-conformance" have been issued. The Zoning Officer shall also examine such non-conforming uses periodically to determine that they do not expand beyond the limitations prescribed in this Ordinance.

- b. Change of Use: The Zoning Hearing Board may grant a special exception for a change from one non-conforming use to another non-conforming use if it finds that all of the following standards are met: i) no structural alterations are made; ii) the proposed change will be less objectionable in external effects than the previous non-conforming use and will be more consistent physically with its surroundings; iii) no increases in traffic generation or congestion, including both vehicular and pedestrian traffic, will result from the change; iv) no increase in the danger of fire or explosion will result from the change; v) no increase in noise, smoke, dust, fumes, vapor, gases, heat, odor, glare, vibration, or electrical disturbances will result from the change; and vi) no increased threat to health by reason of rodent infestation or otherwise will result from the change.
- c. Extension of Use: The Zoning Hearing Board may grant a special exception for an extension of a non-conforming use if it finds that all of the following standards are met: i) the yard and coverage requirements for the district in which it is located are not violated; ii) all off-street parking and loading requirements applicable to the use are retained; iii) no more than one enlargement of a non-conforming use or structure is made; and iv) the extension is not more than thirty-three percent (33%) of the floor or land area as it existed at the time the structure or use first became non-conforming.
- d. Abandonment of Use: If a non-conforming structure or use is abandoned for a continuous period of one (1) year, it shall not again be used except in conformity with the regulations of the district in which it is located.

Abandonment regulations shall not apply to agricultural uses.

- e. Structures Condemned: A non-conforming structure which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this Ordinance.
- f. Restoration of Structure or Use: A non-conforming building or other structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar

Section 801 (cont'd)

active cause to the extent of more than sixty percent (60%) of its reproduction value at the time of the damage shall not be restored except in conformity with the regulations of the District in which it is located.

When damage is less than sixty percent (60%) of its reproduction value, a non-conforming building or other structure may be repaired or reconstructed and used as before the time of the damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.

For residential structures non-conforming only as to yard spaces in residential districts where most of the residential structures nearby are similarly non-conforming, the structures may be rebuilt similar to the yard spaces of the adjoining lots or of a majority of the lots in the particular area.

The determination of the extent of damage in terms of percent replacement value due to damage or destruction shall be made by averaging three (3) estimates made by two (2) certified appraisers appointed by the Township and one (1) insurance adjuster. The cost of such appraisals shall be borne by the property owner of the affected property.

- g. Nonconforming Use of Open Land: All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of ninety (90) days or damaged to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired or reconstructed.

3. Off-Street Parking, Loading and Unloading

- a. Purpose: Off-street parking, loading and unloading facilities shall be provided to lessen congestion on the streets. The facilities required by these provisions shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- b. Size of Off-Street Parking Space: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet and having dimensions of ten (10) feet in width and eighteen (18) feet in depth, exclusive of access drives or aisles. All such spaces shall be kept in usable shape and condition. Except in the case of dwellings, no parking area shall contain fewer than three (3) spaces. Open parking areas shall be calculated as yard area.
- c. Garages and Carports: A garage or carport may be located wholly or partly inside the walls of the principal building, attached to the outer walls of the principal building, or completely separated from the principal building. If connected to the principal building, it shall be considered part of the principal building in calculating yard requirements. If separated from the principal building, it shall be considered an accessory building. The garage may be constructed under a yard or court, in which case the space above the underground garage shall be deemed to be part of the open space of the lot on which it is located.

Section 801 (cont'd)

- d. Location of Parking Spaces: Required parking spaces shall be located either:
- on the same lot as the use to which they are accessory or
 - on another lot zoned the same, under the same ownership, and within four hundred (400) feet of the boundary of the property of the principal use.

If the spaces are on another lot, such spaces shall be subject to deed restrictions filed with the Office of the Recorder of Deeds of Luzerne County binding the owner of such lot and his heirs or assigns to maintain the required number of spaces throughout the life of such use.

- e. Size of Off-Street Loading Space: Each off-street loading space shall be a minimum of fifty (50) feet in length, twelve (12) feet in width, and have an overhead clearance of at least fourteen (14) feet.

- f. Access to Off-Street Parking and Loading Areas: There shall be adequate ingress and egress to all parking and loading areas. There shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be not less than ten (10) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases. Access to off-street parking areas shall be limited to several well-defined, separate or common access points which shall comply with the following:

- (1) Access drives shall not open upon any public right-of-way within eighty (80) feet of the nearest right-of-way line of any intersecting public street or highway.
- (2) Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit is thirty-five (35) miles per hour or more; however, when the posted speed limit is less than thirty-five (35) miles per hour, the sight distance requirement may be reduced to two hundred fifty (250) feet.
- (3) In no case shall there be unrestricted access along the length of a street or alley.

- g. Parking and Loading Area Landscaping

- (1) Purposes: The purposes for providing such landscaping are: to protect the public safety, to allow precipitation to return to the underground aquifers, to provide for natural drainage and, hence, for flood protection, to reduce the level of carbon dioxide and to return oxygen to the air, to provide shade and reduce the blighting effects of parking lots, to preserve property values of adjacent properties, and to improve the appearance of the community.
- (2) Planting Strips Along Abutting Property Lines: Off-street parking areas for more than five (5) vehicles and all off-street loading areas shall be effectively screened by a planting strip at least five (5) feet in depth along all abutting property lines. The planting strip shall consist of a solid wall, a substantial, attractive, tight fence, or evergreen hedges a minimum of five (5) feet in height, and other shrubbery, vines, flowers, grass, and other foliage. The evergreens shall be of such height at

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the time of planting that they will attain a height of five (5) feet within five (5) years.

- (3) Planting Strips Along Abutting Rights-of-Way: A planting strip at least ten (10) feet in depth shall be located between the parking lot and abutting right-of-way except for accessways. Such a strip shall contain one (1) shade tree for every forty (40) linear feet of the strip, and no tree shall be less than eight (8) feet in height at the time of planting. The planting strip shall also contain shrubbery, vines, flowers, grass and other foliage.
 - (4) Landscaping of Interior of Parking Areas: The interior area of a parking lot, in addition to all border planting strips, shall contain planting areas dispersed throughout with not less than five percent (5%) of such interior area in landscaping. Such planting areas shall contain shade trees, with no tree less than eight (8) feet in height at the time of planting, shrubbery, vines, flowers, grass, and other foliage. No interior area of a parking lot shall be without at least one shade tree.
 - (5) Maintenance of Landscaped Areas: All screening and landscaping areas shall be maintained in good condition, free from paper and rubbish, and free from all advertising signs. All trees, shrubbery, and other landscaping materials shall be maintained in a healthy and growing condition, with dead materials replaced as necessary.
 - (6) Non-Conforming Parking and Loading Areas: Any parking lot or loading area which qualifies as a non-conforming use upon the enactment of this provision shall comply with the requirements for screening and landscaping upon any enlargement, extension, reconstruction or structural alteration.
- h. Surfacing of Parking and Loading Areas: Surfacing shall consist of any asphaltic or Portland cement binder pavement graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking. Improved gravel surfaces may also be used for parking areas.
 - i. Lighting of Parking and Loading Areas: Any lighting used to illuminate off-street parking and loading areas shall be arranged so as to reflect the light away from adjoining premises and public rights-of-way.
 - j. Parking Facilities Required: Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial or industrial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

Residential Parking

- (1) Single-family, two-family, and mobile homes shall be provided with two (2) parking spaces for each family unit. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

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- (2) Townhouses, garden apartments, and low-rise apartment structures shall be provided with a minimum of two (2) parking spaces per dwelling unit.
- (3) Residential conversion units shall be provided with a minimum of two (2) parking spaces per dwelling unit. The required parking shall not be located between the street right-of-way line and the front building line.
- (4) Apartments located over or in combination with commercial uses shall be provided with at least the minimum number of parking spaces allowed for each use.
- (5) Boarding or lodging houses, motels, and tourist houses shall be provided with at least one (1) parking space for each guest room and two (2) for the resident manager. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

Parking for Public and Semi-Public Uses

- (1) Places of religious worship, cemetery chapels, school auditoriums, other public auditoriums, stadiums, assembly or meeting rooms, or other similar places of public or private assembly shall be provided with one (1) parking space for every three (3) seats provided for assembly.
- (2) Schools shall be provided with one (1) parking space for each fifteen (15) classroom seats. Where a school also has an auditorium or stadium, the total number of parking spaces required shall be provided according to the highest requirements.
- (3) Nursing and convalescent homes shall be provided with one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.
- (4) Clinic and medical, osteopathic, chiropractic, or dental offices shall be provided with five (5) patient spaces per doctor and one (1) space for each staff member.
- (5) Civic centers, municipal administration buildings, libraries, and similar places shall be provided with one (1) space for every one hundred (100) square feet of floor area in public use.
- (6) Parks and playgrounds, which include outdoor swimming pools, baseball fields, tennis courts and similar facilities shall be provided with parking spaces relative to spectator seating accommodations for stadiums, as described above, or, where no spectator seating accommodations are provided, with one (1) parking space per swimming lane and two (2) parking spaces per playing court.

Commercial Parking

- (1) Retail stores or shops shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes.

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- (2) Supermarkets, grocery stores, and dairy stores shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes.
- (3) Restaurants, cafes, tearooms, fraternal clubs, social clubs, and other places serving food and beverages shall be provided with one (1) parking space for every two and one-half (2 1/2) seats for patron use.
- (4) Drive-in and fast-food restaurants shall be provided with one (1) space for every ten (10) square feet of floor area.
- (5) Bowling alleys shall be provided with five (5) parking spaces for each pair of lanes.
- (6) Driving ranges and miniature golf ranges shall be provided with one (1) parking space for each tee.
- (7) Golf courses shall be provided with six (6) spaces per hole.
- (8) Other open space areas used for commercial purposes shall be provided with one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof.
- (9) Office buildings shall be provided with one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.
- (10) Model homes and apartments shall be provided with a minimum of five (5) parking spaces for patron use.
- (11) Banks and professional offices and banks shall be provided with one (1) space for each two hundred (200) square feet of floor area or fraction thereof.
- (12) Mortuaries, crematories, and undertaking establishments shall be provided with fifteen (15) parking spaces for each viewing parlor plus one (1) space for each employee.
- (13) Dance halls, roller skating rinks, indoor ice skating rinks, and other indoor recreation facilities shall be provided with one (1) parking space for every two hundred (200) square feet of floor area or fraction thereof.
- (14) Animal hospitals shall be provided with five (5) client/patron spaces per veterinarian and one (1) space for each employee.
- (15) Animal kennels shall be provided with one (1) parking space for every three (3) kennel runs and one (1) space for every employee.
- (16) Motels shall be provided with one (1) parking space for each unit for overnight accommodations and one (1) space for each employee on the largest shift plus all spaces required for restaurants or other uses associated with the motel.

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- (17) Barber and beauty shops shall be provided with two (2) parking spaces per shop plus one and one-half (1 1/2) per chair.
- (18) Home occupations shall be provided with two (2) parking spaces for each housing unit therein, one (1) space for a non-resident employee, and one (1) space for patron.
- (19) Vehicular sales and body repair and service garages shall be provided with one (1) exterior parking space for each two hundred (200) square feet of floor area, plus one (1) for each employee on the maximum shift.
- (20) Gasoline service stations and car washes shall be provided with one (1) parking space for each employee on the maximum shift.
- (21) Other commercial buildings shall be provided with one (1) parking space for every three hundred (300) square feet of floor area or fraction thereof.

Industrial Parking

- (1) Industrial, wholesale and warehouse establishments, truck terminals, manufacturing plants, and research or testing laboratories, etc., shall be provided with one (1) parking space for each two (2) employees on the maximum shift, plus one parking space for each one thousand (1,000) square feet of floor area. Space shall be provided for visitors and sales representatives in addition to the above parking requirements according to specific needs.

k. Parking Prohibitions

- (1) Parking shall not be permitted on the public rights-of-way except in areas designated or metered for on-street parking.

l. Loading Facilities Required

Any structure used for public and semi-public uses and for commercial and industrial uses shall be provided with loading and unloading space for the transfer of goods and products and with commercial vehicle storage space adequate for their needs. In no case shall public rights-of-way be used for these purposes, and such loading areas shall be in addition to required off-street parking areas for employees and patrons.

4. Principal Buildings and Uses: In any district in which dwellings are a principal permitted use, no lot used for a residential purpose shall contain more than one principal building or use.

5. Signsa. Erection and Maintenance of Signs

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

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the regulations for the district in which they are located and the regulations generally pertaining to signs.

b. General Regulations

- (1) Signs must be constructed of durable material, maintained in good condition, and not be allowed to become dilapidated.
- (2) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
- (3) No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Board of Supervisors for a special purpose.
- (4) No sign shall project over a public sidewalk area more than eighteen (18) inches.
- (5) Overhead signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottom-most part of the sign.
- (6) No sign shall exceed the height of the primary structure on the property on which it is located.
- (7) No permit shall be required for the erection, alteration, or maintenance of any signs permitted in Residential Districts, except for temporary signs as provided for below. (See No. 15.)
- (8) A permit shall be required for the erection or alteration of billboards or outdoor advertising signs and commercial and industrial identification signs and temporary signs in commercial and industrial districts. (See also No. 15.)
- (9) Advertising painted upon, or displayed upon, a barn or other building, structure, wall or rock surface shall be regarded as a billboard or outdoor advertising sign, and the regulations pertaining thereto shall apply unless the sign applies to services or products sold on the premises.
- (10) Each sign shall be removed when the circumstances leading to its erection no longer apply.
- (11) In all districts, only those residential signs and commercial and industrial identification signs referring directly to services provided or materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.
- (12) No animated, sequential, flashing, or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.

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- (13) Signs for which illumination is permitted shall have the light confined to the surface of the sign and directed so as to avoid glare or reflection which could endanger highway or street traffic and which could create a nuisance for adjacent residences. No sign shall be illuminated between the hours of 10 p.m. and 7 a.m. the following morning unless the business or use so advertised is open to the public later than 10 p.m., in which case any such establishment may keep said sign illuminated until said business is closed to the public. No flashing or oscillating light shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
- (14) Signs which emit excessive or objectionable noise created by electric current or air movement shall not be permitted.
- (15) A temporary sign made of paper, cardboard or similar material and intended to attract public attention shall not be attached to any lamp post, utility pole, shade tree, or public structure or building except as authorized by permit from the Zoning Officer. Such signs shall include political posters, notices of household sales, and notices of bazaars, picnics, and other such functions conducted by charitable and non-profit groups. When such signs are permitted, they shall not be posted sooner than forty-five (45) days before the date of the event advertised and they shall not remain posted for more than thirty (30) days after the date of the event advertised. A permit fee of thirty dollars (\$30) shall be required, which fee shall be returned if and when the signs are taken down in the time period allowed.
- (16) Sign surfaces shall include the entire face or faces and, if composed of individual letters, figures, or designs, the space between and around such letters, figures, or designs, but should not include the supports.

c. Signs in Residential Districts

The following types of signs and no others shall be permitted in the Residential Districts.

- (1) Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: i) the size of any such sign is not in excess of six (6) square feet; and ii) not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage. The signs shall be set back at least ten (10) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the sale or rental of the property.
- (2) Signs indicating the location and direction of land available for or in the process of development and of model homes available for inspection, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent, may be erected and maintained, provided: i) the size of any such sign shall not be in excess of six (6) square feet, and not in excess of four (4) feet in length; and ii) not more than one (1) such sign is erected on each five hundred

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- (500) feet of street frontage. The signs shall be set back at least ten (10) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the last lot or home is sold.
- (3) Signs advertising the sale of lots in a subdivision in which the sign is to be located may be erected and maintained, provided: i) the size of the sign is not in excess of sixty (60) square feet in area; and ii) not more than one (1) such sign is erected in any subdivision. The signs shall be set back at least thirty-five (35) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the last lot is sold.
 - (4) Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in subsection (1) above are complied with.
 - (5) Signs of contractors, mechanics, painters, and artisans, may be erected and maintained on the premises where the work is being performed during the period in which such work is being performed, provided: i) the size thereof is not in excess of twelve (12) square feet; and ii) not more than one (1) such sign shall be allowed on any property. Such a sign shall be removed upon completion of the work.
 - (6) Trespassing signs and signs indicating private ownership of a driveway or property may be erected on the premises to which they refer, provided: i) that the size of any sign shall not exceed two (2) square feet; and ii) signs shall be spaced at intervals of not less than fifty (50) feet of street frontage.
 - (7) Signs of schools, places of religious worship, clinics, day-care centers, or other institutions of a similar nature may be erected and maintained provided: (i) the size of any such sign shall not be in excess of forty (40) square feet; and ii) not more than one (1) sign is placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event one (1) such sign may be erected on each frontage. Such sign shall be set back at least ten (10) feet from any public right-of-way line.
 - (8) Signs indicating professional offices or home occupations of the occupants of dwellings shall not exceed two (2) square feet, may include the name, occupation, and logo-type and trade mark and shall be limited to one (1) sign per dwelling. This paragraph may be modified by the Board of Supervisors after a review of the conditional use request has been received from the Planning Commission. The signs shall be set back at least ten (10) feet from the public right-of-way line.
 - (9) Signs advertising the sale of products from a farm, dairy, or nursery, etc., and noting the sale of articles grown, produced, or tended on the premises shall be permitted, provided: i) the size of any such sign is not in excess of six (6) square feet; ii) not more than two (2) signs are used; and iii) the signs shall be displayed only when such products are on sale. The signs shall be set back at least ten (10) feet from any public right-of-way line.
 - (10) Official traffic and street name signs may be erected only by, or with the written approval of, the Township Supervisors.

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- (11) Signs necessary for the identification, operation or protection of public utility facilities and municipal uses shall be permitted provided: i) the size of the sign is not in excess of eight (8) square feet; and ii) the sign is located on the same premises as the use to which it refers. The signs shall be set back at least ten (10) feet from any public right-of-way line.
- (12) Signs indicating the name of the owner or number of the premises, or the name of the premises itself, shall be permitted provided: i) such sign shall not exceed two (2) square feet; and ii) not more than one (1) such sign shall be erected on any premises; and iii) such sign shall be set back at least ten (10) feet from any public right-of-way line.
- (13) Temporary signs as provided for in (b) (15) above, shall be permitted.

d. Signs in Commercial and Industrial Districts

The following types of signs shall be permitted in Commercial and Industrial Districts.

- (1) Any sign permitted in any Residential District is also permitted in Commercial and Industrial Districts.
- (2) Signs in connection with the commercial or industrial activity located on the same premises may be erected and maintained, provided: i) such sign shall not exceed sixty (60) square feet in area; and ii) not more than one (1) such sign shall be erected on any one street frontage of the lot on which the activity is located. The sign shall be set back at least ten (10) feet from any public right-of-way line.
- (3) In Community Shopping Centers, in addition to signs permitted for individual establishments, one (1) sign shall be permitted in each such center indicating the name of the shopping center and establishments located therein. Such sign shall not exceed one hundred fifty (150) square feet and shall not be located within one hundred (100) feet of any existing principal building on an adjoining residential premises. The sign shall be set back at least ten (10) feet from any public right-of-way line.
- (4) Signs within display windows shall not be considered a part of the permitted sign area unless such signs are self-illuminating, in which case the area shall be considered part of the permitted sign area.
- (5) Temporary signs as provided for in b (15) above, shall be permitted.

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Supplementary Area Regulations

1. Lots of Record: In any district in which single-family residences are permitted, a single-family house and customary accessory buildings and uses may be erected on any lot of record in existence at the effective date of this Zoning Ordinance even though the lot area and width are less than the minimum requirements set forth herein. However, the front, side, and rear yards shall conform as nearly as possible to the requirements of the district in which the lot is located, as determined by the Zoning Hearing Board in granting a variance. Where two or more adjacent lots with less than the required area and width are

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held by one owner, the request for a zoning permit shall be referred to the Zoning Hearing Board in granting a variance. Where two or more adjacent lots with less than the required area and width are held by one owner, the request for a zoning permit shall be referred to the Zoning Hearing Board, which may require the owner of said lots to resubdivide or realign the existing lots or lot lines of said non-conforming lots in such a manner so as to create a lot or lots that conform, or conform as nearly as possible (where total conformance is impossible) with the minimum applicable requirements for lot dimensions and area as set forth in this Ordinance; provided, however, that the Zoning Hearing Board shall not require any such action on the part of the owner until the Board has reviewed and considered the advisability and feasibility of compelling such action by the owner.

2. Reduced Lot Area: No lot shall be so reduced in area so that any yard requirements will be smaller than that prescribed in the regulations for the district in which the lot is located.
3. Visibility at Intersections: On any corner lot in any district no fence, wall, hedge, or other structure or planting more than thirty (30) inches in height as measured from the road surface shall be erected or placed within twenty (20) feet of the "corner" of the lot so as to interfere with traffic visibility across the corner.
4. Floor Area of Residential Building: All dwelling units hereafter created shall have the following minimum floor area:

| | |
|----------------------------|---|
| efficiency unit | 500 square feet |
| one-bedroom unit | 655 square feet |
| two-bedroom unit | 900 square feet |
| three-bedroom unit | 1,125 square feet |
| four-bedroom unit | 1,330 square feet |
| five- or more-bedroom unit | 1,330 sq. ft. plus 200 sq. ft. for every additional bedroom |

803 Supplementary Yard Regulations

1. Front Yards and "Through" Lots: In any district a lot which runs through a block from street to street shall have the required front yard for the district in which it is located for the frontage on both streets.
2. Patios and Terraces: A paved terrace or patio shall not be considered in the determination of yard sizes or lot coverage if such patio or terrace is unroofed and without walls, parapets, or other form of enclosure. Such patio or terrace may have a fence or railing a maximum of three (3) feet in height.
3. Walls and Fences: A wall or fence a maximum of six (6) feet in height--or higher if a retaining wall--may be erected within the limits of any yard not extending beyond the front setback line. Within the front yard a wall or fence a maximum of thirty-six (36) inches in height shall be permitted, except as provided in Section 802.3 "Visibility at Intersections". A fence intended to mark a boundary shall be located either on the boundary line or within six (6) inches thereof.

Section 803 (cont'd)

4. Private Swimming Pools: Private swimming pools in districts where permitted shall comply with the following conditions and requirements: i) the pool is intended, and is to be used, solely for the enjoyment of the occupants and their guests of the principal use of the property on which it is located; ii) it may be located only in the rear or side yard of the property on which it is an accessory use; iii) the pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than twenty (20) feet to any property lines of the property on which it is located; iv) for in-ground pools, the pool area or entire property on which it is located shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four (4) feet in height, and it shall be maintained in good condition; v) for above-ground pools, the pool shall be fenced as in iv) above or it shall contain a fence and locked gate around its deck or a retractable ladder when the pool is not in use. Existing pools shall conform to these requirements within sixty (60) days from the effective date of this Ordinance.
5. Projecting Architectural Features: Chimneys, leaders, cornices, eaves, gutters, and bay windows and similar architectural features may extend not more than two (2) feet into any required yard.
6. Fire Escapes: Open fire escapes may not extend into any required yard more than four and one-half (4 1/2) feet.
7. Porches: Any open porch or deck of more than four and one-half (4 1/2) feet in depth shall be considered a part of the building in the determination of the size of yards or lot coverage.
8. Attached Accessory Structures: Accessory structures, such as garages or carports, which are attached to the principal building shall be considered a part of the building in the determination of the size of the yards or lot coverage.
9. Unattached Accessory Structures: Unattached accessory structures on residential lots in any district may be erected within the rear or side yards provided that the maximum height of such structure be limited to one and one-half (1 1/2) stories or fifteen (15) feet, and that the minimum distance of such structure from the rear and side property lines shall be as required for the district in which such structure is located.

804 Supplementary Height Regulations

1. Height Exceptions: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, fire towers, bulk heads, and similar features; nor to any accessory mechanical appurtenances usually carried above the roof level.
2. Ornamental Features: The provisions of this Ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

Article 9

ADMINISTRATION AND ENFORCEMENT

- 901 The Zoning Officer
- 902 Permits
- 903 Certificate of Zoning Compliance
- 904 Enforcement, Causes of Action and Remedy
- 905 Payment of Fees

Article 9

ADMINISTRATION AND ENFORCEMENT

901 The Zoning Officer

1. The Zoning Officer: The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by the Board of Supervisors who shall be known as the Zoning Officer. The Zoning Officer shall not hold any elective office in the Township.

The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township Board of Supervisors a working knowledge of municipal zoning. At a minimum he shall possess a certificate of completion from the Pennsylvania Department of Community Affairs or other agencies for attending a workshop for zoning officers within six months of appointment as Zoning Officer. Beyond that, the Zoning Officer shall be required to attend one such workshop per year during the time he is Zoning Officer.

2. Compensation: The compensation for the Zoning Officer shall be determined by the Board of Supervisors.
3. Duties and Responsibilities: The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land unless it first conforms to the literal requirements of this Zoning Ordinance, all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

He shall:

- a. Receive and check all applications for zoning permits and certificates of zoning compliance and make notations as to special conditions attached thereto.
- b. Issue zoning permits and certificates of zoning compliance only for construction and uses which are in accordance with the regulations of the Zoning Ordinance and subsequent amendments; or through the Board of Supervisors for conditional uses; or through the Zoning Hearing Board; or through Court approval. Zoning permits and certificates of zoning compliance shall not be issued where the request concerns a lot, parcel or tract in a subdivision required to be approved under applicable Subdivision and Land Development regulations, which subdivision or development has not had the required approval.
- c. Record and file all applications for zoning permits and certificates of zoning compliance together with accompanying plans and documents. All records shall be open to public inspection.
- d. Be responsible for maintaining the Zoning Map showing the current zoning classifications of all land and the Zoning Text including all amendments thereto.
- e. Maintain a register showing the registration, identity, and location of non-conforming uses, structures, and lots together with the reasons why they have been identified as non-conformities, and issue certificates of non-conformance for all such non-

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- conformities. The Zoning Officer shall also examine such non-conforming uses, structures, and lots periodically to determine whether their status has changed.
- f. Participate in all proceedings before the Zoning Hearing Board and the Planning Commission at their request and furnish such facts, records, and similar information which will assist such bodies in reaching their decisions.
 - g. When the Zoning Hearing Board, or the Board of Supervisors in the case of a conditional use, schedules a public hearing on any application over which it has jurisdiction, the Zoning Officer shall conspicuously post a notice of said hearing on the affected property.
 - h. When a proposed amendment to the zoning map is to be considered by the Board of Supervisors, the Zoning Officer shall conspicuously post notice of said public hearing along the perimeter of the tract not more than 100 feet apart and at least one (1) week prior to the date of the hearing to notify potentially interested citizens.
 - i. Issue an enforcement notice in writing to the owner of record of the parcel on which the violation of the Ordinance has occurred, to any person who has filed written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. Such written notification may be served personally or by certified mail and shall contain all information required by this Article.
 - j. Institute legal proceedings before the District Justice for the enforcement of the provisions of this Ordinance.
 - k. Submit a monthly report to the Board of Supervisors of all permits and certificates of zoning compliance issued and violations and stop work orders recommended or promulgated.

902 Permits

1. Requirements: It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. No permit shall be required for the repair, maintenance, or interior remodeling of any building, structure, or grounds provided such repairs, maintenance, or remodeling do not change the use or otherwise violate the provisions of this Ordinance.
2. Form of Application: The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application shall be made by the Owner or Lessee of any land, building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.

Section 902 (cont'd)

3. Description of Work: The application shall contain a general description of the proposed work, use, and occupancy of all parts of the building, structure, land, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, use or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
4. Issuance of Zoning Permit: Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practical.
5. Notice of Starting Work: The Zoning Officer shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at the site, which will have a zoning permit properly posted.
6. Expiration of Permit: The permit shall expire after one (1) year from the date of issuance unless work at the site has commenced within such period, but in any case, all work must be completed within two (2) years. If the work for which the permit has been granted has not been started within one (1) year from the granting of such permit or if the work has not been completed within two (2) years, the Zoning Officer shall cancel the permit and shall give written notice thereof to the applicant stating that further work shall not proceed unless and until a new zoning permit has been obtained.
7. Completion of Work: Upon completion of the construction, erection, or alteration of any building, structure or portion thereof authorized by any zoning permit obtained in compliance with this Ordinance, and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a certificate of zoning compliance as provided below.
8. Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
9. Posting of Permit: A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.

903

Certificate of Zoning Compliance

1. Requirements: It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of

Section 903 (cont'd)

zoning compliance for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer.

2. **Time of Application:** When the use of premises involves a new building or structure or additions to an existing building or structure, the application for zoning compliance shall be made at the same time application is made for a zoning permit. When no construction or alteration is involved, application to occupy and use land may be made at any time.
3. **Form of Application:** The application for a certificate of zoning compliance shall be in such form as the Zoning Officer may prescribe. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
4. **Issuance of Certificate of Zoning Compliance:** The Zoning Officer shall inspect any structure, building, sign and/or use of land within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of zoning compliance for the intended use listed in the original application. The certificate of zoning compliance or a true copy thereof shall be kept available for official inspection at all times.

904 **Enforcement, Causes of Action, and Remedy**

1. **Enforcement:** The construction, erection, replacement, alteration, repair, extension, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit; or the use of any building, structure, sign, and/or land without receipt of a certificate of zoning compliance; or the failure to comply with any other provisions of this Ordinance are hereby declared to be violations of this Zoning Ordinance.
2. **Enforcement Notice**
 - a. If it appears to the Township that a violation of the zoning has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - b. 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 written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - c. 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.

Section 904 (cont'd)

- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) 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 in the Zoning Ordinance, Article 10, Section 1004.
 - (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.
3. Cause 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 the Zoning Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structures, 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 Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township.

No such action may be maintained until such notice has been given.

4. Jurisdiction: District Justices shall have initial jurisdiction over proceedings brought under subsection (5) below.
5. Enforcement Remedies

- a. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable 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 payable until the date of the determination of a violation by the District Justice.

If the defendant neither pays nor timely appeals the judgement, 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 Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the

Section 904 (cont'd)

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 Justice 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.

- b. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.
- c. Nothing in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

905 Payment of Fees

1. Permit Fees: No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign, and/or land for construction or use purposes shall be issued until the fees prescribed below shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance, or any other Ordinance or law.

(a) Zoning Permits

| | |
|---|---------|
| (1) New Residential Buildings and Uses | \$10.00 |
| (2) New Agricultural, Commercial, Industrial, and Other Buildings and Uses | \$10.00 |
| (3) Residential Additions, Structural Changes and Building Size and Accessory Uses | \$5.00 |
| (4) Agricultural, Commercial, Industrial, and Other Additions Structural Changes and Accessory Uses | \$5.00 |

(b) Certificates of Zoning Compliance

| | |
|--|---------|
| (1) Residential | \$10.00 |
| (2) Agricultural, Commercial, Industrial and Other | \$10.00 |

(c) Signs

| | |
|--|--------------------|
| (1) All Signs Except Temporary and Residential | \$5.00 |
| (2) Temporary Signs | \$30.00 refundable |

Section 905 (cont'd)

- | | |
|--|----------|
| (d) Application for Appeal to Zoning Hearing Board | \$125.00 |
| (e) Application for Appeal to Board of Supervisors for Conditional Use | \$125.00 |
| (f) Application for Amendment to Zoning Text or Map | \$125.00 |
| (g) Application for Landowner Curative Amendment | \$500.00 |

Article 10

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

- 1001 Zoning Hearing Board Membership, Organization, Operation
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Article 10

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

1001 Zoning Hearing Board Membership, Organization, Operation

1. Creation and Membership: There is hereby created, to be appointed by resolution of Township Board of Supervisors, a Zoning Hearing Board, ("Board"), consisting of three (3) residents. The terms of office shall be three (3) years and shall be so fixed that the term of office of one member of the three member Board shall expire each year. The Board shall promptly notify the Township Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
2. Alternate Members: The Township Board of Supervisors shall appoint three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of paragraph (4), below, an alternate shall be entitled to participate in all proceedings and discussions of the 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 Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to paragraph (5), below, unless designated as a voting alternate member pursuant to paragraph (4), below.
3. Removal of Members: Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Township Board of Supervisors which appointed the member, taken after the member, has received fifteen (15) days' advance notice of the charges and 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.
4. Organization of Board
 - a. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided for in Section 1002.
 - b. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving 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.
 - c. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinance of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report to the Township Board of Supervisors as requested by the them.

Section 1001 (cont'd)

5. Expenditures for Services: Within the limits of funds appropriated by the Township Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

Alternate members of the Board may receive compensation, as may be fixed by the Township Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to paragraph (4), but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Zoning Hearing Board.

6. Meetings: Meetings shall be held at the call of the Board Chairman and at such other times as appeals are brought before the Board.

1002 Hearings: The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Notice of Hearings: Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons whether owners or tenants of property located within two hundred (200) feet of the property of the applicant at issue, and to any person who has made timely request for the same.
 - a. Public Notice: Public notice of a hearing before the Zoning Hearing Board shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. 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.
 - b. Written Notice: Written notice of a hearing before the Zoning Hearing Board shall be given by direct individual notice mailed, handed or delivered at least seven (7) days prior to the date of the hearing.
 - c. Posting of Property: In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land by the Zoning Officer at least one (1) week prior to the hearing.
2. Hearing Fees: Hearing fees, as prescribed in Section 905, 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 shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultant or expert witness costs.
3. Hearing Schedule: The hearing shall be held within sixty (60) days from the date the applicant's request for a hearing was accepted by the Zoning Officer, unless the applicant has agreed in writing to an extension of time.
4. Hearing Officer: The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the

Section 1002 (cont'd)

findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, 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.

5. Parties to the Hearing: 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, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the 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.
6. Oaths and Subpoenas: The chairman or acting chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.
7. Representation by Counsel: 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.
8. Rules of Evidence: Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
9. Stenographic Record: The 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 Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
10. Conduct of Board or Hearing Officer: The 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 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.
11. Written Decision or Findings: The 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 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 therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended) 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 decisions or findings are final, the Board shall make his report and recommendations

Section 1002 (cont'd)

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 the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the decision of the hearing officer.

Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall have been deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the 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 paragraph (1) of this Section. If the 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.

12. Copy of Final Decision or Findings: 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 Board not later than the last day of the meeting, 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.

1003 Mediation Option

1. Parties to Proceedings: Parties to proceedings authorized in this Article and Article 11 Appeals to Court may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediation party.
2. Supplemental Role of Mediation: Mediation shall supplement, not replace, those procedures in this Article and Article 11 Appeals to Court once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
3. Rules for Mediation: 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.

Section 1003 (cont'd)

- c. Completing mediation, including time limits for such completion.
 - d. Suspending time limits otherwise authorized in the Pennsylvania Municipalities Planning Code (Act 247 as amended), provided there is written consent 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 other sections of this Ordinance.
4. Admissibility as Evidence: No offers or statements in the mediating sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

1004 Jurisdiction:

1. Jurisdiction of Zoning Hearing Board: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a. Substantive Challenges to Validity of Land Use Ordinances: Substantive challenges to the validity of any land use ordinance, except those brought before the Township Board of Supervisors pursuant to Section 1206, Procedures for Landowner Curative Amendments, and Subsection 1012.1 (b).
 - b. Challenges to Validity of Land Use Ordinances on Procedures: Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
 - c. Appeals from the Zoning Officer: 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 therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.
 - d. Appeals from Determinations on Flood Plain Matters: Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - e. Applications for Variances: Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to Section 1006, below.

Section 1004 (cont'd)

- f. Applications for Special Exception Uses: Applications for Special Exception Uses under the Zoning Ordinance or Flood Plain or Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to Section 1007, below.
 - g. Appeals from Determinations on Provisions Involving Transfers of Development Rights or Performance Density: Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions in the Zoning Ordinance presently or by future amendment.
 - h. Appeals from Zoning Officer on Procedure to Obtain Preliminary Opinion: Appeals from the Zoning Officer's determination under Section 1013, Procedure to Obtain Preliminary Opinion.
 - i. Appeals from Determinations on Sedimentation and Erosion Control and Storm Water Management Matters: Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development and Planned Residential Development applications. (See also Subsection 1004.2 [f], below.)
2. Jurisdiction of the Township Board of Supervisors: The Township Board of Supervisors or, except as to clauses (b), (c), and (f), the Planning Commission, if designated, shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
- a. Applications for Planned Residential Developments: All applications for approvals of Planned Residential Developments under the Pennsylvania Municipalities Planning Code (Act 247 as amended) Article VII pursuant to the provisions of Section 702 thereunder, or under comparable provisions of this Zoning Ordinance.
 - b. Applications for Subdivision and Land Development: All applications pursuant to approval procedures under the Subdivision and Land Development Ordinance. Any provision in the Subdivision and Land Development Ordinance requiring that final action concerning subdivision and land development applications be taken by the Planning Commission rather than the Township Board of Supervisors shall vest exclusive jurisdiction in the Planning Commission in lieu of the Township Board of Supervisors for the purposes of the provisions of this paragraph.
 - c. Applications for Conditional Uses: Applications for Conditional Uses as provided for in this Zoning Ordinance and pursuant to the Pennsylvania Municipalities Planning Code (Act 247 as amended), Section 603 (c) (2).
 - d. Applications for Curative Amendment: Applications for Curative Amendment to the Zoning Ordinance pursuant to Section 1206, Procedures for Landowner Curative Amendments and Subsection 1012.1 (b).
 - e. Petitions for Amendments to Land Use Ordinances: All petitions for amendments to land use ordinances, pursuant to procedures set forth in Section 1204, Procedures of the Board of Supervisors. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or

Section 1004 (cont'd)

diminish existing law with reference to appeals to court.

- f. Appeals from Determinations on Sedimentation and Erosion Control and Storm Water Management Matters: Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under the Subdivision and Land Development Ordinance and Planned Residential Development provisions of the Zoning Ordinance.

Where such determination relates only to development not involving a Subdivision and Land Development or Planned Residential Development application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to Subsection 1004.1 (i), above.

Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this paragraph shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

- g. Applications for Special Encroachment Permit: Applications for a Special Encroachment Permit pursuant to the Pennsylvania Municipalities Planning Code (Act 247 as amended), Article IV, Official Map, Section 405 and applications for a permit pursuant to Section 406, provided the Township has adopted an Official Map.

1005 Applicability of Judicial Remedies: Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relation to action in mandamus).

1006 Zoning Hearing Board's Functions: Variances:

1. Hear Requests for and Grant Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer.

The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- a. That there were 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 the Zoning Ordinance in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Section 1006 (cont'd)

- 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 neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Zoning Ordinance.
2. Attach Reasonable Conditions and Safeguards: In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Zoning Ordinance.
- 1007 Zoning Hearing Board's Functions: Special Exception Uses: Where the Township Board of Supervisors, in the Zoning Ordinance, has stated Special Exception Uses to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such Special Exception Uses in accordance with such standards and criteria.
- 1. Attach Reasonable Conditions and Safeguards: In granting a Special Exception Use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Zoning Ordinance.
- 1008 Governing Body's Functions: Conditional Uses: Where the Township Board of Supervisors, in the Zoning Ordinance, has stated Conditional Uses to be granted or denied by the Township Board of Supervisors pursuant to express standards and criteria, the Township Board of Supervisors shall hold hearings on and decide requests for such Conditional Uses in accordance with such standards and criteria.
- 1. Attach Reasonable Conditions and Safeguards: In granting a Conditional Use, the Township Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Zoning Ordinance.
- 1009 Parties Appellant Before the Board: Appeals under the jurisdiction of the Zoning Hearing Board by Subsection 1004.1 (a), (b), (c), (d), (g), (h), and (i) may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 1006 and for Special Exception Uses under Section 1007 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

1010 Time Limitations1. Time Limitations for Filing by Person Other than Landowner

- a. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body 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, 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.
- b. The failure of anyone, other than the landowner, to appeal from an adverse decision on a tentative plan pursuant to Zoning Ordinance provisions for Planned Residential Development "findings" or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 1013, Procedure to Obtain Preliminary Opinion, shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. Time Limitations for Filing by Landowners: All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.1011 Stay of Proceedings1. Conditions for Stay of Proceedings During Appeal

- a. Exceptions to Stay of Land Development Proceedings: Upon filing of any proceeding referred to in Section 1009 and during its pendency before the Board, all land development pursuant to the 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 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 Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body.
- b. Developer's Petition for Appellant to Post Bond: 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 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 Board.

2. Hearing to Determine if Filing of Appeal is Frivolous: 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

Section 1011 (cont'd)

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.

3. Petition for Granting Bond if Petition is Frivolous: 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 directing the responding party to post a bond shall be interlocutory.
4. Appeal by Respondent to Petition for Granting Bond: 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.

1012 Validity of Ordinance: Substantive Questions

1. Submission of Challenge by Landowner: A landowner, who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - a. To the Zoning Hearing Board under Subsection 1004.1 Jurisdiction of Zoning Hearing Board; or
 - b. To the Township Board of Supervisors under Subsection 1004.2 Jurisdiction of the Township Board of Supervisors, Applications for Curative Amendment, together with a request for a curative amendment under Section 1206 Procedures for Landowner Curative Amendments.
2. Submission of Challenge by Persons Aggrieved: Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provisions thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under 1004.1 (a.) Jurisdiction of Zoning Hearing Board, Substantive Challenges to Validity of Land Use Ordinances.
3. Rules Governing Submission of Challenges: The submission referred to in paragraphs (1) and (2), above, shall be governed by the following:
 - a. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reason for the challenge.

Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under Section 1206 Procedures for Landowner Curative Amendments, his application to the Township Board of Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map.

Section 1012 (cont'd)

Such plans or other materials shall not be required to meet the standards required for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof.

Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

- b. If the submission is made by the landowner to the Township Board of Supervisors under paragraph (1) (b), above, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
- c. If the submission is made to the Township Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in Subsection 1004.2 (d) Jurisdiction of the Township Board of Supervisors, Applications for Curative Amendment.
- d. The Township Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present the witnesses on its behalf.
- e. Based upon the testimony presented at the hearing or hearings, the Township Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner.

If a challenge heard by the Township Board of Supervisors is found to have merit, the Township Board of Supervisors shall proceed as provided in Section 1206 Procedures for Landowner Curative Amendments.

If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found.

In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (i) The impact of the proposal upon roads, sewer facilities, water supplies, school 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, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

Section 1012 (cont'd)

- (iv) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - (v) The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.
- f. The Township Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 - g. If the Township Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (f), above, a denial of the request is deemed to have occurred in the 46th day after the close of the last hearing.
4. Hearing Schedule: The Zoning Hearing Board or the Township Board of Supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
 5. Public Notice Content: 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 time when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
 6. Deemed Denials of Challenge: The challenge shall be deemed denied when:
 - a. The Zoning Hearing Board or Township Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in paragraph (4), above;
 - b. The Township Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
 - c. The Township Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
 - d. The Zoning Hearing Board or the Township Board of Supervisors, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time limit is extended by mutual consent of the landowner and Township.
 7. Period for Filing Application for Preliminary or Tentative Plan Approval or for Zoning Permit
 - a. Where, after the effective date of this Ordinance, a curative amendment proposal is approved by the grant of a curative amendment application by the Township Board of Supervisors pursuant to Subsection 1004.2 (d) Jurisdiction of the Township Board of Supervisors, Applications for Curative Amendment, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Subsection 1004.1 (a) Jurisdiction

Section 1012 (cont'd)

of Zoning Hearing Board, Substantive Challenges to Validity of Land Use Ordinances, 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 (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V Subdivision and Land Development or Article VII Planned Residential Development of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

Within the two-year period, no subsequent change or amendment in 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 Pennsylvania Municipalities Planning Code (Act 247 as amended) shall apply.

- b. 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 (1) year within which to file for a zoning permit.

Within the one-year period, no subsequent change or amendment to 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.

1013 Procedure to Obtain Preliminary Opinion: In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 1010 Time Limitations by the following procedure:

1. Submission of Plans and Other Materials: The landowner may submit plans and other (materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinance and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a zoning permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
2. Public Notice of Compliance: If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township.

Section 1013 (cont'd)

Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public.

The favorable preliminary approval under Section 1010 Time Limitations and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

Article 11

APPEALS TO COURT

- 1101 Land Use Appeals
- 1102 Jurisdiction and Venue on Appeal; Time for Appeal
- 1103 Appeals to Court; Commencement; Stay of Proceedings
- 1104 Intervention
- 1105 Hearing and Argument of Land Use Appeal
- 1106 Judicial Relief

Article 11

APPEALS TO COURT

1101 Land Use Appeals

The procedures set forth in this Article shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article 10 or deemed to have been made under this Ordinance.

1102 Jurisdiction and Venue on Appeal; Time for Appeal

All appeals from all land use decisions rendered Pursuant to Article 10 shall be taken to the Court of Common Pleas of the Judicial District wherein the land is located and shall be filed within thirty (30) days after entry of the decision as provided by 42 Pa. C. S. Section 5572 (relating to the time of entry of order) or, in the case or a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Subsection 1002.11 of this Ordinance.

1103 Appeals to Court; Commencement; Stay of Proceedings

1. Land Use Appeal Notice: Land use appeals shall be entered as of course by the prothonotary or clerk upon the filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.
2. Writ of Certiorari: Upon filing of a land use appeal, the prothonotary or clerk shall forthwith, as of course, send to the Township Board of Supervisors, board or agency whose decision or action has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding said Township Board of Supervisors, board or agency, within twenty (20) days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to the Township Board of Supervisors, board or agency at the time it received the writ of certiorari.
3. Appellant Other than Landowner: If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within seven (7) days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the Township and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.
4. Stay of Proceedings
 - a. Petition for Stay by Appellants: The filing of an appeal in court under this Section shall not stay the action appealed from, but the appellants may petition the court having jurisdiction of land use appeals for a stay.
 - b. Landowner's Petition for Appellant to Post Bond: If the appellants are persons who are seeking to prevent a use or development of the land of another, whether or not a stay is sought by them, the landowner whose use or development is in question may petition the court to order the appellants to post bond as a condition to proceeding

Section 1103 (cont'd)

with the appeal.

- c. Hearing to Determine if Filing of Appeal is Frivolous: After the petition for posting a bond 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 landowners 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 posting 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.
- d. Petition for Granting Bond if Petition is Frivolous: The question of 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 respondent to the petition for posting a bond to post a bond shall be interlocutory.
- e. Appeal by Respondent to Petition for Granting Bond: If an appeal is taken by a respondent to the petition for posting a bond from an order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and, after hearing in the court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by petitioner.

1104 Intervention

Within the thirty (30) days first following the filing of a land use appeal, if the appeal is from a board or agency of the Township, the Township and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

1105 Hearing and Argument of Land Use Appeal

If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence provided that appeals brought before the court pursuant to Section 1012 Validity of Ordinance: Substantive Questions shall not be remanded for further hearings before any body, agency or officer of the Township.

If the record below includes findings of fact made by the Township Board of Supervisors, board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the finding of the Township Board of Supervisors, board or agency shall not be disturbed by the court if supported by substantial evidence.

If the record does not include findings of fact or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

1106 Judicial Relief

1. Powers of the Court in Land Use Appeals: In a land use appeal, the court shall have the power to declare any ordinance or map invalid and set aside or modify any action, decision or order of the Township Board of Supervisors, agency or officer of the Township brought up on appeal.
2. Order of Approval of Development or Use: If the court finds that an ordinance or map, or a decision or order thereunder, which has been brought up for review unlawfully prevents or restricts a development or use which has been described by the landowner through plans and other materials submitted to the Township Board of Supervisors, agency or officer of the Township whose action or failure to act is in question on the appeal, it may order the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the Township Board of Supervisors, agency or officer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court's opinion and order.
3. Additional Court Hearings: Upon a motion by any of the parties or upon motion by the court, the judge of the court may hold a hearing or hearings to receive additional evidence or employ experts to aid the court to frame an appropriate order. If the court employs an expert, the report or evidence of such expert shall be available to any party and he shall be subject to examination or cross-examination by any party. He shall be paid reasonable compensation for his services which may be assessed against any or all of the parties as determined by the court.

The court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issue such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.

4. Definitive Relief for Development or Use: The fact that the plans and other materials are not in a form or are not accompanied by other submissions which are required for final approval of the development or use in question or for the issuance of permits shall not prevent the court from granting the definitive relief authorized. The court may act upon preliminary or sketch plans by framing its decree to take into account the need for further submissions before final approval is granted.

Article 12

AMENDMENTS

- 1201 Purpose
- 1202 Citizen Request for Amendment to Text or Map
- 1203 Planning Commission Request for Amendment to Text or Map
- 1204 Procedures of the Board of Supervisors
- 1205 Procedures of the Planning Commission
- 1206 Procedures for Landowner Curative Amendments
- 1207 Procedures Upon Municipal Curative Amendments
- 1208 Public Notice and Hearings
- 1209 Publication, Advertisement and Availability of Ordinance

Article 12

AMENDMENTS

1201 Purpose: Whenever the public necessity, convenience, general good or good zoning practice require, the Board of Supervisors by Ordinance may, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.

1202 Citizen Request for Amendment to Text or Map: Requests for changes in the Zoning Ordinance may be made by owners of land in the Township or by their authorized agents.

1. Applications: All applications for amendments shall be made in writing by the owner or authorized agent, and shall be filed with the Zoning Officer on forms prescribed by him.

Applications shall contain all information necessary to assure the fullest practicable presentation of facts for the record, and shall contain the following:

- a. The applicant's name and address and that of his representative, and the interest of every person represented in the application;
- b. The verification by at least one of the owners of property to be reclassified, if this be the nature of the request, attesting to the truth and correctness of facts and information presented with the application;
- c. A plan showing the extent of the area to be rezoned, if this be the nature of the request, and showing the streets bounding and intersecting the area, and the use and zone classification of abutting districts; and
- d. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

The Zoning Officer shall check the application to determine whether it conforms with the requirements listed above, and, if satisfactory, shall immediately submit it to the Board of Supervisors.

1203 Planning Commission Requests for Amendment to Text or Map: Amendments to the Zoning Ordinance text or map may be initiated by the Planning Commission by motion recommending adoption according to procedures enumerated in Section 1205, below, and be submitted to the Board of Supervisors, who shall follow the procedures enumerated in Section 1204, below.

1204 Procedures of the Board of Supervisors: The Board of Supervisors shall follow the procedures below for amending the Zoning Ordinance:

1. Preparation of Amendments: The Board of Supervisors may request the Planning Commission to prepare amendments to the Zoning Ordinance using the same procedure as set forth in the Pennsylvania Municipalities Planning Code (Act 247 as amended) for the preparation of the Zoning Ordinance itself, as described in Section 1205, below.
2. Referral to the Planning Commission: In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public

Section 1204 (cont'd)

hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. However, the Board of Supervisors shall not be bound by the recommendations of the Planning Commission.

3. Referral to County Planning Commission: The Board of Supervisors shall submit the proposed amendments to the County Planning Commission for its review and recommendations thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors. However, the Board of Supervisors shall not be bound by the recommendations of the County Planning Commission.
4. Public Hearing: Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, which notice shall be given in the manner prescribed in Section 1208, below.
5. Revision of Amendment: If, after the public hearing held upon the amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing pursuant to public notice, which notice shall be given in the manner prescribed in Section 1208, below, before proceeding to vote on the amendment.
6. Mediation Option: The Township may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Township and mediation parties shall meet the stipulations and follow the procedures set forth in Article 10, Section 1003.
7. Voting on Amendment: The Board of Supervisors shall consider the recommendations of the Township Planning Commission, the County Planning Commission and testimony presented at the public hearing before voting on the proposed amendment at a public meeting.
8. Notice of Decision: The applicant and others requesting notice of the decision of the Board of Supervisors shall receive such notice through the Zoning Officer.
9. Filing Copy of Amendment with County: Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.

1205 Procedures of the Planning Commission: The Planning Commission shall follow the procedures set forth below for amending the Zoning Ordinance:

1. Preparation of Amendments: At the request of the Board of Supervisors or on its own initiative the Planning Commission:
 - a. shall prepare the text and map of the proposed zoning amendments as well as make all necessary studies and surveys preliminary thereto;
 - b. may hold a public meeting pursuant to public notice and may hold additional public meetings upon such notice as it shall determine to be advisable; and

Section 1205 (cont'd)

- c. shall present to the Board of Supervisors the proposed zoning amendment, together with recommendations and explanatory materials, upon the completion of its work.
2. Review Amendments: In the case of an amendment other than that prepared by the Planning Commission, the Commission shall review each such amendment submitted to it by the Board of Supervisors. It shall consider whether or not such proposed amendment reflects, in the view of the Commission, the policy goals of the Township as found in the statement of Community Development Objectives and the Comprehensive Plan upon which the Zoning Ordinance is based. The Commission shall submit its recommendations on the amendment to the Board of Supervisors prior to the public hearing scheduled on the amendment by the Board of Supervisors.

1206 Procedures for Landowner Curative Amendments: A landowner shall follow the procedures below for challenging the validity of the Zoning Ordinance text or map:

1. Submission of Curative Amendment and Request for Hearing: A landowner who desires to challenge on substantive grounds the validity of the Ordinance or Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided for in Article 10 Section 1012 Validity of Ordinance: Substantive Question.
2. Hearing Schedule: The Board of Supervisors shall commence a public hearing thereon within sixty (60) days of the request as provided in Article 10, section 1012.
3. Referral to the Planning Commission: The curative amendment and challenge shall be referred to the Planning Commission as provided for in Subsection 1204.2, above.
4. Referral to County Planning Commission: The curative amendment and challenge shall be referred to the County Planning Commission as provided for in Subsection 1204.3, above.
5. Notice of Public Hearing: Notice of the public hearing on the curative amendment shall be given as provided for in Section 1209 and Section 1012.
6. Hearing Procedures: The public hearing shall be conducted in accordance with Sections 1002 Hearings and all references therein to the Zoning Hearing Board shall, for the purposes of curative amendments, be references to the Board of Supervisors.
7. Consideration for Evaluating Curative Amendments: The Board of Supervisors shall consider the curative amendment, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - b. 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;

Section 1206 (cont'd)

- c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - d. The impact of the proposed use on the site's soils, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resource to development and any adverse environmental impacts; and
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
8. Rejection of Curative Amendment: If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
9. Approval of Curative Amendment or Alternative: If the Board of Supervisors determines that the validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects.

1207 Procedures Upon Municipal Curative Amendments: If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

1. Declaration of Invalidity and Proposal for Curative Amendment: The Township Board of Supervisors, by formal action, shall declare its Zoning Ordinance or portions thereof substantially 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:
- a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - i) References to specific uses which are either not permitted, or not permitted in sufficient quantity,
 - ii) Reference to a class of use or uses which require revision, or
 - iii) Reference to the entire Ordinance which requires revisions.
 - b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
2. Time Limit for Enactment of Curative Amendment: 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, its Zoning Ordinance pursuant to the provisions required by Section 1204, in order to cure the declared invalidity of the

Section 1207 (cont'd)

Zoning Ordinance.

3. Similar Landowner's Curative Amendment Need Not be Considered: Upon the initiation of the procedures, as set forth in Subsection 1207.1 (a), above, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment under Section 1206, nor shall the Zoning Hearing Board be required to give a report requested under Article 10, Subsection 1004.1 or Section 1012 subsequent to the declaration and proposal if the municipal curative amendment is based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection 1207.1 (a).

Furthermore, upon completion of the procedures as set forth in Subsections 1207.1 and 1207.2, above, no rights to a cure pursuant to the provisions of Section 1206 and Section 1012 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 there has been a curative amendment pursuant to this section.

4. Frequency of Use of Municipal Curative Amendment: The Township having utilized the procedures as set forth in Subsections 1207.1 and 1207.2, above, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or a reaffirmation of the validity of its Zoning Ordinance, pursuant to Subsection 1207.2; Provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

1208 Public Notice and Hearings: Before voting on the enactment of an amendment to the Zoning Ordinance, the Board of Supervisors shall hold a public hearing for the purpose of informing the public and obtaining public comment on the proposed amendment. The public hearing shall be held pursuant to public notice as follows:

1. Description of Amendment: Public notices of a proposed Zoning Ordinance amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:
 - a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published;
 - b. A copy thereof shall be filed in the County Law Library; and
 - c. A public notice shall include a reference to the place within the Township where copies of the proposed Zoning Ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
2. Public Notice: A public notice of a proposed Zoning Ordinance amendment shall be published once each week for two (2) successive weeks, in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not

Section 1208 (cont'd)

be less than seven (7) days from the date of the hearing.

3. Posting of Property: In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township along the perimeter of the tract not more than every one hundred (100) feet apart and at least on (1) week prior to the date of the hearing to notify potentially interested citizens.

1209 Publication, Advertisement and Availability of Ordinances:

1. Notice of Proposed Enactment: Proposed Zoning Ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Township where copies of the proposed Zoning Ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed Zoning Ordinance amendment once in a newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage.

Publication of the proposed Zoning Ordinance amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor, and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published; and
 - b. An attested copy of the proposed Zoning Ordinance amendment 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. Revision of Amendment: In the event substantial amendments are made in the proposed Zoning Ordinance amendment, before voting upon enactment the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary of the revised amendment setting forth all the provisions in reasonable detail together with a summary of the amendment.
 3. Incorporation into Official Ordinance Books: This Zoning Ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.