

# **DAUGHERTY TOWNSHIP**

Beaver County, Pennsylvania

## **ZONING ORDINANCE**

Ordinance 129

Adopted  
August 13, 2008

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# DAUGHERTY TOWNSHIP ZONING ORDINANCE

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ARTICLE I  
TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES

Section 101.        Short Title

This chapter shall be known as and may be cited as the "Daugherty Township Zoning Ordinance".

Section 102.        Authority

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended.

Section 103.        Ordinances Repealed

The following Ordinances are to be repealed and deleted in their entirety and the ensuing text and regulatory language shall be enacted in their place:

Ordinance 76	May 8, 1985	Pornography
Ordinance 90	June 10, 1992	Zoning Ordinance
Ordinance 99	April 10, 1996	Cellular Communication Antennae, Towers and Structures

Any provisions of existing ordinances not listed above that are inconsistent with this ordinance are also repealed.

Section 104.        Purpose

This chapter is enacted for the following purposes:

- A. To promote, protect, and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as,

- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This chapter is made in accordance with an overall program, and with consideration for the character of Daugherty Township, its various parts, and the suitability of the various parts for particular uses and structures.

Section 105. Community Development Objectives

This chapter is to foster the following community development objectives developed by the Northeast Upper Beaver Valley Regional Comprehensive Plan and the Regional Planning Commission:

- A. Encourage development that is consistent with the vision and goals of the Northeast Upper Beaver Valley Regional Comprehensive Plan
- B. Maintain the rural atmosphere within the region
- C. Preserve and enhance the natural environment and Beaver Riverfront
- D. Encourage and promote tourism where appropriate in the region
- E. Increase employment opportunities, where appropriate, and the economic base of the region
- F. Provide a range of affordable housing types and styles
- G. Minimize natural hazards such as flooding, land slides, erosion, and soil limitation
- H. Provide necessary infrastructure of utilities and vehicular and pedestrian transportation facilities
- I. Provide for recreational and community facilities
- J. Provide for on-going community planning, growth management, and oversight of development in the region

- K. Maintain the historic and architectural character, where appropriate, and enhance existing streetscapes
- L. Provide for the appropriate scale and intensity of land uses
- M. Encourage site design and parking standards to improve visual quality and to be environmentally sensitive
- N. Encourage incentives to adopt quality design standards and the preservation of open space

Section 106. Interpretation

In construing and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of Daugherty Township. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of this and other related chapters.

Section 107. Conflict

This chapter is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but that if the chapter imposes more stringent restrictions upon the use of buildings and land than are elsewhere established, the provisions of this chapter shall prevail. In construing the language of this chapter to determine the extent of the restriction upon the use of the property, the language shall be construed, where doubt exists as to the intended meaning of the language adopted by the Board of Supervisors in favor of the property owner and against any implied extension of the restriction.

Section 108. Compliance Required

No structure shall be located, erected, constructed, reconstructed, moved, converted or be designed to be used except in full compliance with all provisions of this chapter and after the lawful issuance of all permits and certificates required by this chapter.

Section 109. Continuance of Prior Decisions

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*Article I*  
*Title, Authority, Purpose, Community Development Objectives*

The passage of this chapter shall not invalidate any decisions enacted under prior enabling laws. This chapter shall, in such respect, be deemed a continuation and codification of such prior enabling laws.

Section 110.            Higher Standard of Control

- A.     The provisions of this chapter shall control wherever they impose greater restrictions than those imposed by any statutes, other laws, ordinances, rules, regulations or permits or by easements, agreements or covenants.
  
- B.     In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the community development objectives. This chapter is not intended to interfere with other rules, regulations or ordinances of the Township of Daugherty except that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this chapter shall control.

Section 111.            Scope of Regulations

Except as otherwise provided for in Article X, Nonconforming Uses and Structures, any building erected hereafter, any uses of land or buildings established hereafter, any structural alteration or relocation of existing building occurring hereafter and any enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter.

Section 112.            Violation of Other Laws

Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal control or environmental protection law or regulation.

Section 113.            Compliance with all Conditions and Standards

Unless a proposed use can comply with all of the conditions and standards provided in this chapter pertaining to any permitted, accessory, conditional or

special exception uses, such uses shall not be permitted unless approved by the appropriate reviewing body pursuant to the procedures set forth in this chapter.

Section 114.        Validity

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole or of any other part thereof.

Section 115.        Effective Date

This Ordinance shall take effect immediately upon adoption by the Board of Supervisors of Daugherty Township.

ARTICLE 2  
DEFINITIONS

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Section 201.        General

The following words are defined 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 words shall, for the purpose of this ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.

The word "lot" includes the words "plot" or "parcel".

The word "may" means permissive.

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged, or designed to be used or occupied."

The phrase "Regional Planning Commission" always means the Regional Planning Commission (RPC) for the six participating municipalities: the Borough of New Brighton, Daugherty Township, Franklin Township, Marion Township, North Sewickley Township, and Pulaski Township.

Section 202.        Definitions

**ACCESS:** A means of vehicular or pedestrian approach, entry to, or exit from property.

**ACCESSORY DWELLING UNIT:** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a

part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

**ACCESSORY USE:** A structure or use that: 1) is subordinate in area, extent and purpose to the principal use; 2) contributes to the convenience or necessity of the principal use; and 3) is located on the lot with such principal use or main building.

**ACCESSORY STORAGE BUILDING:** An accessory structure on a residential lot use for the storage of personal property owned by the residents of the dwelling to which it is accessory.

**ADJUSTED TRACT ACREAGE:** The net usable land area of a proposed development site, determined by deducting specific percentages of various categories of constrained land from the gross tract area.

**ADULT ARCADE:** any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT CABARET:** a nightclub, bar, restaurant, or other commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nudity.
- B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- C. Films, motion pictures, video cassettes, slides, or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION PICTURE THEATER:** a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER:** a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**AGRICULTURE:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, viticulture, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Not included are new Intensive Agricultural farm-oriented commercial or industrial activities or operations, such as food or livestock processing plants, holding pens, slaughterhouses, or similar uses which handle products not produced on the immediate premises. The use includes, but is not limited to the following:

- A. Agricultural Activities- including but not limited to: The production and management of livestock such as, dairy and beef cattle, game birds, goats, hogs, horses, poultry, sheep, and other animals, excluding dogs. All livestock shall be limited to one animal unit per acre, with an animal unit defined as one-thousand [1,000] pounds; The production and management of crops such as, barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers; The related activities of tillage, fertilization, pest control, harvesting and marketing; The activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products such as butter, cheese, eggs, fur, honey, meat, and milk.
- B. Agronomic Activities- including but not limited to: research in crop rotation, irrigation and drainage, plant breeding, soil classification, soil fertility, weed control, and other areas.
- C. Silviculture Activities- including but not limited to: The management and cultivation of forests or woodlands for the production of timber and other wood products which does not involve any land development.
- D. Horticulture Activities- including but not limited to: The cultivation of flowers, fruits, vegetables and ornamental plants by nurseries and greenhouses.

- E. Aquaculture Activities- including but not limited to: The underwater cultivation of animals and plants, such as fish, shellfish, and algae for food or for other purposes by wildlife refuges and fish hatcheries.
- F. Viticulture Activities- including but not limited to: The science, cultivation, production and study of grapes which deals with the series of events that occur in the vineyard and winemaking process. It is also known as viniculture.

**AGRICULTURE USE, INTENSIVE:** Intensive agricultural uses that include, but are not necessarily limited to: a) slaughter areas; b) areas for the storage and processing of manure, garbage, or spent mushroom compost; c) structures housing more than 50 animal units, with an animal unit defined as 1,000 pounds; d) a poultry operation in excess of one and zero tenths animal unit per acre; and e) a swine operation in excess of one and seventy-five hundredths animal units per acre (Under the Pennsylvania Nutrient Management Act of 1993, a farm is allowed to have no more than two animal units per acre, with an animal unit defined as one-thousand [1,000] pounds).

**AGRICULTURE SALES AND SERVICE:** A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies.

**ALCOHOLIC CIDER:** A beverage which may contain carbonation in an amount not to exceed three hundred ninety-two one thousandths of a gram per one hundred milliliters and flavors, produced through alcoholic fermentation of only apples or apple juice, consisting of at least one-half of one per centum, but not greater than five and one-half per centum, alcohol by volume and sold or offered for sale as alcoholic cider and not as a wine, a wine product or as a substitute for wine, in bottles, cases, kegs, cans or other suitable containers of the type used for the sale of malt or brewed beverages in this Commonwealth.

**ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS:** Affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature and quality of Pennsylvania-produced alcoholic ciders and wines in conjunction with suitable food displays, demonstrations and sales. Alcoholic cider, wine and food expositions may also include activities other than alcoholic cider, wine and food displays, including arts and crafts, musical activities, cultural exhibits, agricultural exhibits and similar activities.

**ALLEY:** A public or private way permanently reserved as a secondary means of access to abutting property.

**ALTERATIONS:** 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 height, or the moving from one location or position to another.

**AMENDMENT:** A change in use in any district which includes revisions to the zoning ordinance and/or official zoning map.

**APPLICANT:** a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors or assigns.

**APPLICATION FOR DEVELOPMENT:** every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development or use including, but not limited to, an application for zoning approval, for the approval of a subdivision or land development or for the approval of a development plan. Every application for development must include the form designated by the Township Manager and all other plans and information required by this Chapter.

**AREA, GROSS FLOOR:** the sum of all gross horizontal areas of several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. This includes stairwells, all rest rooms, lobby areas, floor space for mechanical equipment and all other common areas and basements.

**AREA, LOT:** the area of a lot measured on a horizontal plane bounded by the front, side and rear lot lines of the lot.

**AREA, NET LOT:** the lot area less any portions of the lot located in identified floodplain areas, of wetlands, or existing rights-of-way.

**AREA, NET SITE:** the site area less any portions of the site located in environmentally sensitive areas, those areas designated for nonresidential uses, including, but not limited to, limited neighborhood commercial areas and common open space, and those areas consisting of streets and utilities.

**AREA, SITE:** the total area of the lot or lots comprising a site.

**ARTERIAL STREET:** A public street which serve large volumes of high speed and long distance traffic.

**AUTOMOBILE SERVICES:** Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles.

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*Article II*  
*Definitions*

**BAKERY, COMMERCIAL:** A retail or wholesale establishment which sells baked goods and confections to businesses and the general public and which may involve on-site processing of the goods offered for sale on the premises, but which shall not include on-site processing of good for delivery to other retail or wholesale outlets.

**BANK:** A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

**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 5 feet or more or if the basement is used for business or dwelling purposes.

**BAR/TAVERN:** An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

**BED AND BREAKFAST:** A private, owner-operated business where overnight accommodations and a morning meal are provided to transients for compensation.

**BEDROOM:** a room marketed, designed, or otherwise likely to function primarily for sleeping.

**BOARD OF SUPERVISORS:** the Board of Supervisors of the Township of Daugherty, Beaver County, Pennsylvania.

**BOARDING HOUSE:** A building arranged or used for the lodging, with or without meals, by either transient or permanent residents, for compensation. This definition includes rooming houses, lodging houses, and bed and breakfast establishments operated as a principal use.

**BOOK AND VIDEO STORE:** a retail establishment devoted primarily to selling or renting any of the following: newspaper, magazines, books, and other printed material and video recordings.

**BUFFER:** An area of land, including landscaping, berms, walls, and fences, that is located between one use and another designed to set apart one use area from another in order.

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*Article II*  
*Definitions*

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or belongings.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to (1) the highest point of the roof for flat roofs, (2) the deck lines for mansard roofs, and (3) the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING LINE:** A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters, and cornices, the vertical plane will coincide with the most projected surface.

**BUILDING PERMIT:** Written permission issues by the proper municipal authority for the construction, major repair, alteration, addition, or demolition to a structure, including storm water management facilities.

**BUILDING, PRINCIPAL:** the building in which the principal use of a lot or site is conducted. Lots or sites with multiple principal uses may have multiple buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**BUSINESS:** Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods and/or the provision of services.

**CAMPGROUND:** A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

**CAR WASH:** A facility, whether automatic, semi-automatic or manual, for washing vehicles.

**CARTWAY:** that portion of the street right-of-way surfaced for vehicular use. Width is determined from one edge of driving surface to the other and shall not include the storm water gutter or face of curb.

**CEMETERY:** Land used for or intended to be used for the burial of the deceased, including, but not limited to, columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

**CERTIFICATE OF USE AND OCCUPANCY:** A certificate issued and enforced by the zoning officer upon completion of the construction of a new building or

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*Article II*  
*Definitions*

upon a change or conversion of the structure or use of a building, which certifies that all requirements, regulations and other applicable requirements, have been satisfied.

**CHURCH:** A building used for non-profit purposes by a recognized and legally established sect solely for the purposes of worship.

**CLEARCUTTING:** Removing all or a majority of trees from the area logged.

**COLLECTION AND RECYCLING FACILITY:** A center for the acceptance and processing of recyclable materials from the public. Recyclable materials shall be limited to glass containers, plastic containers, aluminum beverage cans, steel/bi-metal containers, newsprint, high grade office paper and corrugated paper. Processing of recyclable materials shall be limited to crushing, baling, chipping, shredding or other operations which physically reduce the mass of the materials but which do not alter their composition in any way.

**COMMERCIAL AND PRIVATE RECREATION AND ENTERTAINMENT FACILITIES:** a facility used for swimming, tennis club, health spa, gymnastics center, rink, track, alley, or range in which the patrons pay a fee and/or are members to participate or view a recreational or entertainment physical activity.

**COMMERCIAL LIMITED NEIGHBORHOOD:** small retail uses customarily incidental to residential uses and limited to food, medical supplies, and sundries stores; personal services such as barber and beauty salons, laundromat and dry cleaners (for individual use), and day care centers; retail food restaurant; and professional offices.

**COMMON AREA:** that area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the planned residential development and, if owned under the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq., including all common elements designated for the use of all dwelling unit owners.

**COMMON OPEN SPACE:** a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking lots, areas set aside for public facilities, and stormwater detention basins unless designed and constructed as a wet basin or a naturalized basin.

**COMMON OPEN SPACE, USABLE:** common open space meeting the criteria of the subdivision and land development ordinance, for recreation open space and not containing environmentally sensitive areas as defined herein.

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

**COMMUNICATION TOWER:** Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above ground.

**COMMUNITY CENTER:** A meeting place where people living in the same community may carry on cultural, recreational, or social activities, and possessing outdoor recreational facilities.

**COMPREHENSIVE PLAN:** the Comprehensive Plan for the Township of Daugherty.

**CONDITIONAL USE:** a use authorized by this Chapter which may be granted only by the Supervisors pursuant to express standards and criteria after recommendation of the Planning Commission and after a public hearing held in accordance with the requirements of this Chapter.

**CONDOMINIUM:** real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownerships solely by the owners of those portions. The undivided interest in the common elements must be vested in the unit owners for the real estate to be a condominium.

**CONFERENCE CENTER:** A facility used for corporate or professional meetings, seminars and/or employee training, where all training is conducted within a completely enclosed building, and which may include lodging, dining, and recreational facilities for attendees.

**CONSERVATION, NATURAL AND ENVIRONMENTAL CONDITIONS:** Protection of basic conditions, qualities, or attributes based on natural features and physiographic constraints by controlling and limiting physical development.

**CONSULTING FORESTER OR STATE FORESTER:** a person employed as a forester by the Commonwealth of Pennsylvania's Department of Environmental Protection, Bureau of Forestry, or a person listed on said Bureau of Forestry's Register of Consulting Foresters as being a graduate of a forestry school accredited by the Society of American Foresters and employed full-time as a private forestry consultant.

**CONTRACTING BUSINESS:** The administrative offices of a business that provides landscaping, construction, remodeling, home improvements, land development, and related services on a contractual basis, but which involves the storage either indoors or outdoors, or materials, equipment, and vehicles used in the business.

**CONTRACTOR'S YARD:** An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvements, land development, and related services on a contractual basis, but which involves the storage either indoors or outdoors of materials, equipment, and vehicles used in business.

**CONVENIENCE STORE:** A retail store that offers for sale a limited line of groceries and household items intended for the convenience of the neighborhood, excluding the sale of gasoline.

**CONVERSION APARTMENT:** any dwelling unit created by combining space within an existing structure. Conversion apartments must exit onto a common hallway or directly to the exterior of a structure.

**CULTURAL CENTER:** Services to the public, such as but not limited to museums, auditoriums, art galleries, and libraries.

**DAY CARE FACILITY:** Any dwelling, building, or portion thereof which child or adult day care services other than "babysitting" are provided, including any on-site outdoor play area.

**DECIBELS A-WEIGHTED (dBA):** A unit for describing the amplitude of sound as measured on a sound level meter using the A-weighting network.

**DENSITY:** the number of dwelling units per acre of site area.

**DENSITY, NET SITE:** the number of dwelling units per acre of net site area.

**DEVELOPMENT:** any man-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile

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*Article II*  
*Definitions*

buildings or mobile homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage or equipment or materials; and the subdivision of land.

**DEVELOPMENT, CONVENTIONAL:** development other than planned residential development.

**DEVELOPMENT PLAN:** the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

**DEVELOPER:** any landowner, agent of a landowner or tenant with permission of such landowner, who makes an application for development.

**DIAMETER AT BREAST HEIGHT (DBH):** a measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above natural grade.

**DIAMETER LIMIT CUTTING:** The practice of cutting all and only all trees above a certain diameter within the area logged.

**DISTRICT, ZONING:** A section of the Township for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

**DRIVE-THROUGH ESTABLISHMENT:** An establishment with a drive-through facility which offers in-car service or takeout service including, but not limited to, financial institutions, food stores, and restaurants, but not including drive-in theaters.

**DRIVE-THROUGH FACILITY:** Any accessory use which involves a window, service lane, bay, or other facility where customers are provided services either inside or outside their vehicles and where cars may or may no wait in line to access these services, including but not limited to, "drive-in" or "drive-through" windows at fast food restaurants or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes, and similar automotive services and other such facilities.

**DRIVEWAY:** A private area used exclusively for circulation and ingress and egress to a street by the landowner or visitors of the lot.

**DWELLING:** A building or portion thereof designed for and used exclusively for residential occupancy.

- A. **APARTMENT:** A building, or portion thereof, designed for occupancy by three or more families living independently of each other.
- B. **CONDOMINIUM:** The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners.
- C. **CONVERSION APARTMENT:** An existing building that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.
- D. **DUPLEX:** A structure containing two dwelling units, each of which has direct access to the outside.
- E. **DWELLING, MULTIFAMILY:** A building containing three (3) or more individual dwellings with separate cooking and toilet facilities in each dwelling and each for exclusive use by one family.
- F. **DWELLING, SINGLE-FAMILY:** A detached residential building which is the only principal structure on the lot, designed exclusively for and occupied exclusively by one (1) family and containing one (1) dwelling unit.
- G. **TOWNHOUSE:** A single-family dwelling unit, with a private entrance from the outside, which is part of a structure that includes dwelling units attached horizontally in a linear arrangement, and having a totally exposed front and rear wall.

**DWELLING UNIT:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EASEMENT, AGRICULTURAL CONSERVATION:** A legal agreement restricting development on farmland. Land subject to a conservation easement is generally restricted to farming and open space use.

**EDUCATIONAL INSTITUTION:** A structure, part of a structure, or structures designed and used for training and teaching of children, youths or adults, including laboratories appurtenant thereto.

**EMPLOYEE:** Any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a

person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

**ENFORCEMENT NOTICE:** A notice as provided in §616.1 of the MPC, 53 P.S. §10616.1, sent by the Township to the owner or occupant of record of a parcel on which a violation of this Chapter has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

**ENTERTAINMENT:** Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters and concert or music halls.

**ENVIRONMENTAL IMPACT ASSESSMENT:** An assessment of the impact of a use on the (1) natural environment, i.e., geology, topography, soils, hydrology, vegetation, wildlife, wetland's, and air quality; and (2) the cultural environment, i.e., lot use, utilities, traffic, population, economics, services, historic assets, and general character of the neighborhood. The assessment of traffic impact must include a complete traffic analysis prepared and sealed by a professional traffic engineer identifying the impact of the proposed development on existing traffic and circulation patterns and proposing solutions to problems which may arise as a consequence of the proposed development.

**ENVIRONMENTALLY SENSITIVE AREA:** An area with one or more of the following environmental characteristics:

- A. Steep slopes over 25%.
- B. Identified floodplain area.
- C. Wetlands.

**ESCORT:** A person who, for consideration, agrees, or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary businesses for a fee, tip, or other consideration.

**ESTABLISHMENT:** Includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business.

- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
- C. The addition of any sexually oriented business to any other existing sexually oriented business or to a non-sexually oriented business.
- D. The relocation of any sexually oriented business.

**EXERCISE CLUB:** An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers.

**EXTRACTION OF MINERALS:** any use consisting of the mining and extraction of coal or other minerals.

**FAMILY:** A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

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

**FEMA:** The Federal Emergency Management Agency, Federal Insurance Administration

**FINANCIAL INSTITUTION:** Any commercial establishment that lends money or engages in a finance-related business, but not including stockbrokerage firms, investment firms and securities firms.

**FINANCIAL SECURITY:** surety, in a form acceptable to the Township Solicitor, in the form of cash, a certified check or irrevocable letter of credit and restrictive or escrow account or set-aside agreement from a Federal or Commonwealth-chartered lending institution, or a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the Commonwealth, which may be classified as the following:

- A. Improvement security - a financial security which guarantees the satisfactory completion of improvements required by this Chapter.
- B. Maintenance security - a financial security which guarantees the structural functioning and integrity of improvements required by this Chapter for a specified period after their completion and acceptance by the Township.

**FLOOD:** A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of this Commonwealth.

**FLOOD, ONE HUNDRED (100) YEAR:** A flood that, on the average, is likely to occur every one hundred (100) years (i.e., that has a one percent chance of occurring each year, although the flood may occur more frequently).

**FLOOD FRINGE:** The portion of the floodplain outside of the floodway.

**FLOODPLAIN:** A relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation and is further defined by the Federal Emergency Management Agency (FEMA).

**FLOODWAY OR FLOODPLAIN, ONE HUNDRED (100) YEAR:** The 100 year floodway and that maximum area of land is likely to be flooded by a one hundred (100) year flood as shown on the floodplain maps provided by FEMA.

**FLOODWAY:** The channel of a river and adjacent land area that must be reserved in order to discharge the waters of the base flood (100-year flood) so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

**FLOOR AREA RATIO:** The ratio of gross floor area of all structures on a lot to total lot area.

**FOOTPRINT:** The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns

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

**FUNERAL HOME:** Establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral home or mortuaries.

**GALLERY:** An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

**GARAGE, PRIVATE:** An accessory building or a portion of the principal building, enclosed on no less than three (3) sides, not being accessible to the general

public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

**GARAGE, PUBLIC:** Any structure, other than a private garage, which is used for storage of motor vehicles for compensation.

**GAS STATION:** Any building, structure, or area of land used for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles.

**GREENWAY:** A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural resources.

**GREENWAY LAND:** That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the municipality, or it may contain areas of conservancy lots which are not accessible to the public.

**GROCERY STORE:** Food markets, or combination food markets and department stores with more than 4,000 square feet.

**GROSS SQUARE FOOTAGE:** That area of the structure including the exterior walls, or to the center line of demising walls, and shall include all areas above grade suitable for habitation and finished or unfinished below-grade space; provided, that such space has a minimum of 3 feet of exterior wall surface exposed above grade for at least 50% of its linear exterior wall surface.

**HARVEST AREA:** The location on the site where timber harvesting occurs.

**HEALTH CARE FACILITY:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, or physical condition that include a diagnostic treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

**HEALTH SPA:** A commercial recreation and entertainment facility or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas or medical facilities as accessory uses to the principal use.

**HISTORIC STRUCTURE:** Any structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; individually listed on a state inventory of historic inventory of historic places; or individually listed on a local inventory of historic places, at either the County or Township level, that has been certified by an approved state program or determined by the Secretary of the Interior, or directly by the Secretary of the Interior.

**HOME OCCUPATION:** An accessory use of a service character customarily conducted within a dwelling by the residents, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate, and in connection therewith there is not involved the keeping of or exhibition of stock-in trade:

- A. The office of a physician, surgeon, dentist, architect or other professional person, each with not more than one paid assistant, shall be deemed to be a home occupation. Instructions in violin, piano or other individual musical instruments, limited to a single person at a time, shall be deemed a home occupation. The occupations of dressmaker, watchmaker, milliner, seamstress or other persons who offer skilled services to clients and are not professionally engaged in the purchase or sale of economic goods and who have not more than one paid assistant shall be deemed to be "home occupations."
- B. Dancing instruction, band instrument instruction in groups, barbershops, beauty shops, tearooms, tourist homes, real estate offices, convalescent homes, mortuary establishments, stores, trades or business of any kind not herein above listed shall not be deemed to be home occupations.

**HOSPITAL:** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

**HOTEL:** A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

**INCINERATOR:** An enclosed device licensed by the Pennsylvania Department of Environmental Protection or its successor agency, which uses controlled combustion for the primary purposes of breaking down solid waste.

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*Article II*  
*Definitions*

**IMPERVIOUS SURFACE:** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, paved recreation areas, golf course, swimming pools.

**INTERMEDIATE-CARE FACILITY:** A facility that provides nursing care and related medical or other personal health services to human patients on a planned program of care and administrative management, supervised on a continuous 24-hour basis in an institutional setting, as defined in current State licensure requirements.

**INSTITUTION/INSTITUTIONAL USE:** A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.

**JUNK:** Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition including, but not limited to: unregistered, inoperable vehicles; tires; vehicle parts; equipment; paper; rugs; metal; glass; household appliances; machinery, and building materials.

**JUNKYARD:** A lot, land, or structure, or part thereof, used primarily for the collection, storage, processing, sale, salvage and disposal of junk.

**KENNEL:** A structure on any lot on which animals (except livestock, horses, poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to, dog or cat kennels. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

**KENNEL, ACCESSORY:** A use in conjunction with veterinary office which includes interior housing for animals only and no outdoor operations.

**LAND DEVELOPMENT:** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

2. The division or allocation of land or space, whether initially or cumulatively between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

**LANDFILL:** Any site license by the Pennsylvania Department of Environmental Protection for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

**LANDOWNER:** The legal or beneficial owner or owners of land, including the holder, or 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 persons having a proprietary interest in land.

**LANDSCAPING:** The area within the boundaries of a given lot that consist of planting materials, including, but not limited, to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

**LANDSCAPING CONTRACTOR:** A retail business which includes the growing and/or selling of flowers, plants, trees, shrubs, and other natural flora and the products which aid in their growth and care and which may include one (1) or more of the following activities as accessory uses: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of small amounts of reddog, slag, sand or gravel to be used in landscaping or preparation of driveways; and/or shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

**LAUNCHING RAMP:** Constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

**LOADING BERTH/SPACE:** An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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

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*Article II*  
*Definitions*

**LOT AREA:** The total area within the lot lines, excluding the area within any street right of way.

**LOT COVERAGE:** That percentage of the lot area covered by the principal building and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages, and similar structures.

**LOT, CORNER:** A lot at the junction of two or more intersecting streets and having frontage on two or more of such streets.

**LOT, DEPTH OF:** The mean horizontal distance between the front lot line and rear lot line, measured midway between the side lot lines.

**LOT, INTERIOR:** A lot other than a corner lot or a through lot.

**LOT LINE:** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**LOT LINE, FRONT:** A lot line or lines which separates a lot from a public street or streets.

**LOT LINE, REAR:** The lot line which is parallel to and most distant from the front lot line of the lot.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A lot which has been recorded in the Office of the Recorder of Deeds of Beaver County, Pennsylvania.

**LOT, THROUGH:** A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

**LOT WIDTH:** The dimension of a lot measured between the side lot lines on the front yard setback line.

**MANUFACTURING:** The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

**MANUFACTURING, HEAVY:** Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which due to the nature of the materials, equipment or process utilized, the manufacturing operation is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

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*Article II*  
*Definitions*

**MANUFACTURING, LIGHT:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**MANUFACTURED HOUSE:** A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitat; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**MEDICAL CLINIC:** Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

**METHADONE FACILITY:** A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

**MINERAL:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MIXED-USE DEVELOPMENT:** A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOTEL:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking areas.

**MUNICIPAL USE:** Any building, structure or use of land by a municipal governing body or a municipal authority/commission created the governing body.

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*Article II*  
*Definitions*

**NIGHTCLUB:** A place of assembly, other than a dwelling unit, including private clubs which may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also operate as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub, but shall be considered a sexually-oriented business.

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

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

**NONCONFORMING LOT:** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment, or prior

to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMING USE:** A building or use of land lawfully existing on the effective date of this Chapter that does not completely conform to the use regulations for the zoning district in which it is located.

**NUDE MODEL STUDIO:** Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietant school licensed by the State of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicated a nude or semi-nude person is available for viewing.
- B. Where in order to participate in a class a student must enroll at least 3 days in advance of the class.
- C. Where no more than one nude or semi-nude model is on the premises at any one time.

**NUDITY OR A STATE OF NUDITY:** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

**NURSING HOME:** A proprietary facility, licensed by the Commonwealth, for the accommodation of convalescents, or chronically-ill persons, in which such nursing care and medical services are prescribed by or are performed under the general direction of persons licensed to provided such care or services in accordance with State laws.

**OCCUPANCY:** The physical possession upon, on or within any lot or structure for a use.

**OCTAVE BAND:** A prescribed interval of sound frequencies which permits classifying sound according to its pitch.

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*Article II*  
*Definitions*

**ODOROUS MATTER:** Any matter or material that produces a response in the normal human nose.

**OFFICIAL MAP:** A map adopted by ordinance by the Supervisors pursuant to Article IV of the Pennsylvania Municipalities Planning Code, 53 P.S. §10401 et seq.

**OFFICE, BUSINESS:** An office for such businesses as insurance, utilities, stenographic service, employment service, real estate, post office, and sales as those by a manufacturer's representative.

**OFFICE, PROFESSIONAL:** An office of a professional such as legal, medical, dental, engineering and surveying, architectural and stock brokerage firms, securities and investment firms.

**PARKING, OFF-STREET:** Parking or storing of a automobile on private or public areas, but not on streets, roads, highways, or alleys.

**PARKING, ON-STREET:** Parking or storing of an automobile that is located within the street right-of-way.

**PARKING AREA:** Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as agreed service or for a fee.

**PARKING SPACE:** An area for the purpose of parking on automobile with access to a public street or alley.

**PERSONAL CARE HOME:** A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) consecutive hours for more than three (3) adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility, as defined in current state licensure requirements.

**PERSONAL SERVICES:** An establishment or place of business engaged in the provision of services of a personal nature (for example: beauty and barber shops, shoe repair, and tailor shops).

**PHARMACY:** A retail establishment engaged in the sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

**PHOTOGRAPHIC STUDIOS, BUSINESS-SERVICE:** A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes for business.

**PHOTOGRAPHIC STUDIO, PERSONAL-SERVICE:** A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

**PLANNED RESIDENTIAL DEVELOPMENT (PRD):** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required common open space to the regulations established in any one zoning district created, from time to time, under the provisions of this Chapter.

**PLANNING COMMISSION:** The Planning Commission of Daugherty Township.

**POND:** Any body of water artificially or naturally formed or increased that has a surface area of 1,000 square feet or more that may be used for recreation and swimming.

**PRESERVATION / PROTECTION:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

**PRINTING AND PUBLISHING ESTABLISHMENT:** An establishment for the production of written or graphic materials for individuals or businesses. Typical processes include, but are not limited to printing, photocopying and blueprint.

**PRIVATE IMPROVEMENTS:** All improvements to be owned, maintained or operated by a private entity such as an individual, corporation or homeowners' association, including roads, streets, walkways, parking lots, gutters, curbs, waterlines, sewers, stormwater management facilities, landscaping, lighting, traffic control devices and other facilities for which plans and specifications must comply with the minimum requirements of this Chapter, the Subdivision and Land

Development Ordinance, and/or conditions attached to the granting of zoning approval or conditional use approval, including temporary erosion and sedimentation control and stormwater management control methods undertaken during construction.

**PUBLIC IMPROVEMENTS:** All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Township.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the municipal governing body intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

**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:** A notice published once a week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC UTILITY FACILITIES:** All of the buildings, wells, dams, reservoirs, plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by or in connection with the business of any public utility.

**RECREATION OPEN SPACE:** That area of land meeting the requirements of the Subdivision and Land Development Ordinance, for recreation open space, which is defined as "that area of land suitable for the development of specific active recreation facilities for leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields including, but not limited to, baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities."

**RECREATION, PUBLIC:** An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charge, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including but not limited to, parks, playgrounds, playing fields, golf courses, golf

or batting practice facilities, ice rinks, tennis courts, swimming pools, and similar facilities.

**RECREATION, COMMERCIAL:** An enterprise operated for profit by other than a public entity, either indoors or outdoors for the pursuit of sports, recreation, or leisure activities.

**RECREATION, NONCOMMERCIAL:** An enterprise operated by an individual, association, or corporation, other than a public entity, including sports, recreation or leisure activities, the use of which is limited to members and their guests including, but not limited to country clubs, golf courses, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools, and similar facilities.

**REPAIR SHOP:** Any building, premises, and land in which or upon which a business, service, or industry involving maintenance, servicing, or repairing of goods, excluding vehicles, are conducted or rendered.

**RESEARCH LABORATORY:** A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

**RESTAURANT:** A structure in which the principal use is the preparation and sale of food and beverages.

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

**RETAIL STORE, SPECIALTY:** Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

**RETIREMENT COMMUNITY:** A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons, including, but not limited to transportation, limited nursing facilities, dispensaries, common dining facilities, laundry service, minimal housekeeping, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal station and similar services or facilities.

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*Article II*  
*Definitions*

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

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription, condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, or storm sewer and other similar uses; generally, the right of one to pass over the property of another.

**ROADSIDE PRODUCE MARKET:** A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located.

**ROOF:** The cover of any building, including the eaves and similar projections.

**SCHOOL:** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or cooperation meeting the requirements of the Commonwealth of Pennsylvania.

**SEMI-NUDE OR IN A SEMI-NUDE CONDITION:** The state of dress in which clothing partially or non-opaquely covers specified anatomical areas.

**SENIORS:** An individual over the age of 65.

**SERVICE STATION:** Any commercial building or structure, premises to other place used to supply motor fuels, lubricants, tires, batteries, and other small accessories to motor vehicles, and where repair work is not done, but automobile maintenance is permitted.

**SETBACK:** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

**SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS; OR ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** an establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale, rental, or other consideration, the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, CD ROM discs or other computer software, or other visual

representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- B. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- C. The use of viewing booths.

**SEXUAL ENCOUNTER CENTER:** a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

**SEXUALLY-ORIENTED BUSINESS:** an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**SHOPPING CENTER:** A group of retail and other commercial establishments that are planned, owned, and managed as a total entity with customer and employee parking provided on-site. The two main configurations of shopping centers are malls and strip centers.

**SIDEWALK:** An improved pedestrian surface that is typically located adjacent to a roadway.

**SIGN:** Any structure or device for visual communication that is used for the purpose of bringing the subject to the attention of the public.

- A. **ADVERTISING SIGN:** A sign relating to commercial, industrial, private, recreational, public utility, or other similar business conducted on the premises in which the sign is located.
- B. **CENTER SIGN:** A business sign which provides identification at the entrance to a complex such as a shopping center, office complex, or industrial park.
- C. **ELECTION SIGN:** A sign directing attention to a candidate, political party, or a ballot.
- D. **FLAT WALL SIGN:** Signs which are erected or displayed on or parallel to the surface of a building.

- E. **GROUND SIGN:** Signs which are stationary but not supported by a part of a building which are erected on an independent structure (legs or base), so that the structure is the main support of the sign.
- F. **HOME OCCUPATION:** Name signs indicating the name, profession, or activity of the occupant of the dwelling unit.
- G. **IDENTIFICATION SIGN:** Signs identifying schools, churches, hospitals, or similar institutions and for lodges, clubs, residential developments, parks, recreation areas, and other public assets.
- H. **REAL ESTATE SIGN:** A sign advertising the sale, rental, leasing, or development of the premises.
- I. **ROOF SIGN:** A sign erected upon and above a roof structure and wholly supported by the roof structure placed upon a roof.
- J. **SPECIAL EVENT SIGN:** A temporary sign or banner advertising a sale or providing information about a special event sponsored by a legally recognized institutional, public, civic, charitable organization.
- K. **WALL PROJECTING SIGN:** A sign which is mounted upon a building so that the principal face is at right angles to the building.

**SITE PLAN:** A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, buildings, major landscape features, and depending on requirements, the locations of proposed utility lines.

**SKIDDING:** The dragging of trees on the ground from the stump to the landing by any means.

**SKILLED NURSING FACILITY:** A facility which provides nursing care and related medical or other health services for a period of 24 hours or more for two or more individuals not in need of hospitalization but who, because of age, illness or other infirmity, require high-intensity comprehensive planned nursing care, as defined in current State licensure requirements.

**SLASH:** All debris resulting from logging operations, including stems, limbs and parts thereof. "Tops" shall be the word used to refer to the upper portion of a felled tree not normally merchantable. Typically, a "top" becomes part of the "slash" produced by a logging operation.

**STORAGE, OUTSIDE:** The storage of any materials outside the principal or accessory buildings on a property.

**SPECIAL EXCEPTION:** A use permitted in a particular zoning district pursuant to express standards and criteria.

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*Article II*  
*Definitions*

**SPECIFIED ANATOMICAL AREAS:** Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
- C. Excretory functions as a part of or in connection with any of the activities set forth in the subparagraphs above.

**STABLE, PRIVATE:** Any accessory building in which horses are kept for riding, driving, stabling for private use and not for hire or sale.

**STEEP SLOPE:** Land area where the inclination of the land's surface from the horizontal plane is 15% or greater. Man-made slopes shall not be considered steep slopes.

**STREET:** A public or private way which affords vehicular access to abutting properties but not including, driveways, parking lots, or walkways. Street includes the entire right-of-way. If there is no officially established grade, the Township Engineer shall establish same.

**STREET, LOCAL:** A street primarily intended to provide immediate access to adjoining residential land use; intended to serve residential dwellings and be short in length within a suburban development. In outlying rural areas local streets may have greater distances. Local streets are intended to only provide for transportation within a particular neighborhood, or to another type of street classification.

**STREET, COLLECTOR:** A roadway that is intended to provide for a greater degree of mobility than for land access. Collectors generally convey traffic for medium travel distances (generally greater than 1 mile). Collectors serve motorists between local streets and arterial roads.

**STREET, ARTERIAL:** A roadway that provides for high mobility and limited access. These roadways connect urban centers and convey traffic for distances more than 1 mile. Arterials often connect urban centers with outlying communities and employment.

**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 is no floor above it, then the space between the floor and the ceiling next above it.

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

**STUDIO:** A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

**SUBDIVISION:** The division or re-division 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 purposes, 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 proposed into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structures continues designation as a historic structure.

**SUPPLY YARD:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards shall no include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

**SWIMMING POOL:** A pool or tub constructed either above or below grade having a depth at any point in excess of eighteen (18") inches and surface area greater than 100 square feet, intended for recreational purposes including swimming and bathing.

**TIMBER HARVESTING OR LOGGING:** The cutting down and removal of trees and logs to be converted to any forest product or for sale to others or for other purposes. Timber harvesting shall not include the removal of dead or diseased trees or a homeowner cutting on his own property for his own use.

**TIMBER HARVESTING/LOGGING OPERATOR:** Any individual, partnership, company, firm, association or corporation engage in timber harvesting, including agents, subcontractors, and employees thereof.

**TOP:** The upper portions of a felled tree that is unmarketable because of small size, taper, or defect.

**TOWNSHIP:** The municipal governing bodies of Daugherty Township.

**TRACT:** A contiguous expanse of land under the control of one person.

**TRADE SCHOOL:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair.

**TRAILS:** A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

**TRUCK TERMINAL:** A facility to accommodate the service, repair, and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

**USE:** The specific purpose for which land or a building is designed, arranged or intended or for which it may be occupied or maintained. The term authorized use or its equivalent shall not be deemed to include any nonconforming use.

**USE, AUTHORIZED:** Any principal or accessory use allowed by this Chapter as a use by right, conditional use, use by planned residential development, or use by special exception.

**USE BY RIGHT:** An authorized use permitted by administrative decision of the Zoning Officer.

**USE BY SPECIAL EXCEPTION:** An authorized use which may be granted only by the Board in accordance with express standards and criteria.

**USE, PRINCIPAL:** The specific primary purpose for which a lot or site is used.

**VARIANCE:** Relief granted pursuant to the provisions of this ordinance.

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*Article II*  
*Definitions*

**VETERINARIAN OFFICE:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.

**VIEWING BOOTHS:** Booths, stalls, partitioned portions of a room, rooms or other enclosures which are available for viewing:

- A. Films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas.
- B. Persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

**VILLAGE:** An unincorporated settlement that is part of a township, where residential and mixed use densities of one unit per acre or more exist or are permitted and limited commercial, industrial, and institutional uses exist or are permitted.

**WAREHOUSE AND DISTRIBUTION FACILITY:** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials.

**WAREHOUSE/SELF-STORAGE FACILITY:** A building or group of buildings in a controlled access compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers lease to the general public for a specified period of time for the dead storage of personal property.

**WASTE TRANSFER FACILITY:** a facility which receives and temporarily stores waste at a location other than the lot or site where it is generated, which may or may not involve the treatment of the waste, and which facilitates the transfer of the waste to a facility for further processing or disposal.

**WETLAND:** Any area meeting the criteria of the appropriate State or Federal agency to be a wetland.

**WHOLESALE ESTABLISHMENT:** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WINE: Liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term "wine" shall not include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.

WINERY: Any premises and plants where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.

WINERY/ VINEYARD: A winery engaged in viticulture activities, inclusive of a plantation of grape-bearing vines, grown mainly for winemaking that produces and sells alcoholic ciders, wines and wine coolers only from fruits grown generally in Pennsylvania and for which at least half are grown on the premises in an amount not to exceed 200,000 gallons per year.

WINERY/ PROCESSING PLANT: A winery not engaged in viticulture activities that produces and sells alcoholic ciders, wines and wine coolers only from fruits grown generally in Pennsylvania in an amount not to exceed 200,000 gallons per year.

YARD: An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of the required yard shall be measured as the shortest distance between the structure and the lot line or street right-of-way line or, in the case of a street which is not dedicated to the Township, from the edge of the cartway.

YARD, FRONT: The yard between the required front yard setback line and a street right-of-way line and extending the entire length of the street right-of-way line. In the case of a corner lot, the yards extending along all street right-of-way lines are "front yards."

YARD, REAR: The yard between a structure and the rear lot line and extending the entire length of the rear lot line. In the case of a corner lot, the yard opposite from and parallel to the street on which the structure fronts shall be considered the "rear yard."

YARD, SIDE: A yard between a structure and a side lot line, extending from the front yard; in the case of a corner lot, the yard which is not a front yard or rear yard.

**ZONING APPROVAL:** Approval under the provisions of this Chapter certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this Chapter.

**ZONING DISTRICT:** An area accurately defined as to boundaries and location on the Zoning Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded.

**ZONING MAP:** The map setting forth the boundaries of the zoning districts within the Township to which this zoning ordinance applies and which shall be a part of this ordinance.

**ZONING OFFICER:** The person appointed by the Supervisors in accordance with this Chapter whose duty it shall be to administer this Chapter and such other Chapters as may be assigned by the Supervisors. The Zoning Officer shall be the Zoning Officer as required by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. The Zoning Officer shall have all the powers and be subject to all the provisions as set forth in the Municipalities Planning Code, 53 P.S. §10101 et seq., with respect to Zoning Officers.

ARTICLE III  
ESTABLISHMENT OF DISTRICTS, MAP AND GENERAL REGULATIONS

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Section 301.        Establishment of Districts

- A.     For the purpose of this Chapter, the Township of Daugherty is hereby divided into zoning districts as shown on the Official Zoning District Map included as part of this Chapter. Six specific land use classifications and zoning districts are:
1.     R-1 Rural Conservation Residential District.
  2.     R-2 Traditional Residential District.
  3.     R-3 Mixed Residential District.
  4.     C-1 Neighborhood Commercial District.
  5.     C-2 Highway Commercial District.
  6.     C-3 Industrial District.
  7.     S-U Special Use District.

Section 302.        Zoning Map

- A.     The boundaries of zoning districts shall be as shown on the Zoning Map and made a part of this Chapter, which Zoning Map shall be known as the "Official Zoning Map of the Township of Daugherty." Said Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.
- B.     The Official Zoning Map of the Township of Daugherty shall be identified by the signature of the Chairman of the Board and attested by the Township Secretary/Manager and bear the seal of the Township.
- C.     The Township Secretary/Manager shall be custodian of said map and shall have the Township Engineer enter changes to district boundaries or other matter shown on the map when, and only

when, such changes have been properly adopted by the Board of Supervisors according to law. Such changes, including rezoning, subdivision of land and taking over of roads, shall be identified on said map with an entry stating the number of the authorizing ordinance, the date of said ordinance, the date when such change is actually entered upon the map and a brief description of the change. Said entry shall be attested by the Board Chairman and the Township Manager. No amendment to this Chapter which involves matter portrayed on the Zoning Map shall become official until after such change and entry have been made on said map. If the zoning of any property as indicated on the official map is found not to conform with the zoning stated in the ordinance that last rezoned the property, the zoning stated in the ordinance controls and the Official Map shall be promptly revised to conform.

- D. Regardless of the existence of purported copies of the Official Zoning Map which may be made or published, the Official Zoning Map of the Township of Daugherty, which shall be located in the Township Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.
- E. In the event that the Official Zoning Map of the Township of Daugherty becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the Board of Supervisors may by resolution adopt a new Official Zoning Map of the Township of Daugherty which shall supersede the prior Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such change shall have the effect of amending the original Zoning Map retroactively. Unless the prior Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 303. District Boundaries

The district boundaries on the Official Zoning Map are intended to follow property lines; centerlines of roads, water courses, or railroads; other identifiable physical features; or measured distances from property lines, centerlines, or identifiable physical features. When the Zoning Officer cannot determine the location of a zoning district boundary by reference to the Official Zoning Map, the Zoning Officer shall refuse action; and the Zoning Hearing Board shall interpret the

location of the district boundary with reference to the scale of the Map, the Comprehensive Plan and the purposes set forth in all relevant provisions of this Chapter.

Section 304. Boundary Tolerance

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the Zoning Officer may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 305. Charts

- A. Chart A: Lot, Yard and Height Requirements, Residential. For every building hereafter erected and used in whole or in part as a dwelling, the shown minimum requirements shall apply.
  - 1. Special Height Regulations. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, silos, and ornamental or necessary mechanical appurtenances.
- B. Chart B: Area, Yard and Height Requirements, Non-Residential. For every building hereafter erected and used in whole or in part as a commercial or industrial structure, the shown requirements shall apply.
- C. Chart C: Use. Explanation of use categories:
  - 1. Four classifications of zoning uses are established by this article, which vary in their impact upon the Township and in the procedures by which the uses are authorized.
    - a. Uses permitted by right are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this Chapter.
    - b. Conditional uses are those authorized uses which are permitted by approval of the Board of Supervisors in accordance with this Chapter and specifically Article IV.

- c. Uses by special exception are those authorized uses which are permitted by approval of the Zoning Hearing Board in accordance with this Chapter and specifically Article V.
  - d. Planned Development uses are those authorized uses which are permitted by approval of the Board of Supervisors as a planned development in accordance with Article VII of Act 247 and Article VI of this Chapter.
2. Uses not specifically listed. Uses which are not specifically listed in Chart C or Articles IV, V or VI of this Chapter shall not be permitted in the Township. Uses which are not specifically listed but are similar to a specifically listed use shall be permitted by conditional use in the same zoning district in which similar specifically listed use is permitted and the Board of Supervisors shall make findings with regard to the similarity of the uses in accordance with Article IV.

Section 306. Special Yard Requirements

- A. Corner Lots. Lots which abut on more than one street shall provide a required front yard depth along each street.
- B. Clear-sight triangle. On a corner lot no structure, fence, wall, hedge or other planting shall be erected, placed, planted or allowed to grow in such a way as to impede vision of pedestrian and vehicular traffic within clear-sight triangles on all corners between a height of 30 inches and seven feet above the center-line grades of intersecting streets. This shall apply to the clear-sight triangle area formed by the intersecting center lines of the street measured along each center line forming 2 sides of the triangle. The third side closes the triangle as it traverses the corner lot. There is no parking permitted within the sight triangle.
- C. Permitted Projections. The projection of any overhanging eaves, gutters or cornices which utilize the building for support, but not being enclosed or part of the living area of the building, may extend into the required yard not more than two (2') feet in any case. Facilities installed to provide access to the physically challenged may extend into any required yard. The following encroachments are permitted in the required yard areas:

1. Light fixtures.
2. Sidewalks or walkways on grade.
3. Fences, not exceeding 8 feet in height as long as the top two (2') feet are decorative and opaque in nature.
4. Retaining walls.
5. Flagpoles for display of official government flags of the United States or any of its subdivisions.
6. Vegetation, including trees and landscaping materials.
7. Decorative lawn ornaments not to exceed 48 inches.
8. Wishing wells.
9. Arbors and trellises.
10. Ponds.
11. Bird baths.
12. Handrails along sidewalk or walkway steps.
13. Driveways and parking spaces for single-family detached buildings, according to regulations outlined in Article VII.
14. Awnings in the front yard area only, to a maximum of five (5') feet.
15. Bus shelters and telephone booths.
16. Patios, decks and unenclosed porches are permitted to project into required front yards no more than six (6) feet.
17. Steps above grade and open fire escapes are permitted to project into required yards no more than five (5) feet.

- D. No open space contiguous to any building shall be enclosed upon or reduced in any manner except in conformity to the yard, lot area, building location, off-street parking space and such other regulations designated throughout this Chapter. In the event of any

such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this Chapter.

Section 307. Accessory Structures, Building and Uses

- A. **Accessory Structures.** Accessory structure or building setbacks shall be ten feet (10') from any property line and provided that no accessory structure or building is permitted within any required front yard. This provision does not apply to any private garage or to any accessory building in excess of 1,000 square foot, such structures must comply with the full yard requirements for principal structures.
- B. **Outdoor Storage and Display.** Outside storage or product display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use or required parking areas. Outside storage areas shall be shielded from view from public streets.
- C. **Swimming Pools.** All pools over twenty-four (24") inches in depth that are intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located shall comply with the following:
  - 1. Pools shall not be located, including any walks or paved areas or accessory structures, closer than ten (10') feet to any property line, nor shall it be nearer to any street line upon which the residence abuts than the existing setback line of the residence. In no case shall it be any closer than twenty (20') feet from any street line.
  - 2. All pools hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four (4') feet but not more than six (6') feet in height, and shall be constructed so as not to have openings, mesh or gaps larger than four square inches in any direction. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved self-closing, self-latching devices.
  - 3. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that only diffused or reflected light enters adjoining properties.

D. Fences and walls.

1. The maximum permitted height of an open fence (one with at least 80% voids) or a solid fence (one with less than 80% voids) or wall is eight (8') feet. An open fence around a tennis court may be 10 feet in height. A fence not exceeding 10 feet in height may be erected in any required yard for schools, playgrounds or parks or in any required side or rear yard in commercial or industrial districts.
2. The only fences permitted in front yards in residential districts are ornamental, limited to four feet in height. Fences of the chain link type, generally used for enclosure or containment, are not permitted in front yards. An "ornamental fence" is defined as one used to beautify or to enrich or improve the appearance of a property and/or a structure. Permitted are ornamental iron or aluminum fences (with safe picket tops), ornamental open wooden or wood picket fences or brick and stone walls or fences or walls combining these materials. Openings shall have equally spaced open and closed sections of the same dimension. No opening shall be less than three inches.
3. The following fence or wall minimum setbacks shall be required from any property line.
  - a. residential- two (2) feet.
  - b. agriculture- five (5) feet.
  - c. intensive agriculture- fifteen (15) feet.

Exceptions:

Where two farms share a common parcel boundary, the fence may be erected on the property line.

Where a farm shares a property boundary with a State or Township Right-of-Way, the fence may be erected one (1) foot off of the Right-of-Way line. Damages resulting from winter road maintenance shall be the responsibility of the property owner and not the Township or the Commonwealth.

Section 308. Steep Slope Limitations

The maximum percentage of lot area or site area of a development which may be disturbed, graded, and stripped of vegetation during development and construction of the public and private improvements with the exception of incidental grading for structure construction is as follows:

- A. Residential subdivision or planned residential development:
  - 1. If the slope category is 15% to 24.9% slope, 30 % of the lot area or site area.
  - 2. If the slope category is greater than 25 % slope, 15% of the lot area or site area.
  - 3. This restriction shall not apply if disturbance is for nonresidential developments in planned residential developments or single-family lot areas, but the restrictions shall apply to general development site areas for residential uses, i.e., streets, storm water retention areas, utilities, etc.
  
- B. Nonresidential development:
  - 1. If the slope category is greater than 40% slope - 15% of the lot area or site area.

Section 309. Non-Residential Development Setback

All development of non-residential zoning districts that are contiguous, abutting, or adjacent to any residential zoned property shall maintain a twenty-five feet (25') non-disturbance development setback from the lot line abutting any residential zoning district. The twenty-five feet (25') development setback area shall not be cleared of vegetation or graded, except that vegetation may be disturbed to the extent the Board of Supervisors determines that additional landscaping within the non-disturbance setback will enhance the buffer area.

Section 310. Utility Service

- A. Nothing in this Chapter shall preclude the construction, operation and maintenance of public utility distribution and transmission or collection systems. Such systems may include poles, wires, underground pipes, transformers, conduit, appurtenances for the transmission and/or distribution of the commodity or service pertaining to the public utility.

- B. All electrical, telephone, cable television and other communication system service laterals on a lot or site shall be installed underground from the distribution line to a structure unless the distribution line is above ground or the area is subject to the provisions of the Floodplain Overlay District.
- C. All utility equipment shall be located in compliance with the required yard setbacks for the district in which it is located.

Section 311.        Lighting

- A. Throughout the entire Township, all lighting or illumination by any means, whether by electric or otherwise, whether the same is indoors or outdoors, is to be located and directed and of such an intensity so as not to create a hazardous condition or damage to the person or property of others or interfere with or restrict the lawful use and enjoyment by others of property in the Township. Any illumination or lighting which is of such intensity or so directed or so located as to cause a hazardous condition or danger to the person or property of others or interfere with and restricts the lawful use and enjoyment of property in the Township by others is hereby declared to be a public nuisance.
- B. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any Residential District. When required, any luminary shall be equipped with a glare shielding device approved by the Township Engineer. The height of any luminary must also be approved by the Township Engineer.
- C. All illuminations or lighting hereafter constructed, installed, changed or remodeled shall be cutoff lighting, so that the candlepower does not exceed 2-1/2% of the total lamp lumens at an angle of 90° above horizontal and candlepower does not exceed 10% of the total lamp lumens at an angle of 80% above horizontal. These requirements apply to any lateral angle around the light. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement provided that the source of such light shall not be visible from the property lines or public right-of-way.

- D. The light intensity at any lot line shall not exceed 1/2 to two foot-candles. Where light is reflected in a street area, the intensity measurement shall be made on the right-of-way line across the street from where the light emanates and shall not exceed 1/2 to two foot-candles at such point of measurement.

Section 312. Landscaping

All uses shall comply with the following minimum landscaping provisions in addition to the other landscape provisions that may be required by this Chapter:

- A. Applicability of landscape requirements. These provisions shall be applicable to every use, excluding freestanding single-family houses, to which a zoning compliance or a building permit for any new structure or enlargement of any existing structure is hereafter required or for which approval is sought.
- B. Disturbed Areas. All disturbed areas of developed property shall be suitably landscaped with trees, shrubs, ground cover or grass to prevent dust, erosion or mud conditions.
- C. Landscaping around site perimeter. A minimum ten (10) foot wide perimeter landscaping strip shall be provided around the perimeter of the site with one (1) deciduous tree having a caliper of not less than 2 ½ inches or two (2) evergreen trees having a height of not less than six (6) feet and three (3) shrubs per thirty-five (35) lineal feet of perimeter. Where mature existing vegetation occur along the perimeter and no development is proposed within fifty (50) feet of the lot line, a fifteen (15) foot wide preservation strip may be substituted as approved by the Board of Supervisors.
- D. Interior parking lot landscaping. The following landscaping requirements shall be met in all parking lots that accommodate fifteen (15) or more parking spaces:
  - 1. A planting island of at least one hundred eighty (180) square feet in pervious surface area shall be provided for each fifteen (15) parking spaces.
  - 2. The planting islands shall be placed at intervals of no more than two hundred (200) lineal feet on center.

3. A minimum of one (1) deciduous tree having a caliper of not less than 2 ½ inches shall be planted per island. The deciduous trees shall have a clear trunk at least six feet above the finished grade to allow vehicular circulation and visibility beneath the canopy. Tree species shall be selected to be tolerant of normal parking lot conditions.
  4. The planting island shall be a minimum of nine (9) feet in width.
  5. A minimum of ten percent (10%) of the parking lot surface area is required to be pervious within the interior of the parking lot.
- E. Screening of loading areas, outside storage areas and other service areas. Screening and landscaping shall prevent direct views of loading areas, storage areas outside an enclosed building, service areas, and associated service driveways from adjacent properties or from the public or private right-of-way when viewed from ground level. Screening shall consist of opaque ornamental fencing or walls, which are architecturally compatible with the principal building on the lot, or evergreen planting.
- F. Planting screens specifications. All planting screens shall consist of plants at least 30 inches high when planted and maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet at maturity. The proposed plantings can be expected to thrive and provide screening that will create no nuisance or hazard.
- G. All required landscaping shall be maintained. Dead and dying trees/shrubs shall be replaced no later than the subsequent planting season.

Section 313. Traffic Control and Regulation

The Board of Supervisors, in the case of conditional uses and the Zoning Hearing Board, in the case of special exceptions, shall not approve a use in areas where a professional traffic engineering study indicates that a proposed use or structure will burden existing traffic so as to enhance the danger and congestion in travel and transportation and increase the number of accidents unless the property owner or applicant agrees to provide such traffic improvements as determined by the study.

Section 314. Control of Stormwater Runoff from Existing Development

All property owners, when installing or improving driveways, parking areas, adding structural additions or making other improvements, shall control stormwater runoff to prevent indiscriminate flow of water onto adjacent developed properties. Discharge of water shall be into natural drainage channels (on or off site) or into the municipal storm system when they are the natural area of discharge, as determined and approved by the Township Engineer, for stormwater and when normal erosion control measures are followed.

Section 315. Timber Harvesting Practices

A. Purpose. In expansion of the general purposes contained in Section 104 of this Chapter, it is hereby declared to be the primary purpose of this Section to establish reasonable standards to regulate timber harvesting operations within the Township. Specific objectives are as follows:

1. Preserve environmental and economic benefits associated with proper forest management.
2. Promote proper forest stewardship.
3. Protect the rights of adjoining property owners.
4. Minimize the potential for adverse environmental impacts associated with any timber harvesting operation.
5. Avoid unreasonable and unnecessary restrictions on the right of property owners to harvest timber, which activity is a permitted use in all zoning districts.

B. Permit Required.

1. When a property owner wishes to conduct or permit to be conducted a timber harvesting operation on his property, such owner shall obtain a timber harvesting permit from the Township.
2. A timber harvesting permit shall not be required, and this Section shall not apply to the following:

- a. Work performed on clearing subdivision roads and rights-of-way approved by the Township.
  - b. Work performed in accordance with a land development plan approved by the Township Board of Supervisors.
  - c. Individual lots affected by the timber harvesting operation of less than two (2) acres in size, provided that the entire timber harvesting operation does not exceed a total of two (2) acres.
3. Performance Security. Prior to the commencement of a logging operation, the applicant shall post financial security guaranteeing restoration of the property logged or of any other property damaged by the logging operations. This financial security shall be made either by certified check or by surety bond, and said amount shall be based upon the actual area of soil disturbance as delineated in the timber harvest plan. The bond amount shall be calculated using the total costs of soil, seed and mulching and derived from the average sum of the current rates published by Engineering News Record (ENR) and the Guide to Construction Cost. This average rate shall be multiplied by each acre of actual soil disturbance. The Township shall be given three (3) business day advance notice, in writing, by the contractor, owner or any other party conducting a logging operation, for the purpose of permitting the Township to inspect the site and to document pre-timber harvesting conditions. Such initial notice may not be given on a weekend or official Township holiday and must be hand delivered to the Township's offices. The contractor, owner or any other party conducting the logging operation shall contact the Township within three (3) business days after final operations have been completed. The Township shall complete a post-harvest inspection of the subject property. The performance financial security will not be released by the Township until a written post-harvest report is submitted by the consulting or State forester indicating what measures were taken to restore the property according to erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law; Stream-crossing and wetlands protection regulations contained in

Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act; and the Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.

4. Prior to commencing logging operations, the applicant shall procure and maintain adequate insurance in an amount of least \$1,000,000 to protect it from claims for damages because of bodily injury, including death, and from claims of damages to property which may arise both out of and during logging operations, whether such operations be by itself or by any contractor, agent subcontractor, or anyone directly or indirectly employed by it or them. A certificate of insurance in this amount shall be filed with the Township prior to commencement of logging operations, which certificate shall state that the Township shall be given written notice at least 60 days prior to cancellation of such insurance. The Township shall be named as an additional insured on all policies of insurance described in this paragraph. Prior to commencing logging operations, the applicant shall procure and maintain worker's compensation insurance as required by state law.

C. A timber harvesting application shall be filed with the Township and shall contain the following:

1. A narrative containing the following information:
  - a. Purpose of the proposed operation.
  - b. Total land area involved in the proposed timber harvesting operation.
  - c. Total number of trees selected for harvesting.
  - d. Reforestation narrative outlining the re-vegetation of the landing area, skid trails and harvest area.
  - e. A chart indicating the quantity of trees, the ranges and species of the trees selected for harvesting.
  - f. Provide a copy of approved stormwater management plans in compliance with regulations issued pursuant to the Pennsylvania Stormwater Management Act.
  - g. Provide a copy of approved stream-crossing and wetlands protection permits in compliance with regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act.

- h. A statement confirming that each tree to be removed has been designated by the consulting or state forester with paint or other distinctive means at two points so as to be readily visible by the logger. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.
  - i. Provide a copy of an approved erosion and sedimentation control plan in compliance with regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law.
2. A legibly drawn site plan containing the following information and drawn to the following specifications:
- a. Be drawn to a scale not to exceed 1 inch equals 100 feet.
  - b. Be drawn on a sheet size not to exceed 24 x 36 inches.
  - c. Be prepared in accordance with standard architectural and engineering practices.
  - d. Be sealed by engineers and/or surveyors of record.
  - e. The names and addresses of the landowner and adjacent property owners.
  - f. Contain a vicinity map, which shows the properties proposed for timber harvesting as shown on a current Township map. The vicinity map shall identify all adjacent properties and the name of property owners surrounding the proposed timber harvesting operation.
  - g. The boundary of the site to be timber harvested as indicated by a heavy line with length of course in feet.
  - h. The location and names of streets and roads adjacent to the proposed timber harvesting operation.
  - i. Utility rights-of-way and/or easements.
  - j. Existing watercourses, floodplains, woodlands and wetlands.
  - k. The required one hundred foot (100') perimeter buffer measured from the outside walls of existing residential or commercial building on an adjacent property.
  - l. Topography of the property, including all slopes of 25% or greater and slide-prone soil areas.
  - m. Earth disturbance locations, including skid trails and landing areas.

- D. Any timber harvesting operation shall meet the following requirements:
1. Trees selected for harvesting shall be marked at two distinctive locations thereon. The higher of the two marks shall be provided around the entire circumference of the tree. The lower mark must be visible on the stump after the tree is removed.
  2. A one hundred foot (100') perimeter buffer zone, within no timber harvesting shall occur, shall be required measured from the outside walls of all existing residential and/or commercial buildings located on all adjacent property.
  3. Clear cut timber harvesting and the construction of skid trails is prohibited on areas with slopes greater than twenty-five percent (25%) unless a soils plan is prepared and sealed by a soils engineer registered to practice in the Commonwealth of Pennsylvania and said plan is submitted by the applicant as an integral part of the permit application. Selection cut timber harvesting shall not be restricted.
  4. No timber harvesting operation or removal of products shall take place between sunset and sunrise or any time on Sundays or federally designated legal holidays.
  5. Trees falling on adjacent properties as a result of a timber harvesting operation shall be returned immediately to the landowner's property, who shall be responsible for any damage, cost or restoration to the affected adjacent property.
  6. Falling or skidding on or across any public road or right-of-way is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or right-of-way.
  7. Waste material shall be removed to a point out of sight of any public road or adjacent property. No tops or slash shall be left within twenty-five feet (25') of any public road, street, adjacent property, or private roadway providing access to adjoining residential property.

8. No tops or slash shall be left on or across the boundary of any property adjoining the timber harvesting operation without the written consent of the owner thereof.
9. No tops or slash shall be left in a floodway or floodplain.
10. The maximum term of any permit issued pursuant to this Part shall be for twelve (12) months. However, because the timber harvesting operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, one additional six (6) month extension, after payment of a renewal fee equal to the initial permit fee, maybe granted by the Township.
11. Upon completion of the harvesting operation, the consulting or State forester shall submit a written report to the Township indicating what measures were taken to restore the property according to erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law; Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act; and the Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.
12. Upon completion of the timber harvesting operation, all disturbed areas including, but not limited to, the landing areas and skid trails shall be re-vegetated pursuant to the Erosion and Sedimentation Control plans and the Stormwater Management Plans as approved by the Commonwealth of Pennsylvania's Department of Environmental Protection and/or the Beaver County Conservation District.
13. A timber harvesting operation shall not include any on-site processing of harvested trees or manufacturing. No portable sawmills are permitted.
14. No on-site retail sale of harvested wood or logs shall be permitted from the property unless the property is in a commercial zoning district, which permits such use or the sale of the harvested wood is part of a Timber Stand Improvement and is actively managed by a Forest

Management Plan in a zoning district which permits Agriculture as a Use By Right.

15. Access roads shall remain permanently blocked. The Landowner shall choose the appropriate post-harvest security. When the logging operation on a parcel has been completed, all access roads shall be permanently blocked and kept as such by a solid barrier including but not limited to a pile of dirt or aggregate, a lockable gate, concrete blocks, Jersey Barrier, or fence.

E. Road Maintenance

1. The Township shall have the authority to suspend the hauling and removal of timber should the Township determine that conditions created by the spring thaw, adverse weather, or any other condition will cause or make likely damage to a Township maintained road.
2. The repair of roads, bridges and culverts damaged as a result of a timber harvesting operation shall be repaired in like and kind to their pre-timber harvesting condition.
3. The permittee, logging operator, or a designated representative shall not create a new access or use an existing access onto a state maintained road without first showing proof that the access is permitted by the Commonwealth of Pennsylvania's Department of Transportation.
4. The permittee, logging operator, or a designated representative shall not create a new access or use an existing access onto a Township maintained road without first obtaining permission from the Township for using said access.
5. Any disturbance along a Township maintained street or road to create a new or improve upon an existing access shall be reconstructed back to its original condition as it was prior to the commencement of the timber harvesting operation.

F. Waivers and Enforcement.

1. The Township shall have the right to waive any requirements of this Section.
2. The Township Manager or his/her designee shall be the enforcement officer for this Section.
3. The Township Manager or his/her designee may enter the site of any timber harvesting operation through out the term of the permit to review the timber harvesting plan or any other required documents for compliance with this Section; and to inspect the operation for compliance with the timber harvesting plan and other on-site requirements of this Section and to inspect the operation for compliance with the timber harvesting plan and other on-site requirements of this Section. Prior to entering the property, advance notice shall be given to the property owner to enable the owner to be personally present or be represented by an agent at the time of such entry.

G. Violations and Penalties.

1. Upon finding that a timber harvesting operation is in violation of any provision of this Section, the Township shall issue the logging operator and the landowner a written notice of violation in accordance with the provisions of this Chapter regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.
2. The Township may order the immediate suspension of any timber harvesting operation and may institute any appropriate action to prevent, restrain, correct, or abate the violation of this Section upon finding that (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a timber harvesting plan; or (3) the operation is causing an immediate environmental risk.
3. Suspension orders shall be in writing; shall be issued to the logging operator and the landowner; and shall remain in effect until the timber harvesting operation is brought into compliance with this Section or other applicable statutes or regulations.

4. Penalties. Penalties for any violation of this Section shall be enforced in accordance with Section 1115 of this Chapter.

ARTICLE IV  
CONDITIONAL USES

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Section 401.           Provisions for Conditional Uses

- A.     Conditional uses are to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendations by the Planning Commission and pursuant to expressed standards and criteria set forth for a particular use listed under this article.
  
- B.     In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purpose of this Chapter.

Section 402.           Procedure for Conditional Uses

- A.     Authority. The Board of Supervisors shall hear and decide requests for conditional uses in accordance with the provisions of this Chapter and the procedures, regulations, and standards and criteria of this Article.
  
- B.     Relationship to Township Subdivision and Land Development Ordinance. All provisions of the Subdivision and Land Development Ordinance which are not specifically modified by the Board of Supervisors in approving a conditional use, shall apply to any conditional use involving subdivision or land development.
  
- C.     Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer at least 10 working days prior to the Planning Commission meeting. The application for development shall indicate the section of this Chapter under which the conditional use is sought and shall state the grounds upon which it is requested.
  
- D.     Application Content. An application for development for approval of a conditional use shall include the following:
  - 1.     One original application form completed by the applicant. If the developer is other than the landowner, the landowner's

authorization of the developer to apply and nature of developer's interest in the site shall accompany application.

2. Five copies - application form, provided by the Township and completed by the applicant.
  3. Seven copies of a landscape plan demonstrating compliance with this Chapter.
  4. Seven copies of a conditional use site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance and, in addition, demonstrating conformity with all requirements of this Chapter.
  5. Seven copies of an environmental impact assessment for land developments of 5,000 square feet of gross floor area of buildings or more.
  6. Application fee and review fees established by ordinance or resolution of the Board of Supervisors to cover the cost of review.
- E. Determination of Acceptance/Rejection as Incomplete. Within 7 working days after a conditional use application is submitted, the Township shall certify the conditional use application as substantially complete and accepted or incomplete and rejected. Within said time, the Township shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- F. Planning Commission Review and Comment or Approval. The Planning Commission shall review the application for development and make a written recommendation to the Board of Supervisors. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the Township's Subdivision and Land Development Ordinance.
- G. Public Hearing. The Board of Supervisors shall hold a public hearing, in accordance with Section 913.2 of the Municipalities Planning Code, and public notice shall be given as required. The

public hearing shall be commenced by the Supervisors within 60 days from the date of an applicant's request for a hearing.

- H. **Conditions.** In considering any conditional use, the Board of Supervisors may prescribe reasonable conditions and safeguards, in addition to those expressed in this Chapter, as the Board of Supervisors deem necessary to implement the purposes of the Municipalities Planning Code in this Chapter. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Chapter.
- I. **Written Decision.** The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provision of this Chapter 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. 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 no later than the day following its date.
- J. **Action.** If the Supervisors determine that the application for conditional use meets all requirements of this Chapter and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this Chapter, it shall direct the Zoning Officer to issue a zoning approval for such conditional use.
- K. **Expiration.** Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of said approval, unless the Board of Supervisors, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12 month extension. The Board of Supervisors may grant an extension for good cause

shown by the applicant and provided that the extension will not be contrary to the purposes of this Chapter or detrimental to the surrounding neighborhood.

- L. **Effect on Prior Approvals.** Conditional use approval, granted prior to the effective date of this Article, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of the effective date of this Article or as specified in the approval, unless the Board of Supervisors, in its sole discretion, expends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.
  
- M. **Modifications.** The Board of Supervisors shall consider whether proposed modifications in any of the requirements of this Chapter for each zoning district, contained in an application for development for a conditional use will make for a more efficient, attractive, and harmonious conditional use. If such modifications, in the judgment of the Board of Supervisors, constitute a more beneficial use of the site than provided for under the requirements of the zoning district in which the site of the conditional use is located, the Board of Supervisors in their sole discretion may grant the modifications for less strict requirements; however, no modification shall be granted for the following:
  - 1. Authorized uses shall be limited to those specified as authorized uses or conditional uses in the zoning district in which the site is located.
  - 2. No modification shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation.
  - 3. Under no circumstances shall a modification be granted to the prohibitions of uses or activities in floodplain areas.
  - 4. Whenever a modification is granted to construct a structure below the 100-year flood elevation, the Township shall notify the developer in writing that:

- a. The granting of the modification will result in increased premium rates for flood insurance.
    - b. Such modification increases the risk to life and property.
  - 5. All provisions of Subdivision and Land Development Ordinance, which are not specifically modified by the Board of Supervisors in approving a conditional use, shall apply to any conditional use involving subdivision and land development.
  - 6. Requests in writing. All requests for modifications or waivers shall be in writing and shall accompany and be part of the application for development. The requests shall state in full the grounds and facts of hardship or evidence of equal or better result on which the request is based, the provision or provisions of the Chapter involved and the minimum modification necessary.
- N. Burden of Proof. In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with this Chapter, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 403. General Requirements and Standards

The Board of Supervisors shall grant conditional use only if it finds adequate evidence that any proposed development will meet all of the general requirements; the standards and criteria for all uses in the zoning district in which the proposed use is located; the express standards and criteria for each use authorized by conditional use; and all other applicable sections of this Chapter. Whenever there is any conflict in these requirements, the stricter requirement shall govern. The Board of Supervisors shall, among other things, require that any proposed use and location be:

- A. In accordance with the Township's Comprehensive Plan and consistent with the spirit, purposes, and intent of this Chapter.
- B. In the best interests of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.

- C. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- D. In conformance with all applicable requirements of this Chapter.
- E. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

Section 404.            Express Standards

A.    Antennas and Accessory Equipment

- 1.    Antennae and accessory equipment shall not exceed a maximum height of 35 feet above the top of a structure upon which it is located.
- 2.    Antennae and accessory equipment shall be located / placed on existing structures.
- 3.    Antennae and accessory equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the principal structure to which it is attached is located.
- 4.    Antennae shall be blended with the existing structure to the greatest extent possible.

B.    Automobile Repair

- 1.    All service work and repair shall be done inside an enclosed structure.
- 2.    No derelict, damaged, or unlicensed vehicles shall be stored on the premises for more than 48 hours.
- 3.    Vehicles awaiting repair outside shall be screened and obscuring a view of them from adjacent properties and streets with a solid vegetative landscape buffer or opaque fencing of at least six (6') feet in height.

4. When vehicles are to be stored on the site awaiting repair there shall be a designated storage area that shall not include required parking for the site.

C. Automobile Sales, Rental and Service

1. Said use will be permitted only when the proposed site has exposure and direct access to a major highway.
2. All use and equipment for major automobile repair and marine repair shall be conducted entirely within a building.
3. No derelict, damaged or unlicensed vehicles shall be stored on the premises for more than 48 hours. Vehicles awaiting auto body repair or painting shall be kept behind a fence at least six (6) feet high surrounding the vehicles and obscuring a view of them from adjacent properties and streets.
4. No loudspeakers shall be permitted outside of any enclosed structures.
5. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.

D. Automobile Salvage / Junkyards

1. The minimum site size shall be twenty-five (25) acres.
2. The site shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
3. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried, or disposed of on the site.
4. The manner for the storage of junk shall be arranged in such a fashion that aisles of a minimum width of 25 feet between rows of junk are maintained in order to facilitate access for firefighting and prevent the accumulation of stagnant water. The proposed layout of the junkyard shall be indicated on the site plan submitted with the application.

5. No junk shall be stored or accumulated and no structure shall be constructed within 50 feet of any dwelling unit or within 25 feet of any other parcel line or right-of-way of a public street.
6. The site shall be enclosed by a metal chain-link fence not less than 8 feet in height supported on steel posts with self-latching gate.
7. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
8. All site lines adjoining residential use or zoning districts classification shall provide an adequate buffer yard.
9. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is not adverse impact upon the functioning of the district or adjacent parcels.

E. Automobile Service Stations

1. Sufficient off-street parking and loading space shall be provided consistent with the requirements of this Chapter.
2. All storage of new, used or discarded parts or materials shall be within an enclosed structure.
3. All production servicing and processing shall take place within completely enclosed buildings.
4. All vehicles awaiting or in process of servicing or repair shall be stored in off-street parking spaces which shall be situated so that no traffic hazards or blocking of traffic will occur. All wrecked or junk vehicles shall be stored within an enclosed structure.
5. Pumps, canopies, tanks, accessory uses, structures, and other devices shall be setback a minimum of 150 feet from any street and 50 feet from any property line; in the alternative, the principle building and use (located in compliance with the required yards for the district in which it is located) shall be located in front of the pumps, canopies, tanks, accessory uses, structures, and other devices and the

pumps, canopies, tanks, accessory uses, structures, and other devices shall be located a minimum of 75 feet from any street and 50 feet from any property line.

6. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.

F. Bulk Fuel Storage

1. All State and Federal permits shall be acquired prior to filing the application for development.
2. The fuel storage area shall be capable of containing at least one and one-half times the amount of the largest storage tank.
3. An explicit plan for emergency procedures and fire prevention and containment shall be approved by the Township.
4. The Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the zoning district or adjacent parcels.

G. Camping Facility

1. In the case of a camp or campground in which multiple units including tents, travel trailers and other forms of living accommodations are placed on one site, a 25-foot buffer area shall be required to separate the to a mud-free, dust-free condition, and shall be designed for safe and convenient access to camping spaces and to facilities for common use by the occupants. Direct access to individual camping spaces from public streets shall not be permitted.
2. All camps and campgrounds shall comply with all applicable regulations of the Commonwealth including, but not limited to, regulations covering food service, water supply, sewage disposal, bathing places, vector control, toilet facilities, sanitary stations, and garbage disposal.

3. Vacation cottages, rental cabins and other dwellings with permanent foundations shall comply with the minimum net lot area and dimensional standards of the zoning district in which they are located.
4. The Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

H. Cemetery / Crematorium

1. Expansion and/or establishment of cemeteries must be in conjunction with and adjacent to existing cemeteries or religious facilities.
2. Adequately funded programs and provisions which met the approval of the Township Solicitor shall be provided to guarantee perpetual care of all cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed.
3. All garages, equipment shelters, offices and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the Supervisors on the basis of design, aesthetic quality and general adequacy.
4. All equipment shall be properly stored when not in use.

I. Community Based Senior Housing

1. Minimum lot size shall be 5 acres.
2. The lot shall be serviced by public water and sewerage.
3. The structure(s) maximum height permitted is three stories and / or 50 feet.
4. The maximum permitted density for community based senior housing is 8 dwelling units per gross acre.

J. Commercial and Private Recreation

1. Uses in the C-1, C-2 and C-3 zoning districts shall be limited to the following:
  - a. Bowling alley.
  - b. Golf driving range.
  - c. Miniature golf.
  - d. Batting cages.
  - e. Rental cart track.
  - f. Street hockey rink.
  - g. Ice hockey rink.
  - h. Tumbling/gymnastic center.
  - i. Health spa.
  - j. Swim club.
  - k. Tennis club (courts).
  - l. Racquet/handball club.
  - m. Indoor movie theater.
2. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
3. No lighting, noise, or other aspect of the recreation development shall, in the opinion of the Planning Commission or Supervisors, produce any nuisance factor to residential or public uses which are in proximity.

K. Composting Facility

1. The composting activity shall be located a minimum of 100 feet from any property line abutting a non residential use or zoning district.
2. The composting activity shall be located a minimum of 200 feet from any property line abutting a residential use or zoning district.

L. Day Care Facility

1. The operator of a day care center shall be licensed or certified by the Commonwealth of Pennsylvania and any other regulatory agency within the Commonwealth charged with licensing or regulation of day care centers. The license or certification shall be obtained prior to issuance of a zoning approval for occupancy and use.

2. The day care center shall be supervised by responsible non-client adults whose number shall be determined and certified by the appropriate supervisory agencies.
3. The day care center shall comply with all regulations established by the appropriate governmental agencies.
4. An outdoor play area in a day care center for children under 16 years of age shall be provided with a minimum of 65 square feet per child in such area. The play area shall be fenced, with a minimum of 4 feet height on which shall be of a type to keep children contained within in the yard.
5. A day care center located in a nonresidential building shall comply with the following standards:
  - a. Minimum net lot area 1 acre
  - b. Minimum lot width 100 feet
  - c. Minimum required side yard on street side 50 feet
  - d. Minimum rear yard 50 feet
  - e. Minimum side yard 25 feet
  - f. Maximum height 45 feet
6. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

M. Drive-Thru Establishment and Drive-Thru Restaurants

1. Each window, bay or area designed for drive-thru service shall provide five reservoir vehicle stacking spaces per window, bay, or area, such space shall not encroach into any other required isles or spaces.
2. Drive-thru lanes shall be located to the rear of buildings unless the Township determines that drive-thru lanes located on the side of the building will have less impact on adjacent uses, vehicular and pedestrian circulation and safety.
3. Drive-thru lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above.
4. A drive-thru shall be located so that it does not conflict with pedestrian or vehicular movement.

5. Drive-thru lanes shall be distinctly marked by traffic islands a minimum of 5 feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive-thru service lane. The Township may consider alternative designs when it is demonstrated that the drive-thru is screened from view and that traffic and pedestrian circulation is improved.
6. The canopy shall be architecturally compatible with the principal building.
7. A drive-thru shall have no more than two service lanes and a passage around and escape from the outermost drive-thru service lane, except that financial institution may have a minimum of three service lanes.

N. Educational Institutions

1. Educational institutions in the R-1, R-2, and R-3 Zoning Districts shall be limited to public and private schools accredited by the Commonwealth whose primary purpose is the education and training of children and youths.
2. In the R-1, R-2, and R-3 Zoning Districts, the minimum required yard along all lot lines shall be fifty feet (50').
3. Public school may provide a day care center as an ancillary service.
4. Any religious establishment, educational institution, or public use which provides a day care center shall also meet the express standards and criteria for a day care center.
5. Ingress and egress provisions shall be adequate to minimize congestion on adjacent highways and local streets during peak use period.
6. All off-street parking lots shall be suitably paved and screened from adjoining residential properties by appropriate plant material or structures as approved by the Supervisors.

O. Extraction of Minerals

1. The applicant shall submit the following information to the Zoning Officer:

- a. Evidence of compliance with all State and Federal laws applicable to the process for which the conditional use permit is sought.
  - b. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of waste, and facilities for processing, loading and transportation of minerals.
  - c. The location of all structures, land uses, and overlay zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses and overlay zoning features from adverse impacts.
  - d. Measures which will be taken to insure that any loss, diminution or pollution of water supplies in areas affected by activities will be corrected or replaced.
  - e. Measures which will be taken to insure that the performance standards contained in all sections of this Chapter shall be met.
  - f. Description of plans for the transportation of the extracted product, including routes of travel, number and weight of vehicles and measures which will be taken to maintain all roads within the Township which are used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the concerned district.
  - g. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned district.
2. In deciding upon an initial application for a conditional use permit for extraction or processing, the Board of Supervisors shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if they find that:

- a. The scale, pace and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while activities are ongoing.
  - b. Adequate safeguards are provided to insure that damage will not be done to property elsewhere in the Township or to the natural environment.
  - c. The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for agriculture, forestry or other undeveloped use, grading, drainage and vegetation are compatible with other such use areas in the Township. If the proposed reclamation is for development, the proposed development should be compatible with the Comprehensive Plan and in conformance with the purposes and regulations of the district in which it is located.
3. In deciding upon an application for any expansion or change in an application, the Board of Supervisors shall consider all of the factors listed above and in addition shall grant a conditional use permit only if the following conditions are met:
  - a. The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial conditional use approval.
  - b. No expansion in area of an operation shall be permitted until activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.
4. In no case shall a conditional use permit granted by the Board of Supervisors extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by State and/or Federal permitting authorities for the same existing or proposed activity.
5. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

P. Fuel Generation Plants

1. Fuel generation plants shall be located at least 1000 feet from any property line adjoining a residential use or zoning district and at least 500 feet from a property line adjoining any other zoning district.
2. The perimeter of all fuel generation plants shall be adequately screened from adjacent properties and streets.
3. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.
4. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.
5. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Q. Funeral Homes

1. All garages, equipment shelters and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the Supervisors on the basis of design, aesthetic quality and general adequacy.
2. There shall be no crematory, receiving vault, preparation room, or display of merchandise or advertising visible from outside the main or accessory building.
3. The scale of business in relationship to the character of uses around the particular location will be such as not to be detrimental to, or alter the character of, the neighborhood.

R. Golf Course and Country Club

1. All property lines adjoining a residential use or zoning district shall be adequately screened.

2. All principal structures such as pools, bath houses, restaurants, or clubhouses shall be set back at least 100 feet from the front lot line and at least 50 feet from other lot lines.
3. Outdoor lighting for buildings and facilities may be approved, provided it is directed away from residential uses and public rights-of-way.
4. Activities which produce an objectionable level of noise to surrounding residential properties shall not be permitted.
5. The Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

S. Greenhouse / Nursery

1. The raising of plants, trees, flowers, and shrubs shall be clearly the primary use of the property and shall not include retail sales of materials.
2. Impervious surface coverage shall not exceed 20%.
3. Delivery of materials, plants, flowers, shrubs, or trees may be made using a tractor-trailer combination vehicle.
4. No greenhouse shall be located closer than 25 feet to the nearest property line.

T. Hospitals

1. Structures in which patients are housed must be approved by local fire officials and code enforcement officers, who shall specify that structural conditions, sanitation, entrances and exits, fire control and other appropriate elements are adequate.
2. Public water and sanitary sewer facilities shall be provided sufficient to meet present and foreseeable requirements based upon a certification by a registered professional engineer.

3. In the R-1 and R-2 Districts, all structures shall be situated on the site in such a manner that they meet area and yard requirements and densities of planned residential development in the R-1 District the same as would be required for residential developments.
4. All ingress and egress to and from the site and off-street parking shall be situated so as not to interfere with through traffic movements on adjacent streets.

U. Intensive Agriculture

1. Intensive Agricultural Uses, where located within or adjacent to a residential zone, shall not be located closer than 200 feet from any residentially zoned property line, or residence on an adjacent property.
2. Lot and Site Area Requirements.
  - a. Intensive Agricultural uses shall require a minimum area of 10 acres.
3. Required Conservation Plan.
  - a. Any agricultural, horticultural, animal husbandry or forest use which involves earthmoving activities or commercial harvesting of trees shall require the obtainment of an approved conservation plan by the Beaver County Conservation District, pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall be in compliance with the approved conservation plan.
4. Agricultural Nuisance Disclaimer.
  - a. Lands that have been authorized by Conditional Use for Intensive Agriculture Uses are used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health or even death arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides,

and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

5. Required Nutrient Management Plans.
  - a. All agricultural uses shall comply with the Pennsylvania Nutrient Management Act of 1993, and subsequent amendments.
  
6. Farm-related businesses that are conducted outside the home are subject to the following:
  - a. No more than two (2) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks and landscaping. Any lane serving the farm-related business and a home and/or farm contained on the same lot shall not be included as lot area devoted to the farm-related business. No additional lane or curb cut to access the farm-related business shall be allowed.
  - b. No more than forty percent (40%) of the area devoted to a farm-related business shall be covered by buildings, parking lots, or any other impervious surface.
  - c. The owner or occupant of the farm must be engaged in the farm-related business.
  - d. No more than two (2) full-time and two (2) part-time persons, other than individuals who reside on the farm, may be employed in the farm-related business.
  - e. The use must be conducted within a completely enclosed building typical of farm buildings.
  - f. Any out building used for the farm-related business shall be located behind the principal farm residence on the site, or shall be located at least 200 feet from the closest street right-of-way.
  - g. Any outdoor storage of supplies, materials, or products shall be located behind the building in which the farm-related business is conducted.

7. Roadside stands for the sale of agricultural products, at least half of which are grown on the premises. Off-road parking shall be provided for all employees and customers and the stand shall be set back at least 20 feet from all property lines and road rights of way. The stand shall not be more than 300 square feet in size.
8. Temporary Farm Housing, subject to the following:
  - a. Minimum farm site of at least 25 acres.
  - b. Utilizes mobile home or manufactured housing.
  - c. Is only used to house farm laborers.
  - d. Is removed when farm laborers no longer occupy the housing.

V. Intermediate-care Facility or Skilled Nursing Facility

1. Minimum lot size shall not be less than 1,200 square feet per resident in residential zoning districts or less than 1,000 square feet per resident in commercial zoning districts.
2. Minimum side yard: 20 feet.
3. Water and Sewerage. The lot shall be served by public water and sewerage.
4. Minimum distance from any other such facility: ½ mile.

W. Kennel

1. No additional residential use may be established on land designated as a kennel.
2. The operator or owner of any kennel must hold all current State and local licenses and permits for the location, activity, and number of animals so specified.
3. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 150 feet from any principle structure on adjacent lots.
4. The perimeter of the exterior exercise area must be fenced with weatherproof material, a minimum of 5 feet in height, accessible only through a self-latching gate.

5. Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
6. No kennel may be established within ½ of a mile of an existing kennel.
7. A kennel shall be permitted as an accessory use to veterinary offices in zoning districts where veterinary offices are permitted.
8. A kennel located in the R-1 Rural Conservation Residential district, whether accessory to a veterinarian office or not, shall have a minimum lot area of fifteen (15) acres.

X. Landfill / Incinerator

1. Incinerators and landfill operations shall be located at least 1000 feet from any property line adjoining a residential use or zoning district and at least 500 feet from a property line adjoining any other zoning district.
2. The perimeter of all incinerator and landfill sites shall be adequately screened from adjacent properties and streets.
3. Evidence of compliance with all regulations and permit requirements of the Pennsylvania Department of Environmental Protection (DEP) and other State and Federal agencies with jurisdiction over such operations shall be submitted with the application for development.
4. A suspension or revocation of the DEP permit shall be an automatic suspension or revocation of all Township permits and approvals.
5. If a change of ownership occurs, the new owner shall submit a new application for development for conditional use approval. Approval of the new application shall not be granted until a State permit is issued to the new owner by DEP.
6. The Township Engineer, or any other official designated by the Supervisors, may make inspections of the facility at the discretion of the Township, or upon complaint, to determine if the operation is being conducted according to approved

plans and permits. Upon citizen complaint and at the discretion of the Township Manager, said official may make inspection of the facility.

7. Access streets to the incinerator or landfill site shall be constructed according to DEP permit requirements. The Township shall require a bond to be posted of sufficient amount to cover the cost of maintenance, repair, and reconstruction of any Township streets over which the collection and disposal vehicles may travel to the approved site. The bond shall be reviewed periodically to determine if the amount is sufficient to cover any maintenance or repair costs.
8. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.
9. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.
10. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

Y. Manufacturing, Heavy or Light

1. All materials and equipment shall be stored within a completely enclosed building.
2. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
3. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Supervisors to determine the appropriateness of the proposed activity in the location proposed.
4. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.

5. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
6. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.
7. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Z. Methadone Treatment Facility

1. A methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
2. The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, childcare facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
3. Notwithstanding subsection 1, a methadone treatment facility may be established and operated closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, if by majority vote, the governing body for the municipality in which the proposed methadone treatment facility is to be located votes in favor of the issuance of an occupancy permit or certificate.

4. Prior to the governing body of a municipality voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to said public hearing occurring.
5. This Section shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.
6. As used in this Section, the term "methadone treatment facility" shall mean a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

AA. Mobile Home Park

1. A minimum site area of 15 contiguous acres is required.
2. Site Requirements. The location of all mobile home parks shall comply with the following minimum requirements:
  - a. Be free from adverse influence by wetlands, garbage, or rubbish disposal areas or other potential breeding places for insects or rodents.
  - b. Not be located in an identified floodplain area.
  - c. Not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.
3. Use for Nonresidential Purposes.
  - a. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and wellbeing of park residents' use and for the management and maintenance of the park.

- b. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.
  - c. No central toilet or washroom facilities shall be constructed in any mobile home park.
- 4. Mobile Home Lots.
  - a. Mobile home lots within the park shall have a minimum lot area of 6,000 square feet.
  - b. The area of the mobile home lot shall be improved to provide adequate foundation for the placement of the mobile home in such a position as to allow a minimum of 15 feet between the mobile home and the street right-of-way.
- 5. Required Setbacks, Buffer Strips, and Screening.
  - a. All mobile homes shall be located at least 50 feet from any park property boundary line abutting upon a public street or highway and at least 35 feet from other park property boundary lines.
  - b. There shall be a minimum distance of 15 feet between an individual mobile home, including accessory structures attached thereto, and adjoining street rights-of-way or common areas.
  - c. All mobile home parks located adjacent to industrial or commercial land uses shall be required to provide screening so as to block out the view of such areas. Such screening may be of fencing or of natural growth or a combination of fences and natural growth. All such screening shall be of a minimum height of 6 feet and shall be placed on the property boundary line separating the park and such adjacent nonresidential uses.
- 6. Certificate of Registration. All mobile home parks shall comply with all requirements of the Commonwealth and provide the Township with a copy of the certificate of registration and license issued by the Commonwealth within 10 days of issuance of such certificate and license.
- 7. Separation.
  - a. In mobile home parks constructed or expanded mobile homes shall be separated from each other and other buildings by not less than 30 feet regardless of

the configuration of placement. This separation shall not restrict attachments as long as a minimum separation of 20 feet is maintained between such attachment and any other mobile home and its attachments.

- b. Nonconforming Mobile Home Parks. Any mobile home unit which is replaced by another mobile home in a mobile home park shall be separated from all other mobile homes and other buildings by not less than 20 feet regardless of the configuration of placement. This separation shall not restrict attachments as long as a minimum separation of 20 feet is maintained between such attachment and any other mobile home and its attachments.

**BB. Personal Care Home, less than 8 residents**

1. Minimum lot area shall be not less than 1,500 square feet per resident.
2. Minimum side yard: 40 feet
3. Water and Sewerage. The lot shall be served by public water and sewerage.
4. Minimum distance from any other such facility: ½ mile.

**CC. Personal Care Home, 9 or more residents**

1. Minimum lot area shall be 30,000 square feet and not less than 1,500 square feet per resident.
2. Minimum side yard: 20 feet
3. Water and Sewerage. The lot shall be served by public water and sewerage.
4. Minimum distance from any other such facility: ½ mile.

**DD. Public Utility Facilities**

1. The architectural design, landscaping, and site development must be in keeping with the character of the area in which the public utility facilities are to be located, consistent with

the nature of the public utility facilities and the public need or convenience in having the public utility facilities.

2. Sufficient off-street parking and loading space shall be provided consistent with the requirements of this Chapter and the nature of the public utility facilities.
3. Provision must be made for proper storage of all materials and equipment when not in use.

EE. Religious Establishments

1. In the R-1, R-2, and R-3 Zoning Districts, the minimum required yard along all lot lines shall be 50 feet.
2. Any religious establishment, educational institution, or public use which provides a day care center shall also meet the express standards and criteria for a day care center.
3. Ingress and egress provisions shall be adequate to minimize congestion on adjacent highways and local streets during peak use periods.
4. All off-street parking lots shall be suitably paved and screened from adjoining residential properties by appropriate plant material or structures as approved by the Supervisors.
5. Outdoor speakers shall not be used for broadcasting indoor events but shall be permitted for emergency announcements and crowd control only.

FF. Riding Academy

1. Minimum Site Size: 2 acres
2. Maximum Site Size: 10 acres
3. No more than two (2) full-time and two (2) part-time persons, other than individuals who reside on the farm, may be employed in the riding academy business.
4. No structure shall be located within 300 feet from any residential dwelling, residential zoning district or street right-of-way.

5. Any outdoor storage of supplies, materials, or products shall be located behind the building in which the riding academy-related business is conducted.

GG. Servant's House

1. Shall be permitted with a minimum lot area of 10 acres.
2. Shall be permitted when the occupants of the accessory structure are in the full time employment of the residents of the primary structure that such full time employment is of a service nature necessary to support the functions of the residential use such as housekeeping, gardening, cooking, etc.

HH. Sexually-Oriented Business

1. Sexually oriented businesses may be established only in C-3 and S-U zoning districts.
2. Persons or owners who intend to open a sexually oriented business must obtain from the Township a license to operate such an enterprise and must pay a license fee as set by resolution of the Supervisors, to the Township. In addition such persons or owners must supply to the Township detailed information as to ownership operation and as required on the licensing application form.
3. No sexually oriented business can be located within 1,000 feet of the boundary line of any property on which is locate a residence, education institution, hospital, nursing home, sanitarium, retirement or convalescent home, group home, personal care home, public park, religious establishment, establishment which is licensed to and does sell alcoholic beverages, other sexually oriented business or daycare center.

II. Telecommunications Tower

1. The applicant shall demonstrate, using technological evidence, that the telecommunications tower must be located where proposed in order to satisfy its function in a company's grid system.

2. For a telecommunications tower, the applicant shall demonstrate that it contacted the owners of tall structures, buildings and towers within a ¼ mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
  - a. The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure, or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
  - c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
3. The applicant shall demonstrate that the proposed height of the telecommunications tower is the minimum height necessary to perform its function. In no case shall the height of the telecommunications tower exceed 180 feet, as measured vertically from the ground level to the highest point on the tower including antennas mounted on the tower.
4. The telecommunications tower shall be designed to have the least practical adverse visual effect on the residential areas which can view it.
5. An antenna shall not exceed a maximum height of 35 feet above the top of the tower to which it is attached.
6. The foundation and base of any telecommunications tower shall be set back from property lines (not lease lines) by the largest of the following:
  - a. The minimum building setback in the underlying zoning district.
  - b. One hundred feet from residential property lines and any residential district boundary.

- c. Fifty feet from other property lines.
7. A telecommunications equipment building shall meet the height and setback requirements for principal buildings in the zoning district in which the building is located. When a zoning district contains more than one set of setback requirements, the largest setbacks shall apply.
  8. In order to reduce the number of telecommunication towers needed in the Township any proposed telecommunications tower shall be designed to accommodate a minimum of two other users, including other commercial wireless telecommunication companies, and local police, fire, and ambulance companies.
  9. All telecommunication towers shall be fitted with anti-climbing devices as approved by the manufacturers.
  10. A security fence shall be required around the telecommunications tower and other equipment. The fence shall be a minimum of 6 feet in height and shall not exceed 8 feet in height.
  11. Landscaping shall be installed to mitigate for the visual impact of a telecommunications tower. Such landscaping shall meet the following requirements:
    - a. Landscaping shall be installed to screen and buffer the tower and any ground level features, such as an equipment building, from adjacent properties.
    - b. The landscape screen shall consist of a mix of evergreen trees planted in a staggered double row. The plantings shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
    - c. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
    - d. The Township may permit a combination of existing vegetation, topography, walls, decorative fences or other features when it achieves the intent of this section.
  12. All guy wires associated with a guyed telecommunications tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. Guy wires and their anchors shall be set back at least 25 feet from property lines.

13. No signs or lights shall be mounted on a telecommunications tower, except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), another governmental agency which has jurisdiction, or which may be needed for emergency repair.
14. Access shall be provided to the telecommunications tower and telecommunications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a driveway for its entire length.
15. A telecommunications tower may occupy a leased area within a lot provided that the lease area is a minimum of 6,000 square feet. The lot shall meet the minimum lot area of the district in which it is located.
16. A proposed telecommunications tower shall comply with all applicable Federal and State regulations. The applicant shall request a written statement of compliance from the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and other regulatory agencies. Such statement shall be sent by the agency to the Township. The applicant shall provide to the Township a copy of the appropriate form submitted to each such agency, copy of a written request to each agency for a written statement of compliance, and a return receipt from each agency for delivery at least 30 days prior to the public hearing of such application and of such request for a written statement of compliance.
17. A telecommunications tower shall be securely anchored in a fixed location of the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other natural forces.
18. Any telecommunications tower that is no longer a licensed and active receiving or transmitting facility shall be removed at the owner's expense within 180 days of the last date that the tower was licensed by the FCC. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower. Furthermore, prior to construction of any tower, a bond or escrow account

shall be posted with the Township in an amount sufficient to ensure such removal. The bond or escrow shall be held by the Township for a maximum of 20 years and shall be used by the Township in the event that the owner or operator of the telecommunications tower fails to remove the facility within the time period prescribed above. Any portion of the bond or escrow not used by the Township shall be returned to the owner or operator.

JJ. Veterinary

1. All veterinary offices in residential zoning districts shall have a minimum lot area of 10 acres.
2. All principal structures shall be set back a minimum of 100 feet from all property lines.
3. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 150 feet from all property lines.
4. In addition, Veterinary shall comply with all "Kennel" provisions of this section.

KK. Warehouse

1. Warehouse as an accessory use to a principal use on a lot or site shall have a gross floor area of 30,000 square feet or less. Warehouses that have a building area greater than 30,000 square feet or a gross floor area of greater than 30,000 square feet or occupancy greater than 50% of the building area shall comply with the provisions of warehouse as a principal use structure.
2. The warehouse accessory use shall be ancillary to the principal use on the same lot or site as the permitted principal use.

LL. Waste Transfer Facility

1. Conditional use approval shall be conditioned upon the necessary permit being granted by the Pennsylvania Department of Environmental Protection or appropriate Commonwealth agency.

2. The facility shall comply with all applicable Federal and State laws.
3. The facility must be located at least 300 feet from property zoned for residential use.
4. The facility shall be located at least 50 feet away from any lot line unless the operator demonstrates that actual processing of waste is not occurring within that distance.
5. Loading, unloading, storage, compaction, and related activities shall be conducted in an enclosed building.
6. Noise levels shall not exceed the requirements of this Chapter. If the facility is located within 500 feet of property zoned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.

MM. Winery/ Vineyard

1. A winery/ vineyard shall be engaged in viticulture activities.
2. A winery/ vineyard shall require a minimum area of 10 acres.
3. No more than two (2) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks and landscaping. Any lane serving the winery/ vineyard-related business and a home and/or winery/ vineyard contained on the same lot shall not be included as lot area devoted to the winery/ vineyard-related business.
4. No more than twenty percent (20%) of the area devoted to a winery/ vineyard-related business shall be covered by buildings, parking lots, or any other impervious surface.
5. Not less than fifty percent (50%) of the area devoted to a winery/ vineyard-related business shall be covered by vines bearing fruits used in the production and sale of alcoholic ciders, wines and wine coolers on the licensed premises.
6. Not less than fifty percent (50%) of the alcoholic ciders, wines and wine coolers shall be produced from fruit grown on the premises.

7. The owner or occupant of the winery/ vineyard must be engaged in the winery/ vineyard-related business and shall reside on the premises.
8. No more than two (2) full-time and two (2) part-time persons, other than individuals who reside on the winery/ vineyard, may be employed in the winery/ vineyard-related business. Seasonal employees hired for harvest shall be exempt from this provision.
9. Processing must be conducted within a completely enclosed building typical of farm buildings.
10. Any out building used for the winery/ vineyard-related business shall be located behind the principal residence on the site, or shall be located at least 100 feet from the closest street right-of-way.
11. Any outdoor storage of supplies, materials, or products shall be located behind the building in which the winery/ vineyard-related business is conducted.
12. A winery/ vineyard may erect temporary roadside stands for the sale of winery products of which at least half are grown on the premises. Off-road parking shall be provided for all employees and customers and the stand shall be set back at least 20 feet from all property lines and road rights of way. The stand shall be temporary and not be more than 100 square feet in size.
13. A winery/ vineyard may sell their products to individuals at retail on the licensed premises, to the Pennsylvania Liquor Control Board, hotel, restaurant, club, brewery and public service liquor licenses.
14. Wineries/ vineyards may provide visitors on the licensed premises with samples of wines for tasting not to exceed one (1oz.) fluid ounce at no charge.
15. There shall be no sales for consumption on the licensed premises.

NN. Winery/ Processing Plant

1. Delivery of fruits and/or juices may be made using a tractor-trailer combination vehicle.
2. No more than thirty percent (70%) of the area devoted to a winery/ processing plant-related business shall be covered by buildings, parking lots, or any other impervious surface.
3. Any outdoor storage of supplies, materials, or products shall be located behind the building in which the winery/ vineyard-related business is conducted.
4. A winery/ processing plant may sell their products to individuals at retail on the licensed premises, to the Pennsylvania Liquor Control Board, hotel, restaurant, club, brewery and public service liquor licenses.
5. Wineries/ processing plants may provide visitors on the licensed premises with samples of wines for tasting not to exceed one (1oz.) fluid ounce at no charge.
6. There shall be no sales for consumption on the licensed premises.

ARTICLE V  
USE BY SPECIAL EXCEPTION

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Section 501.        Special Exception Intent

To allow certain authorized uses in the Township to be permitted by special exception procedure so that the Township can provide specific criteria and standards for selected developments.

Section 502.        Procedure for Use by Special Exception

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the procedures of Article XI, Administration and Enforcement.

Section 503.        General Requirements and Standards

The Zoning Hearing Board shall grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed herein. The Zoning Hearing Board shall among other things require that any proposed use and location be:

- A.    In accordance with the Comprehensive Plan and is consistent with the spirit, purposes, and the intent of this chapter.
- B.    In the best interests of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.
- C.    Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- D.    In conformance with all applicable requirements of this chapter and all of the Township ordinances.
- E.    Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

- F. The applicant shall have the duty of initial presentation of evidence and the burden of persuasion with respect to proving that the proposed use is permitted by a special exception and with respect to proving all applicable requirements of this Article, except for subsections 1, 2, and 3. The applicant shall have the burden of persuasion with respect to subsection 2. As to subsections 1 and 3 the protestant shall have both the duty of initial presentation of evidence and the burden of persuasion.

**ARTICLE VI  
PLANNED RESIDENTIAL DEVELOPMENT**

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Section 601.        Purpose

The purpose is to encourage innovations in the type, design and layout of residential uses or a combination of residential uses and nonresidential uses; promote more efficient use of sites and conservation of open space; permit authorized mixed uses within planned residential developments; and provide greater flexibility in the application of site development and use regulations and to otherwise promote the community development objectives.

Section 602.        General Regulations; Procedure

- A.    Authority. Board of Supervisors shall hear and decide requests for planned residential developments in accordance with the provisions of this chapter and the procedures and regulations of this article.
  
- B.    Relationship to Township Subdivision and Land Development Ordinance. All provisions of the Subdivision and Land Development Ordinance, which are not specifically modified by the Board of Supervisors in approving a planned residential development, shall apply to any planned residential development involving subdivision or land development with the exception of the following:
  - 1.    Application procedures.
  
  - 2.    Review and approval process.
  
- C.    Application procedure. An application for development of a planned residential development is governed by and follows the procedure of Article VII of the Municipalities Planning Code. The developer shall submit all applications except written requests for pre-application conferences with the Planning Commission to the Township Zoning Official or designated staff person at least 10 working days prior to the Planning Commission meeting.
  
- D.    Pre-application conference.
  - 1.    Purpose. Before submission of an application for tentative approval, the developer is strongly encouraged to have a

meeting with the Planning Commission, the Zoning Official and such other personnel as may be necessary to determine the feasibility, suitability and timing of the application. The intent of this step is for the developer to obtain information and guidance from Township personnel before entering into any commitments or incurring substantial expenses with regard to the site and the planned residential development site plan preparation.

2. Scheduling. The request for a pre-application conference with the Planning Commission and pre-application conference submission shall be received and accepted by the Zoning Official or designated staff person at least seven days prior to the date of the Planning Commission meeting.
3. Relationship to formal review process. The submission of a pre-application conference submission shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended to be advisory only and shall not bind the Township to approve the application for tentative or final approvals.
4. Pre-application conference submission guidelines. The written request for a pre-application conference with the Planning Commission shall include the following:
  - a. Seven copies of a letter identifying the site, the name of the property owner and the nature of the proposed project.
  - b. Pre-application conference fee.
  - c. Seven copies of a sketch plan, recommended but optional, being an approximate drawing but generally drawn to a scale of 100 feet to the inch, having a sheet size of 24 inches by 36 inches and including the following:
    - i. The location, size and topography (USGS) of the site and the nature of the applicant's interest in the land proposed to be developed, including the approximate tract boundary, North point and identification of adjacent streets.
    - ii. The intensity of land use to be allocated to various parts of the site as well as the number of dwelling units contemplated.

- iii. The general layout of the proposed development and interrelationship of uses, including but not limited to common open space, buildings and other structures, residential building types, off-street parking, lot and street configuration.
- iv. A written statement of a qualified professional concerning the feasibility of proposals for sewerage, water supply and stormwater management, but not to include drawings.
- v. In the case of development plans which call for execution over a period of years, a statement regarding the proposed phasing schedule should be issued.
- vi. Any other information available to the applicant which may be of benefit to the Township in providing its assistance.

D. Tentative approval.

1. Application content. An application for tentative approval of a planned residential development shall include the following:
  - a. Seven copies of the application form, provided by the Township and completed by the developer.
  - b. Application fee for tentative approval of a planned residential development.
  - c. Maps and information which shall show compliance with Subdivision (4) of Section 707 of the Municipalities Planning Code and shall provide information to determine the location and size of the common areas and common open space and the form of organization proposed to own and maintain the common areas for any planned residential development.
  - d. Seven copies of an environmental impact assessment documenting compliance with Subdivisions (4) and (5) of Section 707 of the Municipalities Planning Code. Such assessment shall indicate reasons why the planned residential development is consistent with the community development objectives and is in the interest of the Township. Requested modifications to

the Zoning Ordinance otherwise applicable to the site shall be cited.

2. Planning Commission review and comment. At the first regular meeting of the Planning Commission after the submission of the application, the Planning Commission shall hold an open meeting where the populace shall be heard on the application for tentative approval, and within 30 days of the filing of the application for tentative approval, the Planning Commission shall make a written recommendation to the Board of Supervisors on any application for tentative approval of a planned residential development. In said recommendation, the Planning Commission shall set forth, with particularity, the explicit reasons for its recommendation that the proposal be either approved or denied.
3. Beaver County Planning Commission review and comment. At least 30 days before the public hearing, the applicant shall submit the application for tentative approval of a planned residential development to the Beaver County Planning Commission for review and comment as required by the Pennsylvania Municipalities Planning Code.
4. Public hearing. The Board of Supervisors shall hold a public hearing on the application for tentative approval in accordance with Section 708 of the Municipalities Planning Code. The Board of Supervisors shall cause notice of the public hearing to be given as follows:
  - a. By giving public notice as defined in Article II;
  - b. By mailing a notice to the developer, to the Zoning Official and to any person who has made timely request for the same; and
  - c. By posting one notice in the vicinity of each front lot line of the site for which the planned residential development is proposed in a place conspicuously visible from the street. In addition, notices shall be posted at the Township Building. All posting shall be done at least 15 days prior to the public hearing.
5. Modifications. The Board of Supervisors shall consider whether proposed modifications in any of the requirements of this chapter for each zoning district, except the provisions of this section, contained in an application for development

8. Status of plan after tentative approval. The status of a plan after tentative approval shall be in accordance with Section 710 of the Municipalities Planning Code.

E. Final approval

1. Submission of application. The application for final approval of a planned residential development shall be submitted within six months after tentative approval, unless the Board of Supervisors grants an extension upon written request of the developer to a date not to exceed 18 months from the date of tentative approval. Phased planned residential developments, however, shall have applications for final approval made pursuant to the phase schedule set forth in the official written communication of the findings of the Board of Supervisors with respect to tentative approval.
2. Application content. An application for final approval of a planned residential development shall include the following:
  - a. Seven copies of the application form provided by the Township and completed by the developer.
  - b. Application fee and review fees for final approval of a planned residential development.
  - c. Maps and information with the same number of copies as required by the Township Subdivision and Land Development Ordinance.
  - d. Seven copies of the final drawings, including floor plans and elevations (but not including working drawings for buildings) for all structures and buildings, other than single-family detached dwellings, prepared by a registered architect, including all proposed signs, all exterior illumination and all outside storage areas.
  - e. The final plat for the planned residential development shall contain, in addition to those items approved in the application for tentative approval and the items in the Township Subdivision and Land Development Ordinance, the following information and, if applicable, proposed uses, common open space and common areas, if applicable, common elements as defined in the Uniform Condominium Act of the Commonwealth of Pennsylvania.
  - f. Seven copies of a development schedule showing:

- i. The order of construction of the proposed sections delineated in the final development plan.
  - ii. The proposed date for the beginning of construction on said sections.
  - iii. The proposed date for the completion of construction on said sections.
  - iv. The proposed schedule for the construction and improvement of the common areas.
- g. Two copies of deed restriction proposals to preserve the character of the common areas.
  - i. If the developer elects the association or nonprofit corporation method of administering common areas, the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.
  - ii. If the developer elects the condominium method of ownership of common areas, the proposed declaration of condominium bylaws and related documents.
- h. Instruments dedicating all public and private rights-of-way, easements and other public lots shown on the final development plan from all persons having any interest in said lots.
- i. Improvement security. The developer shall guarantee the installation of the private and public improvements specified in the final development plan by providing a financial security in the amount of 110% of the estimated cost of construction of the private and public improvements as determined in accordance with Section 509 of the Municipalities Planning Code.
- j. Two copies of a title insurance policy or an attorney's certificate of title showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any, in a form acceptable to the Township Solicitor.
- k. Two copies of tax receipts. Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.
- l. Two copies of evidence that a commitment from a responsible financial institution or entity has been issued to the developer for construction financing.

3. Planning Commission review and recommendation. The Planning Commission shall, at its next regular meeting after the filing of the application for final approval, examine the application and determine if the application meets the criteria and includes the items required by Subsection E.2 above and if the application for final approval complies with the conditions of tentative approval, if any. The Planning Commission shall forward its written report to the Board of Supervisors within 20 days of the filing of the application for final approval, setting forth its findings and recommendations.
  4. Action on application for final approval. Action on the application for final approval shall be in accordance with Section 711 of the Municipalities Planning Code.
  5. Recording of final development plan. Recording of the final development plan shall be in accordance with Section 711(d) of the Municipalities Planning Code.
  6. Time for recording. Within 90 days after the date of the approval of the final plan, the developer shall record or cause to be recorded the original copy of the final plan in the office of the Recorder of Deeds of the county and file with the Township a Recorder's certificate that the final plan has been recorded with the plan book and page number indicated. Final approval shall not become final and effective until such certificate has been filed. Upon written request by the developer, the Board of Supervisors may grant an extension of time for recording, which extension shall be reflected on the final plan.
  7. Zoning permit. No zoning permit shall be issued until the final development plan has been approved and recorded. Upon proof of recording and certification of final approval by the Board of Supervisors, a zoning permit shall be issued by the Zoning Official.
- F. Procedure for approval of amendments to planned residential developments after final approval and/or recording. Any amendment to a planned residential development submitted after final approval for recording which does not violate any of the

conditions or requirements of the tentative approval or of the zoning district classification may be approved at an open meeting of the Board of Supervisors after recommendation by the Planning Commission. Amendments involving substantive changes or modifications to conditions shall require a public hearing in the same manner as for an application for tentative approval of a planned residential development. Upon approval of the amendment, the recorded final development plan shall be amended and rerecorded to conform to the amendment.

G. Completion and acceptance of public improvements.

1. Upon completion of the public improvements in a final development plan, the developer shall notify the Township, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the Township Engineer. The Township Manager or designated representative shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements. The Township Engineer shall thereupon file a report in writing with the Township Manager and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Township Manger. Said report shall be detailed and shall indicate approval or rejection of the required improvements, either in whole or in part. If the Township Engineer rejects any of the required improvements, said report shall contain a statement of reasons for such non-approval or rejection.
2. Township's notification to developer. The Township Manager shall notify the developer, within 15 days of receipt of the Township Engineer's report, in writing, by certified or registered mail, of the action of the Township with relation thereto.
3. Failure of the Township to comply. If the Township Manager or the Township Engineer fails to comply with the time limitation provisions contained herein, all required improvements will be deemed to have been approved and

the developer shall be released from all liability, pursuant to its performance security.

4. Completion of rejected required improvements. If any portion of the required improvements shall not be approved or shall be rejected by the Township, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.
5. No limitation of developer's rights. Nothing herein, however, shall be construed to be in a limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Township Manager or the Township Engineer.
6. Developer shall reimburse Township for the reasonable and necessary expense incurred for the inspection of the required improvements. Such reimbursement shall be based upon the schedule set forth in an ordinance adopted by Board of Supervisors. Inspection expenses are subject to appeal in accordance with Section 510(g) of the Municipalities Planning Code.
7. Partial release of performance security. As the work of installing the required improvements proceeds, the developer may request the Township to release or authorize the release of such portions of the performance security fairly representing the amount of the work completed. The same procedure shall be followed for a partial release of performance security as for a final release of performance security except that correspondence may be by regular mail and the Township must act upon the request within 20 Township working days of the receipt of the request. The Township may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of the required improvements.
8. When required improvements are public improvements, the Township may require retention of 15% of the estimated cost of the public improvements until the required maintenance security is presented to the Township.

- H. Acceptance of public improvements. Upon completion of the inspection and approval of the public improvements, the developer shall request the Township, in writing, to accept the dedication of the public improvements. If the public improvements request is received by the Township more than 10 days before the next regular meeting of the Board of Supervisors and upon posting of a maintenance security for a term not to exceed 18 months from the date of acceptance of dedication, Board of Supervisors shall enact an ordinance accepting the public improvements as part of the Township's public facilities. The amount of the maintenance security aforesaid shall be 15% of the actual cost of the installation of such public improvements.
- I. Remedies to effect completion.
1. In the event that improvements which may be required have not been installed in accordance with the approved final plan, by the completion date established at the time of such approval or, if no such completion date has been established, within 24 months of the final plan approval, the Township Manager shall take the remedies provided under the Municipalities Planning Code to effect completion of the required improvements.
  2. If proceeds of the performance security are insufficient to pay the cost of installing or making repairs or corrections to all the required improvements covered by the security, the Township may, at its option, install part of the improvements in all or part of the planned residential development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the performance security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by the performance security and not for any other municipal purpose.

Section 603.        Standards and Conditions

- A. Uses permitted. Uses permitted in planned residential developments are limited to those specified for the given zoning district in Article III.
- B. Applicability of other provisions. Unless otherwise specifically stated or specifically modified by the Board of Supervisors, all provisions of this chapter apply to all planned residential developments. The provisions of this section apply to all planned residential developments unless otherwise stated.
- C. Maximum Density per Zoning District. The following maximum density factors shall be used to calculate the maximum dwelling units in planned residential developments which shall be permitted at the discretion of the Board of Supervisors subject to the provisions of this section:
  - 1. R-1 District:
    - a. Maximum net site density: 3 dwelling units per acre.
  - 2. R-2 District:
    - a. Maximum net site density: 6 dwelling units per acre.
  - 3. R-3 District:
    - a. Maximum site density: 10 dwelling units per acre.
- D. Maximum Dwelling Units per Site. The maximum number of dwelling units per site of a planned residential development shall be calculated as follows:

<b>Calculation of Maximum Dwelling Units per Site</b>			
<b>Line #</b>	<b>Formula</b>	<b>Line #</b>	<b>Solution</b>
1	Gross property area determined by survey	1	acre
2	Area in existing streets and rights-of-way	2	acre
3	Site Area (subtract line 2 from line 1)	3	acre
4	Maximum permitted site density in the zoning district	4	DU/acre
5	Maximum Dwelling Units (multiply line 3 by line 4)	5	DU

6	Common open space	6	acre
7	Environmentally sensitive areas not in common open space	7	acre
8	Other areas designated for nonresidential use and existing and proposed street and utilities including stormwater retention areas	8	acre
9	Net Site Area (subtract lines 6, 7, and 8 from line 3)	9	acre
10	Maximum permitted net site density in the zoning district	10	DU/acre
11	Maximum Dwelling Units (multiply line 9 by line 10)	11	DU
12	Maximum Dwelling Units (take the lesser of line 10 or line 11)	12	DU

1. Net Site Density Modifications. Net site density permitted by the Board of Supervisors may be varied upon consideration of the following factors:
  - a. The amount, location, and proposed use of common open space including, but not limited to, the amount of land devoted to active recreation facilities and the quality of the recreation facilities or fees contributed to the Township in lieu of dedication by agreement with the developer.
  - b. The location and physical characteristics of the site of the planned residential development; factors such as the amount of land limited by environmentally sensitive areas shall be considered.
2. Notwithstanding the above, the net site density in the R-2 District shall not exceed 8 per acre, and no modifications shall be granted to increase the net site density in the R-1 District.
3. Notwithstanding the above, the net site density in the R-3 District shall not exceed 12 per acre.
4. Variations in density may be granted for different phases of a planned residential development.

5. Density increases will be roughly proportional to the factors listed above in this section, and in addition, the overall design quality of the planned residential development, the quality and amount of open space or fees paid by agreement of the developer in lieu thereof, the size of individual lots and the facts considered by the Municipalities Planning Code, this chapter, and the Comprehensive Plan.
- E. Townhouse Units per Residential Building. No more than six dwelling units shall be attached in a row; provided that no more than 67% of said units shall have the same front setback.
- F. Limited neighborhood commercial use regulations.
1. Minimum planned residential development site area. No limited neighborhood commercial uses shall be permitted in a planned residential development with a net site area less than 50 acres in size.
  2. Location. Limited neighborhood commercial uses shall be grouped together adjacent to an arterial or collector street located within the planned residential development and be provided with shared off-street parking, signage and landscaping in accordance with provisions provided herein.
  3. Maximum percent of site area. Maximum percentages of planned residential development site area for limited neighborhood commercial uses permitted within a planned residential development are as follows:
    - a. R-2 and R-3 Districts: 10%.
  4. Maximum gross floor area.
    - a. For a single limited neighborhood commercial use: 4,000 square feet of gross floor area.
    - b. For a single building: 16,000 square feet of gross floor area.
  5. Maximum impervious surface.
    - a. On any portion of the planned residential development dedicated to limited neighborhood commercial uses, no combination of structures and impervious surfaces, including asphalt or concrete

paved areas for parking, access, driveways, pedestrian access walkways and rock-lined stormwater detention facilities, shall exceed 50% of the site area dedicated to limited neighborhood commercial uses.

- G. Minimum site perimeter yard: 50 feet.
- H. Common open space. Common open space shall be provided for and shall be designed to provide recreation open space. For planned residential developments, the following additional provisions shall apply:
  - 1. Elements. Common open space shall include the following:
    - a. Usable common open space. Usable common open space shall be designed to provide recreation open space.
    - b. Passive common open space. Not less than 25% of the site area of the planned residential development shall be allocated to and shall remain passive common open space in perpetuity. Common open space shall be deed restricted or placed within a trust or conservancy, to prohibit future subdivision or development, except for passive recreational, equestrian and existing cemetery uses which may be permitted with the approval of the Board of Supervisors. Common open space shall be used for social, passive recreational and/or natural environment preservation purposes. The common open space shall typically include all or part of the following resources:
      - i. Mature woodlands.
      - ii. Historic, archaeological or cultural features listed or eligible to be listed on the National Register of Historic Places.
      - iii. Wetlands.
      - iv. Identified floodplain area.
      - v. Slopes exceeding 25%.
  - 2. General location and design standards.
    - a. Planned residential developments shall be designed around the common open space with areas being placed in undivided preserve. Such areas shall be

directly accessible to the largest practicable number of lots within the development. Safe and convenient pedestrian access to the open space shall be provided for all lots not adjoining the open space areas.

- b. A perimeter buffer yard of a minimum of 50 feet in width shall be provided.
- c. Common open space, particularly perimeter buffer yards, containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees and other areas of mature vegetation worthy of preservation may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in its natural state is encouraged. A developer may make certain improvements, such as the cutting of trails for walking or jogging and the provision of picnic areas.
- d. No roads, emergency access roads, driveways or existing utility rights-of-way, easements or improvements shall be within the acreage designated for the minimum common open space as required above, except as required as part of the approved common open space.
- e. The common open space shall generally abut existing or potential open space land on adjacent parcels and shall be designed as part of larger contiguous and integrated greenway systems.

ARTICLE VII  
PARKING REGULATIONS

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Section 701.        General Requirements

- A. All buildings and structures erected and all uses of land established after the adoption of this chapter shall be provided with off-street parking spaces as set forth in this chapter.
- B. The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.
- C. Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of 50% or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.
- D. Off-street parking facilities in existence on the effective date of this section and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.
- E. The following regulations shall govern the location of off-street parking spaces and areas:
  - 1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.
  - 2. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 500 feet from the principal use.
  - 3. No parking space shall be located in any manner on a public street right-of-way, except where specifically authorized.

- F. A parking space shall have minimum rectangular dimensions of not less than 9 feet in width and 18 feet in length, exclusive of driveways, aisles, and other circulation areas.
- G. Driveways and traffic aisles serving individual parking spaces shall be not less than 22 feet wide for 90-degree parking, 12 feet wide for parallel parking, 17½ feet for 60-degree parking and 13 feet for 45-degree parking. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 11 feet in width.
- H. **Parking Lot Layout.** In all parking lots, sidewalks shall be provided to allow safe pedestrian movement. The sidewalks shall provide safe access between buildings, parking lots, adjacent properties, and sidewalks along streets. Where a sidewalk crosses a parking lot drive aisle or other paved surface, it must be distinguished from the paved surface through the use of special pavers, bricks, scored concrete, stamped concrete, or a like alternative.
- I. **Parking Lot Landscaping.**
  - 1. Off-street parking area perimeter landscaping requirements shall be as follows:
    - a. When off-street parking area adjoins a property, a landscape buffer yard of at least ten (10) feet in width shall be provided. Such landscape buffer yard shall contain at least one (1) tree for every thirty-five (35) feet of boundary of off-street parking area or fraction thereof, and a minimum three and one-half (3 ½) foot average height continuous planting or hedge.
    - b. When any public or private street right-of-way, access road, or service road adjoins an off-street parking area, a landscape buffer yard of at least ten (10) feet in width shall be provided. Such landscape buffer yard shall contain at least one (1) tree for every forty (40) feet of boundary of off-street parking area or fraction thereof, and a three and one-half (3 ½) foot average height continuous planting and hedge.
    - c. When any industrial use off-street parking area abuts a residential use or district, a twenty-five (25) foot wide vegetative landscape buffer yard shall be provided and contain a combination of hedgerows,

shade trees (a minimum of one (1) tree for every thirty (30) feet of property line), and grass areas. In addition, as a supplement to the screening material provided for the above, the use of decorative fencing and ornamental mounding may be permitted.

- J. Parking facilities driving lanes, access drives, and loading and unloading areas for all nonresidential uses which are established after the adoption of this chapter, shall be located a minimum of twenty-five (25) feet from any dwelling unit on an adjacent property.
- K. Common Shared Parking Lots. Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot if the total number of spaces is not less than the sum of the spaces required for each use individually.
- L. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- M. All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.
- N. Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements:
  - 1. Each off-street parking space shall have direct access to an aisle or driveway, and all off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
  - 2. All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete.
  - 3. All parking facilities driving lanes, access drives, and loading and unloading areas for all nonresidential uses which are established after the adoption of this chapter, shall be located a minimum of twenty-five (25) feet from any dwelling unit on an adjacent property.

Section 702. Off-Street Parking Facility Requirements

A. Dwelling Units.

Dwellings of all types, except multi-family apartments and senior citizen facilities	2 spaces per dwelling unit
Multi-family apartments and senior citizen facilities	1 space per dwelling unit

B. Institutional

Personal care boarding home, skilled nursing home, and congregate care home.	1 space per 2 beds plus 1 space for each employee or volunteer on maximum shift
Hospitals	1 space per bed plus 1 space for each employee or volunteer on maximum shift

C. Public and Semi-Public

Church or other place of worship	1 space for each 3 seats in assembly area, exclusive of classrooms
Schools: Day care to Grade 9 Grade 10 to Grade 12 Colleges with onsite dormitories Vocational, adult education, commercial schools and colleges without on-site dormitories	1 space per 6 students 1 space per 3 students 1 space per 1.5 students 1 space per student plus 1 space per instructor
Museum, cultural facility, art gallery, libraries	1 space for each 200 square feet of gross floor area
Municipal building used for administrative functions	1 space for each 200 square feet of gross office floor area plus 1 space for each 4 seats in assembly areas

D. Industrial or Manufacturing

Industrial manufacturing plant, wholesaling and warehousing and research or testing laboratories	1 space per employee on maximum shift
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E. Commercial

Car and truck wash	2 spaces for each wash bay
Automobile sales, outdoor sales display areas such as auto, boat, mobile home, equipment sales lots	1 space for each 2,500 square feet of sales display area plus spaces required as herein specified for other uses such as offices and service garages
Automobile service garages	2 spaces for each service bay
Banks	1 space for each 200 square feet of gross floor area
Bowling alleys	6 spaces for each alley
Dance halls, roller rinks, clubs, lodges without fixed seating	1 space for each 100 square feet of gross floor area plus 1 space per employee on maximum shift
Public swimming pools	1 space for each 50 square feet of water area plus 1 space per employee on maximum shift
Driving ranges and miniature golf	2 spaces for each tee plus 1 space per employee on maximum shift
Motel, hotel	1 space for each guest room plus 1 space for each employee on maximum shift
Bed and breakfast or boarding house	1 space per guest room plus 2 spaces per permanent residence
Funeral home, mortuaries	25 spaces for each parlor plus 1 space per employee
Offices of health care practitioners and veterinarians	3 spaces for each professional who typically sees patients, 1 space for each professional who typically does not see patients
Office buildings	1 space for each 200 square feet of gross floor area
Restaurants	1 space for each 3.0 seats
Retail sales	1 space for each 200 square feet of gross floor area
Amusement arcade	1 space for each 80 square feet of gross floor area
Vehicle Service Stations	2 spaces per service bay

Auditoriums, theaters	1 space for every 2 seats
Barber and beauty shops and similar personal service shops	3 spaces for each practitioner
Tennis or racquetball facilities	4 spaces per court plus 1 for each employee on maximum shift
Auction houses	1 space per seat
Fur storage facilities	1.25 spaces per employee on maximum shift
Film processing facilities	1 space for each 200 square feet of gross floor area
Maintenance or equipment repair facilities	1.25 spaces per employee on maximum shift
Laundromat	1 space per 3 washing machines
Dry cleaning service	1 space for each 200 square feet of gross floor area

- F. To determine the minimum number of off-street parking spaces, which are not specifically listed in this section, the applicant shall demonstrate the anticipated parking needs to the Zoning Officer.

Section 703. Accessible Parking Spaces

- A. All multi-family, commercial, public, manufacturing, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows:

<u>Total Parking Spaces</u>	<u>Required Accessible Spaces</u>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of Total
over 1000	20 plus 1 per 100 over 1000

- B. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:
1. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
  2. Accessible parking spaces shall be at least eight (8') feet wide.
  3. One (1) parking access aisle of no less than five (5') feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three (3') feet in width to the building or facility entrance. A parking access aisle may be shared between two accessible parking spaces.
  4. Van accessible parking spaces shall be at least 8 feet wide with an access aisle of no less than 8 feet in width.
  5. Parking spaces and access aisles shall be at a level with surface slopes not exceeding two (2%) in all directions.
  6. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

Section 704. Loading, Servicing and Circulation

- A. Loading and Servicing.
1. Location. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles shall be located at the side or rear of all buildings, shall not face a street, shall be adequate in size and shall be so arranged that they may be used without blockage or

interference with the use of access ways or automobile parking facilities.

2. Loading docks must be of sufficient size to accommodate normal peak load requirements.
- B. Service bays and garage doors used to service all uses like, but not limited to, automotive type uses, warehouse type uses, manufacturing, industrial, and similar types of uses shall not face any public street.
  - C. Interior Circulation. The interior circulation of traffic in commercial and industrial areas shall be designated so that no driveway or access lane providing parking spaces shall be used as a through street.
  - D. Emergency Access. The applicant shall demonstrate to the satisfaction of the Township that all buildings shown on a site development plan can be adequately accessed by emergency firefighting vehicles and other emergency equipment.
  - E. Traffic Control. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any officially adopted Township traffic study. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings and signs. The plan for traffic control shall provide offsite traffic flow and safety. The developer shall be responsible for the construction of any such traffic control devices.
  - F. Receptacles or compactors for trash, refuse, recyclables, and the like, located on a nonresidential lot or parcel in a nonresidential zoning district that are contiguous, abutting, or adjacent to residentially-zoned property shall not be accessed for pick-up, delivery, or removal between the hours of 10:00 p.m. and 6:00 a.m.

ARTICLE VIII  
SIGN REGULATIONS

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Section 801.        General

The following sign regulations are included to provide guidance in preserving the character of Daugherty Township. Any sign not exempt from this chapter shall adhere to the general sign standards, the standards determined by the usage classification of the sign and the standards determined by the construction classification of the sign. Where standards may conflict, the more restrictive standard shall apply.

Section 802.        Signs Exempt from Requirements

The following signs shall be exempt from the requirements of this article:

- A.    Incidental signs not exceeding a sign area of one (1) square foot and not including any commercial message or logo, which carry a message to identify rest rooms, entrances and exits, telephone locations, an on-site direction, on-site warnings or anything similar.
- B.    Government signs such as official traffic and street name signs and identification, informational or directional signs required by government bodies or their agencies.
- C.    Flags, badges, or insignia of any government, government agency, civic organization, charitable organization or religious organization.
- D.    Property identification signs which do not exceed two (2) square feet in area and bearing only property numbers, post box numbers, names or occupant or premises or other identification not having commercial connections.
- E.    Integral decoration or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- F.    Private traffic signs, which guide traffic and direct parking on private property, but bear no advertising matter.

Section 803.        General Sign Standards

The following standards shall apply to all signs, except that they shall be superseded by any more specific or conflicting regulations elsewhere in this article.

- A. All signs shall reflect the general character of the neighborhood.
- B. No sign shall be maintained in such a state of disrepair as to have the appearance of complete neglect or which is rotting or falling down.
- C. If a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed within five (5) days.
- D. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
- E. No temporary signs shall be permitted except as authorized elsewhere in this article.
- F. No permanent sign shall be located within a street right-of-way, except a government sign, a public utility sign or another sign approved by the governing body or the Pennsylvania Department of Transportation.
- G. Signs may be placed no closer than 15 feet to an adjacent highway right-of-way line in the Highway Commercial District and the Industrial District. In all other cases, the sign shall meet the required setback for structures.
- H. No sign shall be located within the clear sight triangle of any street intersection or any other position where it could endanger vehicular or pedestrian traffic by obstructing vision.
- I. No sign shall have a clearance of less than eight (8) feet between any pedestrian walk at the lowest part of the sign.
- J. No sign, which is parallel to the face of a building, shall project more than twelve (12") inches; no sign, which is perpendicular to the face of a building, shall project more than forty-eight (48) inches over a public sidewalk.
- K. No animated signs, no signs illuminated by a flashing, pulsating or intermittent source or no signs lighted in such manner as to create

glare conditions on adjacent properties or any adjacent street shall be permitted.

- L. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights.
- M. No sign shall advertise activities or products, which are illegal under federal, state, or local municipal laws or regulations.
- N. No sign shall include statements, words, or pictures, which are considered to be vulgar, obscene, or pornographic.
- O. Business signs in other than commercial and industrial districts shall not be illuminated when the business is closed.
- P. Signs in excess of 30 square feet in area, as well as their structural supports, shall be made of noncombustible materials, meaning those materials which will not ignite or deform at temperatures below 1,200° F.
- Q. Every sign shall be designed and anchored to withstand a steady horizontal wind pressure of at least 100 miles per hour regardless of the direction of air movement. No loads except those of the sign itself plus normal snow and ice loads shall be placed on the supports of the sign.
- R. Where glass panels on any sign exceed three square feet in area they shall be wire glass or shatter-proof glass; otherwise glass areas shall be at least 1/4 inch thick safety glass.
- S. No sign shall be located so as to block doors, fire escapes, operable windows or access to them; nor shall a sign be attached to a fire escape. No sign shall by reason of location or message content create a traffic hazard by obstructing sight distances or confusing motorists.
- T. No sign shall be painted directly on a wall, but letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
- U. The computation of sign area shall be as follows:

1. The surface area shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color, forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
3. With respect to two-sided, multisided or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information.

Section 804. Sign Standards Classified by Use

All signs shall be divided into classifications based on the use of the individual sign. Each sign shall adhere to the following specific sign standards for their respective classifications:

- A. Advertising Sign. A sign relating to commercial, industrial, private, recreational, public utility, or other similar business conducted on the premises in which the sign is located shall comply with the following:
  1. Wall signs are permitted for any business or use not identified by a ground sign. The maximum allowable size for any wall sign shall be one square foot of sign area for each linear foot of sign area or width of the building fact to which the sign is attached, but shall not exceed thirty-five (35') square feet. Further, such sign shall not protrude above the structural wall of which it is a part. Where such sign consists of individual lettering or symbols attached to a building or wall, the area of the sign shall be considered to be part of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols. Wall signs shall be limited to one per building or use. For

buildings or uses on corner lots having at least 50 feet of frontage on two public rights-of-way. A second sign is permitted facing the right-of-way. The second sign shall not exceed fifteen (15') square feet.

2. Freestanding signs shall be permitted only when the use has no wall sign visible from a public right-of-way. Freestanding signs shall not exceed a height of eight (8') feet from ground level to the top of the sign and shall not exceed a height of twelve (12') feet to the top of the sign support. The freestanding sign shall have a maximum sign area of thirty-five (35') square feet.
  3. A window sign consisting of individual letters or symbols shall not exceed thirty percent (30%) of the total glass area of the building front or sixty (60') square feet, whichever is less.
  4. Signs shall only be permitted to be erected on the premises to which the sign relates.
  5. Freestanding signs shall not be located within fifteen (15) feet of any right-of-way line or fifteen (15) feet from any property line.
  6. Advertising signs are only permitted in the Highway Commercial District and Industrial District.
- B. Center Sign. A business sign which provides identification at the entrance to a complex such as a shopping center, office complex, or industrial park shall comply with the following:
1. The sign shall devote no less than fifty percent (50%) of the total sign area to advertisement of the center's name.
  2. A center sign shall have a maximum size of thirty-two (32') square feet.
  3. Individual uses within the center may be identified on the center sign, provided that no more than one (1) sign per entrance is proposed and the size of such sign for the individual use shall not exceed four (4') square feet.

4. A center sign shall have a minimum setback of fifteen (15') feet from street right-of-way line.
  5. Signs shall only be permitted to be erected on the premises to which the sign relates.
- C. Election Signs. A sign directing attention to a candidate, political party, or a ballot issue shall comply with the following:
1. Signs may be displayed no more than sixty (60) days prior to the election and must be removed within forty-eight (48) hours of poll closing.
  2. Signs shall have a maximum sign area of six (6') square feet.
  3. No sign shall be erected on any private property without the consent of the property owner.
  4. No sign shall be erected on public property.
- D. Home Occupation. Designation or name signs indicating the name, profession, or activity of the occupant of the dwelling shall comply with the following:
1. Signs shall have a maximum size of two (2') square feet.
  2. Signs shall not project more than six (6") inches from a wall when attached to a building.
  3. Signs shall only be permitted to be erected on the premises to which the sign relates.
  4. The sign shall be limited to the name, address, occupation, or activity and logo or trademark.
  5. There may be no illumination of the sign.
- E. Identification Signs. Signs identifying schools, churches, hospitals, or similar institutions and for lodges, clubs, residential developments, parks, recreation areas, and other public assets shall comply with the following:

1. Signs shall have a maximum sign area of sixteen (16') square feet.
  2. Signs shall be mounted only with signs of similar meaning for identification.
  3. Identification signs shall not be placed with a street sign.
- F. Real Estate Signs. A sign advertising the sale, rental, leasing, or development of the premises shall comply with the following:
1. Signs shall have a maximum sign area of six (6') square feet.
  2. Signs shall be removed within five (5) days after final transactions are completed or sales consignments have expired.
  3. Signs shall only be permitted to be erected on the premises to which the property owner has granted permission.
  4. Signs shall only be permitted to be erected on the premises to which the sign relates.
- G. Special Event Signs. A temporary sign or banner advertising a sale or providing information about a special event sponsored by a legally recognized institutional, public, civic, charitable organization, shall comply with the following:
1. Signs shall have a maximum sign area of sixteen (16') square feet, and banners shall have a maximum sign area of thirty-two (32) square feet.
  2. Signs and banners shall be permitted for a maximum of sixty (60) days.
  3. Signs and banners shall be removed within five (5) days after the event.
- H. Street Banners. Shall not be permitted.

Section 805. Sign Standards Classified by Construction

All signs shall be divided into classifications based on the construction of the individual sign. Each sign shall adhere to the following specific sign standards for their respective classifications.

A. Area. The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs or other display.

1. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background and space between elements; it shall not include any supporting structure unless the structure is illuminated, is in the form of a symbol or contains advertising elements.
2. When a sign is applied to a wall or otherwise has no definable edges, the area shall include all color artwork or other means used to differentiate the sign from the surface upon which it is placed.

B. Flat wall signs. Signs which are erected or displayed on or parallel to the surface of a building shall comply with the following:

1. Signs shall not project more than twelve (12") inches from the building wall.
2. In any case where projection from the wall is greater than three (3") inches, the sign shall be a minimum of eight (8') feet above grade.
3. Signs shall be limited to one per building or use. For buildings on corner lots having at least 50 feet of frontage on two public rights-of-way, a second wall sign is permitted facing the right-of-way. The maximum allowable size for any sign shall be one square foot of sign area for each lineal foot or width of the building face to which the sign is attached but shall not exceed fifteen (15') square feet.
4. Signs may be erected only on the premises to which the sign relates.

C. Ground signs. Signs which are stationary but not supported by a part of a building which are erected on an independent structure (legs or base), so that the structure is the main support of the sign, shall comply with the following:

1. No sign shall project to a point nearer than fifteen (15') feet to the right-of-way line, except any governmental sign or any sign permitted through a road occupancy permit.
2. No support for any sign shall be located nearer than fifteen (15') feet to any lot line.
3. The maximum permitted height is eight (8') feet. The sign height shall be measured from the finished grade to the highest point of the sign. The grade shall not be altered for the purpose of altering the elevation of the sign.

D. Roof signs. Shall be prohibited.

E. Wall projecting signs. A sign which is mounted upon a building so that the principal face is at right angles to the building wall shall comply with the following:

1. Signs shall be located so that the lower edge of the sign is a minimum of eight (8') feet above grade.
2. Signs shall project a maximum of four (4') feet from the building wall; provided, however, that no sign shall project within the road right-of-way.
3. No sign shall extend higher than the top of the wall to which it is attached.
4. Signs shall have a maximum sign area of fifteen percent (15%) of the wall upon which they are mounted or a maximum sign area of one hundred (100) square feet, whichever is less.

Section 806. Sign Permits

The following signs shall be permitted to be erected without the requirement of a zoning permit:

- A. Trespassing signs.
- B. Real estate signs.

- C. Garage/yard sale signs.
- D. Election signs.
- E. Temporary contractor signs.

ARTICLE IX  
PERFORMANCE STANDARDS

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Section 901.        General Application

Permitted, conditional and special exception uses enumerated in Article III and uses accessory thereto are subject to the following performance standards and procedures.

Section 902.        Performance Standards Procedure

- A.    Prior to construction and operation. Any application for a building permit, zoning permit or occupancy permit for a use which shall be subject to performance standards shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.
  
- B.    Continued compliance. Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the duty of the Zoning Officer.
  
- C.    Determination of violation. The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided under Section 616.1, Enforcement notice, Pennsylvania Municipality Planning Code, Act 247.

Section 903.        Plans; Descriptions; Consultants

All permitted, conditional and special exception uses shall comply with the requirements of this Article. In order to determine whether a proposed use will conform to the requirements of this chapter, the Zoning Officer or the appropriate reviewing body may require a plan of the proposed construction or development and description of machinery or techniques to be used during operation of the proposed use. The appropriate reviewing body may also obtain a qualified consultant to testify.

Section 904. Fire Protection

Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involves the handling or storage of flammable or explosive materials.

- A. All industrial uses shall be carried on only in buildings classified for their use and structure by the State Department of Labor and Industry and shall be carried on in such a manner as to conform fully to the standards herein and with such precautions against fire and explosion hazards as to produce no exposure hazard to a use on an adjacent property, either at present or in the future.
- B. The storage, utilization or manufacture of materials or products, ranging from free to active burning as determined by the Fire Chief, is permitted subject to compliance with all other performance standards, and provided that the following conditions are met:
  - 1. Such materials or products shall be stored, utilized or produced within completely enclosed buildings or structures reviewed by the Fire Chief.
  - 2. If required, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the Fire Chief.
- C. Any commercial or industrial activity, including the storage of bulk chemicals, oils, gasoline, compressed gas, etc., if not covered by local, county or state codes shall be covered by safety standards established for particular products and materials by commercial and industrial codes, regulations and laws, including the requirement to install approved and recommended smoke detectors. All activity shall be carried on only in buildings classified as acceptable by the National Board of Fire Underwriters. All new structures shall be constructed according to the Fire Protection Provisions of the Pennsylvania Department of Labor and Industry for those type buildings requiring its review and approval.

Section 905. Radioactivity or Electrical Disturbance

- A. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance or adversely affecting any persons in the vicinity of such disturbance.

- B. No activity shall cause repetitive or continuous electrical disturbance adversely affecting television, radio or other equipment in the vicinity.

Section 906.        Noise

- A. Protection against the effects of noise exposure shall be provided by all commercial and industrial users within the Township. This does not pertain to normal truck and vehicular noises. Noise, as a consequence of regular activities, emitted from commercial or industrial operations inside or outside a building shall not exceed the acceptable maximum sound pressure level for residential areas measured with a sound level meter from the closest residence and conforming to standards prescribed by the American National Standards Institute.
- B. Noise which is determined to be objectional because of volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise shall not be such as to create a nuisance or hazard.

Section 907.        Vibration

Any use or portion thereof creating intense or earthshaking vibrations shall be set back from the lot lines on all sides to a distance which will ensure that in no case shall any such vibration create a nuisance or hazard beyond such lot lines. Vibrations detectable without instruments on neighboring property shall be prohibited.

Section 908.        Glare

Uses, signs or lighting devices which produce either continuous or intermittent objectionable direct or reflected glare on adjoining properties or public thoroughfares shall not be permitted.

Section 909.        Smoke

The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No

smoke of a shade darker than No. 2 will be allowed. Exception to this may occur when starting fires or when there is a temporary breakdown of equipment.

Section 910.            Odor

No use shall emit odorous matter in such quantities as to be readily detectable at any point along or behind the boundaries of the lot wherein it is located. Malodorous gas or matter shall not be permitted to be emitted which is so objectionable as to damage property interest on any neighboring lot.

Section 911.            Solid Waste Disposal

- A. No person or use shall dispose any solid waste mater or fill within the borough. Commercial and industrial disposal shall be disposed of in a manner approved by the Department of Environmental Protection.
- B. Restaurants, meat markets and other food establishments will store and dispose of grease, lard and excess meat products (renderings) in closed containers. Vehicles transporting the above shall be covered at all times during transit. Haulers of the same shall keep all public rights-of-way free from any such products and odors from the same.

Section 912.            Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to the health of persons, to animals, vegetation or other property or which can cause any excessive soiling.

Section 913.            Hazardous Waste

No liquid or solid waste known to be or determined to be as hazardous by the Department of Environmental Protection or other appropriate state or federal agencies shall be dumped, buried or otherwise dispersed within the Township.

Section 914.            Liquid Waste or Sewage

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*Article IX*  
*Performance Standards*

No discharge shall be permitted into a reservoir, sewage or storm disposal system, river or stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements. Such objectionable contaminants or emissions must be treated so that insoluble substances (oils, grease, acids, alkalis or other chemicals) are in accordance with the standards as approved by appropriate agencies of the Department of Environmental Protection and the regulations of the Township.

ARTICLE X  
NONCONFORMING USES, STRUCTURES, AND LOTS

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Section 1001.      Purpose

- A.    If, within the zoning districts established by this chapter or due to amendments that may later be adopted, there exist lots, structures or uses of lots which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments, it is the intent of this chapter to permit those nonconformities. Such uses are declared by this chapter to be incompatible with authorized uses in the zoning districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.
  
- B.    To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual construction has been diligently commenced. "Actual Construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing structure has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

Section 1002.      Nonconforming Lots

- A.    In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot if the lot is in separate ownership and not of continuous frontage with other lots in the same ownership (provided that yard dimensions and other requirements not involving lot area or lot width, or both, of the lot shall conform to the regulations for the zoning district in which such lot is located). This provision shall apply even though such lot fails to meet the requirements for lot area or lot width, or both that are generally applicable in the zoning district. Variation of yard

requirements shall be obtained only through action of the Zoning Hearing Board as provided for the procedure for variances outlined in this Chapter.

- B. If two or more nonconforming lots or combinations of lots and portions of lots with continuous frontage are in single ownership, and if all or part of the lots do not meet the requirements for lot width and lot area as established by this Chapter, the lots involved shall be considered to be an undivided lot for the purposes of this Chapter. No portion of said undivided lot shall be used or sold which does not meet lot width and lot area requirements established by this Chapter, nor shall any division of the lot be made which leaves remaining any lot not meeting the requirements of this Chapter. Any division of said lot containing a nonconforming use of a structure shall conform to the minimum lot area requirements for authorized uses.

Section 1003. Nonconforming Uses of Lots

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

- A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this Chapter, unless the Board shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the effective date of adoption or amendment of this Chapter.
- C. If any such nonconforming use of a lot ceases for any reason for a period of more than 12 consecutive months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations specified by this Chapter for the zoning district in which such lot is located.

Section 1004. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the requirements of this Chapter, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or otherwise have any structural alterations made to it in a way which increases its nonconformity, except when the Zoning Hearing Board may determine undue hardship and may authorize a reasonable modification of such structure.
- B. Should such structure be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of damage.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- D. Structures existing in any identified floodplain area prior to the date of adoption of restrictions in the identified floodplain area may continue, provided that no expansion or enlargement of any existing structure shall be allowed within any identified floodway zoning district that would cause any increase in flood heights.

Section 1005. Nonconforming Use of Structures

If a lawful use of a structure or of a structure and lot in combination exists at the effective date of adoption or amendment of this Chapter that would not be allowed in the zoning district under the terms of this Chapter, the lawful use may be continued, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Chapter in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning district in which it is located, unless the Zoning Hearing Board shall interpret that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use.

- B. Any nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any lot or portion of a lot outside such structure, except on a lot or portion of a lot owned at the time the use became nonconforming.
- C. Any structure or structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure or structure and lot in combination ceases for a period of more than 12 consecutive months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such structure or structure and lot in combination shall conform to the regulations specified by this Chapter for the zoning district in which such lot is located.
- E. Where nonconforming status applies to both the use and the structure on the lot, removal or destruction of the nonconforming structure shall eliminate the nonconforming use on the lot.
- F. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the sign area.
- G. Nonconforming signs may not be enlarged, added to, or replaced by another nonconforming sign, use or structure, except that interchange of poster panels shall be permitted.

Section 1006. Repairs and Maintenance

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the populace.

Section 1007. Historical Landmarks

The provisions of this Part shall not apply to any building or structure which is designated by the Planning Commission, with concurrence of the Supervisors, to be a historical landmark.

ARTICLE XI  
ADMINISTRATION AND ENFORCEMENT

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Section 1101.      Zoning Approval

- A.      Compliance Required. No structure shall be erected, added to or otherwise have any structural alterations made to it until zoning approval has been issued by the Township. No zoning approval shall be issued for any structure where said construction, addition, structural alteration or use thereof would be in violation of any of the provisions of this Chapter, except after such written order from the Board or the Supervisors as this Chapter may require. No zoning approval for structural alteration and erection of structures shall be issued until prior approvals and requirements of this Chapter and the Township's Subdivision and Land Development Ordinance, have been complied with, including but not limited to conditional use, use by special exception, planned residential development, and recording of the final plat of a subdivision or land development. Any zoning approval issued in conflict with the provisions of this Chapter shall be null and void.
- B.      Application Content. All applications for development for zoning approval for structural alteration or erection of structures shall be in the form set forth in this Chapter; the Township's Subdivision and Land Development Ordinance if applicable; and in the Township's Building Code. The application for development for zoning approval for structural alteration or erection of structures shall include the following:
1.      Two copies of the application form provided by the Township and completed by the applicant.
  2.      For authorized uses by right that are not land developments, two copies of a site plan of the site clearly and legible drawn at a scale of 1 inch being equal to not more than 50 feet, or less, showing the following:
    - a.      Name of applicant and landowner.
    - b.      Name of development, if any.
    - c.      Evidence of preparation by an architect, landscape architect, engineer, or surveyor.
    - d.      Graphic and written scale.
    - e.      North arrow.
    - f.      Dates of preparation and revisions of site plan.
    - g.      A site location map.

- h. Property lines for the entire lot or site and adjacent parcels, and lot width.
  - i. Site or lot area and net site or net lot area, lot coverage, impervious surfaces and percentage of impervious surfaces.
  - j. Location and dimensions of existing and proposed public and private streets, driveways, sidewalks and other pedestrian ways, and other impervious surfaces on the lot or site and within 100 feet of the perimeter of the lot or site.
  - k. Existing and proposed structures with proposed density and approximate height of structures indicated for each proposed type of structure and use, existing and proposed gross floor area and building area.
  - l. Proposed location and dimensions of all yards and open spaces.
  - m. Topography showing existing and proposed contours at vertical intervals of 2 feet if the general slope is less than 10% and at intervals of 5 feet if the general slope is 10% or greater.
  - n. General proposals for the disposition of storm water runoff.
  - o. Proposals for the disposition of sanitary wastes and the provision of water supplies.
  - p. Delineation of any portion of the lot or site in mature woodlands or other woodlands showing delineation and percentage of each that will remain uncut and undisturbed during construction or development.
  - q. Delineation of any portion of the lot or site in identified floodplain areas or wetlands.
  - r. If any proposed construction or development is located entirely or partially within any identified floodplain area, the following additional information:
    - i. Information pertaining to the floodway.
    - ii. The flow of water including direction, pressures, velocities, impact and uplift forces, and elevation of the 100-year flood.
    - iii. Lowest floor elevation of any existing or proposed structures.
3. For uses authorized by conditional use, special exception, or planned residential development and for uses that are land developments - two copies - final site development plans containing the information required for a site plan in

accordance with subsection B.2 for uses by right, and in addition, information demonstrating conformity with the conditional use, special exception, planned development, or land development approved by the Supervisors.

4. Two copies construction plans as required by the Township's Building Code.
  5. Such other information as lawfully may be required by the Zoning Officer to determine conformance with this Chapter, the Township's Subdivision and Land Development Ordinance including but not limited to the names of all the legal or beneficial owners of the applicant if the applicant is a corporation or a partnership.
  6. Required fee.
- C. In approving an application for development the Zoning Officer may require such changes in plans for construction, addition, structural alteration or use of such structures or lots as may be necessary to assure compliance with this Chapter.
- D. Zoning approval for any structure or use may be revoked and withdrawn by the Zoning Officer if the holder of the zoning approval has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the zoning approval; and the holder of the zoning approval may be subject to penalties as provided by this Chapter.
- E. Expiration and Extension.
1. **Temporary Structures.** Erection of temporary structures shall be completed within 30 days of issuance of zoning approval for structural alteration and erection of structures. Upon written request from the applicant, the Zoning Officer may extend the zoning approval.
  2. **Other Structures.** If no application for a grading or building permit to undertake work described in an application for zoning approval for structural alteration or erection of structures other than temporary structures, has been submitted within 12 months of issuance of zoning approval for structural alteration or erection of structures, said zoning approval shall expire automatically without written notice to

the developer unless the Supervisors, in their sole discretion, extend the zoning approval upon written request of the developer received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

Section 1102. Zoning Approval for Occupancy and Use

- A. It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the Township. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this Chapter. Any change in use category shall require the requisite approval as set forth in Chart C, Tables of Authorized Uses.
- B. No nonconforming structure, use or lot shall be maintained, renewed, changed, or otherwise have any structural alterations made to it or extended until a zoning approval has been issued by the Township.
- C. Where zoning approval for occupancy and use is necessary to allow an occupancy permit to be issued pursuant to the Township's Building Code, and where a building permit has been issued, zoning approval for occupancy and use shall be applied for within 10 working days after the erection of the structure or structural alteration has been completed.
- D. Temporary Zoning Approval. Temporary zoning approval may be granted by the Zoning Officer upon filing of a written application for development for temporary zoning approval for occupancy and use when a temporary or permanent occupancy permit is authorized and is eligible for approval under the Township's Building Code or when all work described in the application for development is not complete, and subject to the following:
  - 1. The applicant shall post an acceptable financial security to the Township to guarantee completion of the work described in an application for development, for zoning approval and of all conditions attached to zoning approval within a specified time period.
  - 2. There shall be no violations of applicable zoning district regulations.

3. Where zoning approval for occupancy and use is necessary in order to allow an occupancy permit to be issued pursuant to the Township's Building Code for a new or changed use of a lot and where no building permit is required, zoning approval for occupancy and use shall be made directly to the office of the Zoning Officer.
4. Zoning approval under this section shall be issued or a written notice stating why a zoning approval cannot be issued shall be given to the applicant.
5. Temporary Structures. During the time of construction of a structure for which zoning approval has been granted and a building permit has been issued, the Zoning Officer may issue zoning approval for occupancy and use of a temporary structure for a period not to exceed 12 months. Zoning approval for a temporary structure may be extended upon reapplication at the discretion of the Zoning Officer. Zoning approval for a temporary structure shall be canceled upon written notice by the Zoning Officer if construction of the permanent structure is not diligently pursued.
6. Failure to obtain zoning approval shall be a violation of this Chapter and may be subject to penalties as provided by this Chapter.
7. The Zoning Officer shall maintain a record of all zoning approvals issued.

Section 1103. Financial Security

Prior to granting zoning approval for structural alteration and erection of structures or zoning approval for occupancy and use or any other approval required by this Chapter wherein the developer is required or has agreed, as a condition of approval, to remove or demolish any structure or to provide certain public and private improvements, the developer shall provide financial security in accordance with the provisions of the Township's Subdivision and Land Development Ordinance. Financial security shall not be required for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945, known as the "State Highway Law," 36 P.S. §670-101 et seq.

Section 1104. Registration of Nonconforming Uses, Structures and Lots

- A. Owners of nonconforming uses, structures and lots may apply for zoning approval. Issuance of such zoning approval by the Zoning Officer will constitute registration of the nonconforming use, structure and/or lot.
- B. After the enactment or amendment of this Chapter, the owners of nonconforming structures and/or lots or the owners of a lot on which a nonconforming use exists may be notified by the Zoning Officer of the provisions of this Chapter. Within 30 days after the receipt of said notice, the owner shall apply for and be issued zoning approval for the nonconformity. If the owner of a nonconformity fails to apply for zoning approval within 30 days after receipt of the foregoing notice, the nonconformity ceases to be lawful and is hereby declared to be in violation of this Chapter.

Section 1105. Duties of the Township Manager

The Township Manager, or the Township Manager's delegated representative, shall be the Zoning Officer. The Township Manager is authorized to adopt by regulation forms for all applications for development authorized by this Chapter. This Chapter appoints the Township Manager as the Zoning Officer.

Section 1106. Duties of Zoning Officer

The Zoning Officer shall enforce this Chapter by authorizing zoning approval for only those structures and uses that comply with the provisions of this Chapter. The Zoning Officer shall have the authority to make inspections necessary to determine compliance with this Chapter and shall maintain records thereof and shall have the authority to issue an enforcement notice and a cease and desist order upon determination that a violation has occurred.

Section 1107. Zoning Hearing Board

- C. Appointment and Powers. The Supervisors shall appoint a Zoning Hearing Board in accordance with the requirements of the Municipalities Planning Code. The Zoning Hearing Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Chapter.
  2. To authorize in specific cases such variance from the terms of this Chapter as will not be contrary to the interest of the populace, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship and so that the spirit of this Chapter shall be observed and substantial justice done in accordance with the laws of the Commonwealth of Pennsylvania.
  3. To authorize such uses by special exception as will not be contrary to the interest of the populace, so that the spirit of this Chapter shall be observed and substantial justice done.
  4. To hear and decide challenges to the validity of any provision of this Chapter, where the challenging party does not submit a curative amendment, or to the validity of any land use ordinance where the challenge is based on procedural defects, as such challenges are governed by the Municipalities Planning Code.
  5. To hear and decide appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard provisions within this Chapter.
  6. To hear and decide appeals from a decision by the Supervisors on a special encroachment permit.
- D. Hearings. The Zoning Hearing Board shall conduct hearings in accordance with §908 of the Municipalities Planning Code, 53 P.S. §10908, and the following requirements:
1. Hearing Notice. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Supervisors shall designate by ordinance and to any person who has made timely request for public notice. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board. In addition, written notice shall be conspicuously posted on the affected tract of land at least

one week prior to the hearing. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer.

2. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
3. Parties. 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 Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
4. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. 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.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
7. Stenographic Record and Related Fees. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing

Board or Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

8. Communication. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
9. Time Limitations. Hearings shall be held in accordance with §908 of the Municipalities Planning Code, 53 P.S. §10908.

A. General Rules and Procedures for Appeals and Applications.

1. Time Limitations.
  - a. Landowner Appeals. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
  - b. Appeals by Other Aggrieved Parties. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Township 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. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the

Zoning Officer on a challenge to the validity of an ordinance or map pursuant to §916.2 of the Municipalities Planning Code, 53 P.S. §10916.2, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. Who May Appeal. Appeals may be made to the Zoning Hearing Board by any landowner affected, any officer or agency of the Township, or any person aggrieved.
  3. All appeals and applications to the Zoning Hearing Board shall be submitted to the Zoning Officer in accordance with the rules of procedure established by the Zoning Hearing Board.
  4. Application Content. All appeals and applications shall contain the following:
    - a. A written application on the form prescribed by the Zoning Hearing Board referring to the specific provisions of this Chapter which are involved and setting forth the reasons which would justify the granting of a variance, special exception or other requested determination.
    - b. The fee required by ordinance or resolution of the Supervisors.
    - c. Seven copies of the site plan when applicable.
- B. Decision and Findings. The Zoning Hearing Board shall make decisions and findings in accordance with §908 of the Municipalities Planning Code, 53 P.S. §10908, and the following requirements:
1. Decision. In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as, in its opinion, ought to be made.
  2. Findings. 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

Municipalities Planning Code or of any ordinance, rule or regulations 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.

3. Time Limitations. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the Hearing Officer.
4. Deemed Decision. Where the Zoning Hearing Board fails to render the decision within the period required, or fails to commence or complete the required hearing within the time limitations, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision.
5. Notice of Decision or Findings. A copy of the final decision or, where no decision is called for, of the findings shall be filed with the Zoning Officer and delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- C. Acquisition of Services. In exercising the above-mentioned powers, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or clerical services within the limits of funds appropriated for such purpose by the Supervisors.
- D. Stay of Proceedings. All land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be governed by the provisions of §915.1 of the Municipalities Planning Code, 53 P.S. §10915.1, upon filing of an appeal and during its pendency before the Zoning Hearing Board.
- E. Appeals from the Board's Decision. Any person aggrieved by any decision of the Board or the Supervisors may appeal to the Court of Common Pleas of Beaver County in accordance with the Municipalities Planning Code.

Section 1108. Procedure for Variances

- A. Zoning Hearing Board Functions. The Zoning Hearing Board shall hear and decide requests for variances where it is alleged that this Chapter inflicts unnecessary hardship upon the applicant.
- B. Who May Apply. The landowner or tenant with the permission of such landowner may apply for relief where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant or upon appeal from a decision of the Zoning Officer.
- C. Findings Required. No variance shall be granted until the applicant has established and the Zoning Hearing Board has made all of the following findings where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. That such unnecessary hardship has not been created by the appellant.
  4. 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.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- D. Conditions. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter as it may deem necessary to implement the purposes of this Chapter.
- E. Expiration. A variance granted by the Zoning Hearing Board shall expire automatically without written notice to the applicant if no application for a zoning approval, building permit or grading permit to undertake the work described in the decision granting the variance has been submitted within 12 months of said decision, unless the Zoning Hearing Board, in its sole discretion extends the variance upon written request of the applicant received prior to its expiration or unless the Zoning Hearing Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one 12-month extension. A variance granted by the Zoning Hearing Board prior to the adoption of this section shall be subject to the provisions of this section; however, the 12-month period shall begin with the date of adoption of this section.
- F. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the 100-year flood elevation.

- G. No variance shall be granted for any construction, development, use, or activity within any identified floodplain area that is prohibited or restricted by this Chapter.
- H. Whenever a variance is granted to construct a structure below the 100-year flood elevation, the Zoning Hearing Board shall notify the applicant in writing that:
  - 1. The granting of the variance may result in increased premium rates for flood insurance.
  - 2. Such variance may increase the risk to life and property.

Section 1109. Procedure for Uses by Special Exception

- A. Zoning Hearing Board's Function. Where this Chapter, in accordance with Chart C, Table of Authorized Uses, for the zoning district in which a property is located, allows uses by special exception granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions.
- B. Who May Apply. The landowner or any tenant with the permission of such landowner may apply for a special exception.
- C. Conditions. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.
- D. If the Zoning Hearing Board determines that the application for special exception meets all the requirements of this Chapter and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this Chapter, it shall direct the Zoning Officer of issue zoning approval for such special exception.
- E. Expiration. A special exception approval granted by the Zoning Hearing Board shall expire automatically without written notice to the applicant if no application for a zoning approval, building permit, or grading permit to undertake the work described in the decision granting the special exception has been submitted within 12 months of said decision, unless the Zoning Hearing Board, in its

sole discretion extends the special exception upon written request of the applicant received prior to its expiration or unless the Zoning Hearing Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one 12-month extension. A special exception granted by the Zoning Hearing Board prior to the adoption of this section shall be subject to the provisions of this section; however, the 12-month period shall begin with the date of adoption of this section.

Section 1110. Procedure for Appeals

- A. Appeals may be made to the Zoning Hearing Board by any aggrieved person, firm or corporation or by any officer or department of the Township affected by any decision of the Zoning Officer relative to the interpretation of this Chapter. Such appeal shall be made within 30 days from the date that a notice of violation is delivered to such aggrieved party by the Zoning Officer in accordance with the requirements of the Municipalities Planning Code by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal specifying the grounds therefor. The Zoning Officer shall forthwith transmit to the Zoning Hearing Board all papers constituting the record upon which the action was appealed.
- B. The Zoning Hearing Board shall fix a reasonable time for a public hearing to consider the appeal in accordance with §908 of the Municipalities Planning Code, 53 P.S. §10908, and give public notice thereof, as well as due notice to the parties in interest and decide the same within 45 days after the public hearing is concluded. If no decision is made within 45 days after the public hearing is concluded, it shall be deemed that the Zoning Hearing Board has decided in favor of the person or the officer of the Township aggrieved or affected who is seeking relief.

Section 1111. Procedure for Amendments

- A. General. The regulations and provisions of this Chapter may be amended from time to time, upon recommendation of the Planning Commission or the Zoning Hearing Board, upon the initiation of the Supervisors or upon petition to the Supervisors. A landowner's curative amendment shall conform to the requirements for a proposed amendment initiated by petition.

B. Enactment of Amendments.

1. Zoning amendments procedures shall adhere to the requirements of §609 of the Municipalities Planning Code, 53 P.S. §10609.
2. Public Hearing. The Supervisors shall hold a public hearing on a proposed amendment pursuant to public notice before voting on enactment of an amendment. The Supervisors shall by resolution adopted at a public meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice to be given. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.
3. Publication and Advertisement. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section. The notice of enactment shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than 60 days or less than 7 days prior to passage. Publication of the proposed 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 the time the public notice is published.
  - b. An attested copy of the proposed amendment shall be filed in the County Law Library or other County office designated by the County Commissioners.

4. **Planning Commission Review.** In the case of an amendment other than that prepared by the Planning Commission, the Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
5. **Revised Amendment.**
  - a. **Additional Public Hearing.** If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
  - b. **Additional Advertisement.** In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Supervisors shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
6. **County Planning Commission Review.** At least 30 days prior to the public hearing on the amendment by the Supervisors, the Supervisors shall submit the proposed amendment to the County Planning Commission for recommendations.
7. **Application Content.** Proposed amendments initiated by petition of landowners shall include the following:
  - a. Application form approved by the Planning Commission and completed by the applicant.
  - b. A statement justifying the petition.
  - c. A precise legal description of the property proposed to be rezoned.
  - d. A survey of the property proposed to be rezoned.
  - e. The fee determined by the Supervisors.
8. **Copy of Enacted Amendment.** Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

C. Procedure for Landowner Curative Amendments.

1. Application Content. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision of this Chapter, which prohibits or restricts the use or development of land in which he has an interest, may submit an application for curative amendment and substantive challenge to the validity of this Chapter to the Supervisors. Such application shall include the following:
  - a. All items required for a zoning amendment as set forth in section B.7.
  - b. A written request that the challenge and proposed amendment be heard and decided as provided in §916.1 of the municipalities planning code, 53 P.S. §10916.1, and including the reasons for the challenge.
  - c. 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. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a zoning approval, 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.
  - d. An amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects in this Chapter.
2. Public Hearing. The Supervisors shall commence a hearing thereon within 60 days of the request as provided in §908 of the Municipalities Planning Code, 53 P.S. §10908. The hearing shall be conducted in accordance with §§609.1 and 908 of the Municipalities Planning Code, 53 P.S. §§10609.1, 10908, except that the deemed approval provisions of §908 of the Municipalities Planning Code shall not apply.
3. Legal Representation.
  - a. The Township Solicitor shall represent and advise the Supervisors at the hearings on the curative amendment.

- b. The Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on the Township's behalf and to present their witnesses on its behalf.
4. The procedure for landowner curative amendments and substantive challenges to the validity of this Chapter shall be governed by §§609.1 and 908 of the Municipalities Planning Code, 53 P.S. §§10609.1, 10908. The Supervisors shall render a written decision within 45 days after the last hearing.
5. Planning Agencies Reviews. The curative amendment and challenge shall be referred to the planning agencies as provided in this Section.
6. Copy of Enacted Amendment. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

Section 1112. Planning Commission

The Planning Commission shall perform all duties as required by the laws of the Commonwealth of Pennsylvania including, but not limited to, the following:

- A. The Planning Commission shall receive from the Zoning Officer copies of all applications for amendments to this Chapter and shall make findings and recommendations thereon, after which the Commission shall forward such findings and recommendations, in writing, to the Supervisors before the date set for a public hearing on the proposed amendment.
- B. The Planning Commission shall receive from the Zoning Officer copies of all applications for planned developments and shall make findings and recommendations, after which the Commission shall forward such findings and recommendations, in writing, to the Supervisors before the date set for a public hearing on the proposed planned development.
- C. The Planning Commission shall receive from the Zoning Officer all applications for conditional uses and shall make findings and recommendations and shall forward such written findings and

recommendations to the Supervisors before the date set for a public hearing on the proposed conditional use.

- D. The Planning Commission shall, furthermore, initiate, direct, and review, from time to time, the provisions of this Chapter and make reports of its findings and recommendations to the Supervisors in writing not less frequently than annually and to recommend and update of the provisions of the Comprehensive Plan not less frequently than every ten (10) years.
- E. The Planning Commission shall also have the duty of reviewing subdivision and land development applications and reporting to the Supervisors in accordance with the Township's Subdivision and Land Development Ordinance.

Section 1113.        Supervisors

Under the provisions of this Chapter, the Supervisors shall have the duty of considering and adopting or rejecting proposed planned residential developments, conditional uses, special encroachment permits, and amendments to or the repeal of this Chapter, as provided by law, and of establishing a schedule of fees and charges.

Section 1114.        Schedule of Fees, Charges and Expenses

- A. The Supervisors shall by ordinance or resolution adopt a schedule of fees, charges and expenses and a collection procedure for zoning approvals, planned residential development, conditional uses, uses by special exception, variances, zoning amendments and other matters pertaining to this Chapter. The schedule of fees shall be duly recorded in the ordinance or resolution book of the Township and posted in the office of the Zoning Officer. The schedule of fees and charges may be altered or amended only by ordinance or resolution adopted by the Supervisors.
- B. No application for any zoning approval, planned development, conditional use, special encroachment permit, zoning amendment, use by special exception, variance or other matter shall be considered unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Hearing Board unless or until the preliminary charges or fees have been paid in full.

- C. The Supervisors may waive or modify fees where unusual circumstances warrant such relief.

Section 1115. Violations and Penalties; Enforcement Procedures

- A. Enforcement Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any provision of this Chapter shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$1,000 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 judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district judge determining that there has been a violation further determines that there has been a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event, there shall be deemed to have been one such violation until the fifth day following the date of the determination of a violation by the district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees shall be paid over to the Township.
- B. Enforcement Remedies. If any structure or lot is or is proposed to be erected, constructed, reconstructed or otherwise have any structural alterations made to it, converted, maintained or used in violation of this Chapter, the Supervisors or, with the approval of the Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such violation.
- C. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

DULY ENACTED AND ORDAINED this 13 day of August, 2008,  
by the Board of Supervisors of the Township of Daugherty, Beaver County,  
Pennsylvania, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF DAUGHERTY:

Dawn J. Ford

George J. Rossick

## Chart A

### Lot, Yard and Height Requirements, Residential

	R-1	R-2	R-3
<b>Minimum Lot area (without public sanitary sewer) (with public sanitary sewer)</b>	2 acre 1 acre	1-1/2 acre 1/2 acre	1-1/2 acre 1/2 acre
<b>Minimum Lot frontage</b>	150 feet	100 feet	85 feet
<b>Maximum Lot coverage</b>	25%	35%	45%
<b>Minimum Front yard</b>	50 feet	40 feet	30 feet
<b>Minimum Side yard</b>	20 feet	15 feet	10 feet
<b>Minimum Rear yard</b>	30 feet	25 feet	20 feet
<b>Minimum floor area per dwelling unit</b>	1,000 square feet	1,000 square feet	1,000 square feet
<b>Maximum building height</b>	40 feet <sup>1</sup>	40 feet <sup>1</sup>	45 feet <sup>1</sup>
<b>Notes:</b>			
<sup>1</sup> See Section 305-A-1, Special Height Regulations			

## Chart B

### Lot, Yard and Height Requirements, Non-Residential

	C-1	C-2	C-3	S-U
<b>Minimum Lot area</b>	1 acre	1 acre	1 acre	1 acre
<b>Minimum Lot frontage</b>	75 feet	85 feet	85 feet	75 feet
<b>Maximum Lot coverage</b>	70%	60%	60%	70%
<b>Minimum Front yard</b>	35 feet	50 feet	50 feet	35 feet
<b>Minimum Side yard</b>	15 feet	20 feet	20 feet	15 feet
<b>Minimum Rear yard</b>	15 feet	20 feet	20 feet	15 feet
<b>Maximum building height</b>	50 feet	50 feet	50 feet	50 feet

## Chart C

### Table of Authorized Uses

**Codes:**

R = Use by Right; C = Conditional Use; SE = Use by Special Exception

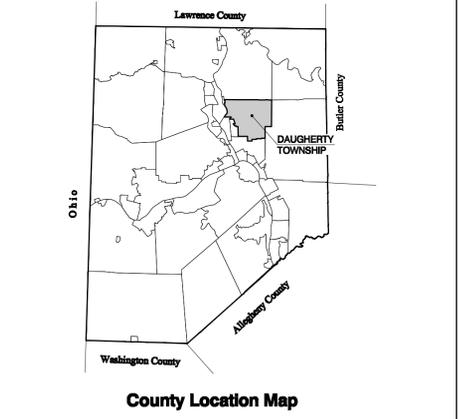
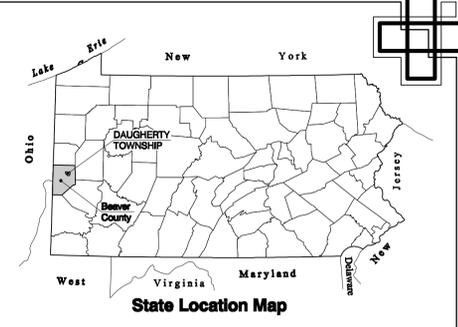
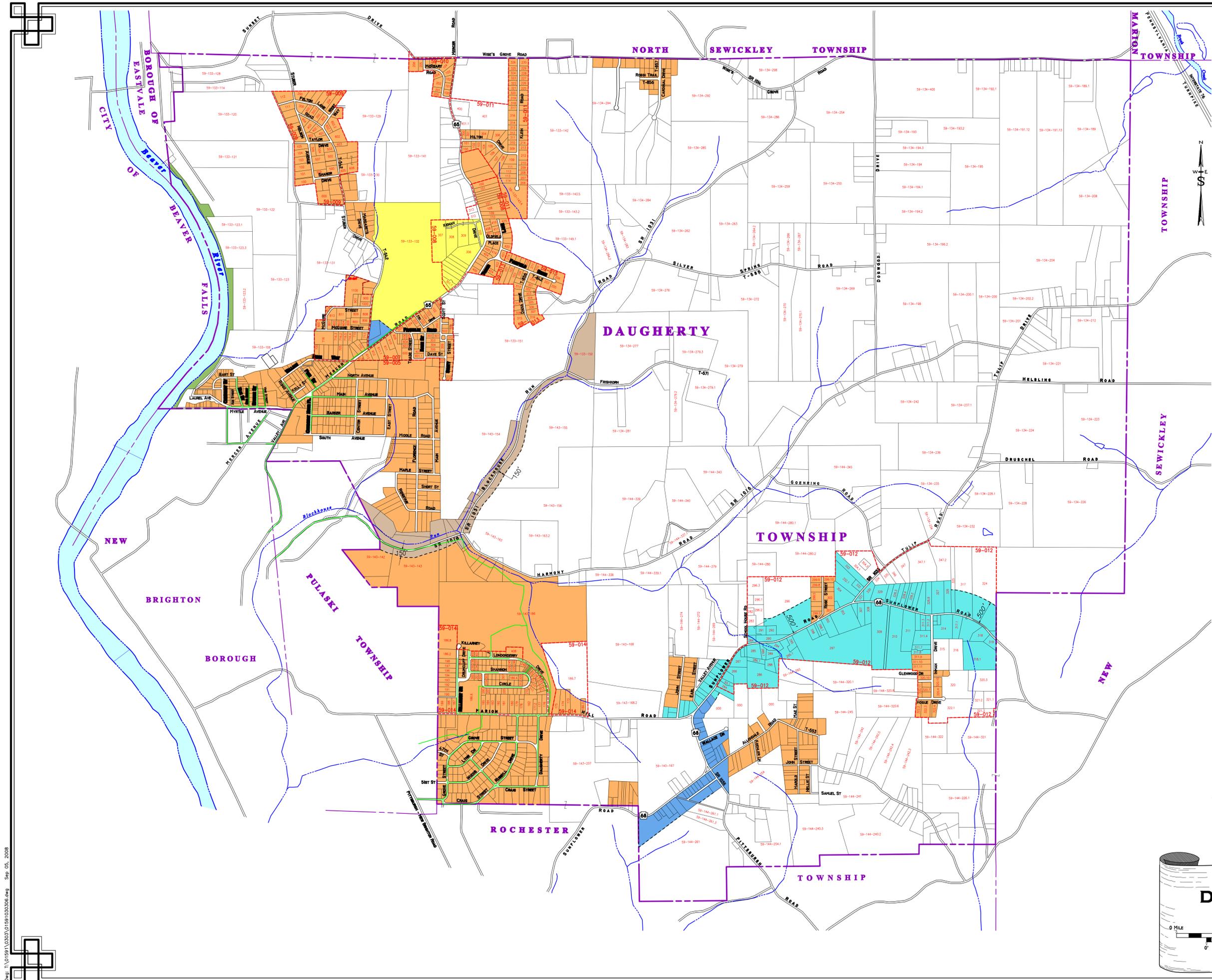
PRD = Planned Residential Development; N = Not Permitted

PRINCIPAL USES	ZONING DISTRICTS						
	R-1	R-2	R-3	C-1	C-2	C-3	S-U
<b>Agricultural Uses</b>							
Agriculture	R	N	N	N	R	N	R
Agriculture Sales and Service	R	N	N	N	R	R	R
Intensive Agriculture	C	N	N	N	C	N	N
Riding Academy	C	N	N	N	C	N	C
Livestock Boarding	R	N	N	N	R	N	R
Greenhouses / Nurseries Wholesale	R	N	N	N	C	N	C
Winery/ Vineyard	C	N	N	N	C	C	N
<b>Residential Uses</b>							
Community based affordable senior housing	N	N	C	N	N	N	N
Community center	R	R	R	N	N	N	N
Intermediate-care facility	C	C	C	C	C	C	N
Mobile home park	N	N	C	N	N	N	C
Multi-story multi-family dwelling	N	N	PRD	N	N	N	N
Multiple-family dwelling	N	N	PRD	N	N	N	N
Single- family dwellings detached	R, PRD	R, PRD	R, PRD	N	R	N	R
Two-family dwelling	C	PRD,C	PRD,C	N	N	N	R
Personal-care home (for 3 to not more than 8 persons)	C	C	C	C	C	N	N
Personal-care home (for 9 or more people)	N	N	C	N	N	N	N
Skilled nursing facility	N	N	C	N	C	N	N
Townhouse or row dwelling	C	PRD,C	PRD,C	N	N	N	PRD,C
<b>Nonresidential Uses</b>							
Amusement Park	N	N	N	C	C	C	C
Automobile Repair	N	N	N	C	C	C	C
Automobile Sales, Rental and Service	N	N	N	C	C	C	C
Automobile Salvage / Junkyards	N	N	N	N	N	C	C
Automobile Service Station	N	N	N	C	C	C	C
Bed and Breakfast Inn	C	C	N	C	N	N	R
Bulk Fuel Storage	N	N	N	N	N	C	C
Camping Facility	N	N	N	C	C	C	N
Cemetery / Crematorium	C	N	N	C	C	C	C
Civic Buildings	R	R	R	R	R	R	R
Commercial, Limited Neighborhood	N	PRD	PRD	N	N	N	N
Commercial and Private Recreation	N	N	N	C	C	C	C
Composting Facility	N	N	N	N	N	C	C
Concrete or Asphalt Batch Plant	N	N	N	N	N	R	R

Contractor's Yard	N	N	N	N	N	R	R
Day Care Facility	N	N	C	C	C	C	N
Drive-through Establishment	N	N	N	C	C	C	R
Dry Cleaning Plant	N	N	N	N	N	R	R
Educational Institution, Non-public	R	R	R	R	R	R	R
Educational Institution, Public	R	R	R	R	R	R	R
Emergency Services, Private	N	N	N	R	R	R	R
Extraction of Minerals	C	C	C	C	C	C	C
Financial Establishment	N	N	N	R	R	R	R
Fuel Generation Plant	N	N	N	N	N	C	C
Funeral Home	C	N	C	R	R	N	R
Golf Course and Country Club	C, PRD	C, PRD	C, PRD	N	C	C	N
Greenhouses/ Nurseries, Retail	C	N	N	N	C	N	C
Hospitals	N	N	N	N	C	C	N
Hotel / Motel	N	N	N	N	C	C	C
Correctional Facilities	N	N	N	N	N	C	C
Kennels	C	N	N	N	N	C	C
Landfill / Incinerator	N	N	N	N	N	C	C
Manufacturing, Light	N	N	N	N	C	R	C
Manufacturing, Heavy	N	N	N	N	C	C	C
Methadone Treatment Facility	N	N	N	N	N	C	C
Municipal Buildings	R	R	R	R	R	R	R
Office, Business	N	N	N	R	R	R	R
Office, Professional	N	N	N	R	R	R	R
Personal Services	N	N	N	R	R	R	R
Public Recreation	R	R	R	R	R	R	R
Public Utility Facilities	C	C	C	C	C	C	C
Religious Establishment	C	C	C	C	C	C	N
Restaurant	N	N	N	C	C	C	R
Retail, Large	N	N	N	N	C	C	N
Retail, Small	N	N	N	R	R	R	R
Self Storage Facility	N	N	N	N	R	R	R
Sexually-Oriented Businesses	N	N	N	N	N	C	C
Telecommunications Tower	C	N	N	N	C	C	C
Veterinary	C	N	N	N	R	R	R
Waste Transfer Facility	N	N	N	N	N	C	C
Winery/ Processing	N	N	N	N	C	C	C
<b>Accessory Uses</b>							
Accessory Dwelling	R	R	R	R	R	R	R
Antennae and accessory equipment	C	C	C	C	C	C	C
Children's Playhouse	R	R	R	R	R	R	R

Civil Defense Shelter	R	R	R	R	R	R	R
Garage accessory to a Single-Family Detached Dwelling	R	R	R	R	R	R	R
Garage accessory to Other Dwellings	N	N	PRD	PRD	N	N	N
Greenhouse for plants for use on the premises	R	R	R	N	N	N	R
Home Occupation	R	R	R	N	N	N	R
Jail accessory to municipal police department	R	R	R	R	R	R	R
Kennel accessory to Veterinary	C	N	N	N	C	C	C
Loading and Unloading Facility	R	R	R	R	R	R	R
No Impact Home-Based Business	R	R	R	R	R	R	R
Off-Street Parking Lot	R	R	R	R	R	R	R
Pre-School accessory to Religious Establishment	R	R	R	R	R	R	N
Servants' Quarters	R	R	R	N	N	N	R
Servants' House	C	C	C	N	N	N	C
Storage Building for domestic storage	R	R	R	N	N	N	R
Swimming pools, tennis courts and sport courts accessory to a Single-Family Dwelling	R	R	R	N	N	N	R
Warehouse	N	N	N	N	N	C	C





- Legend**
- Zoning Districts**
- R-1 Rural Conservation Residential
  - R-2 Traditional Residential
  - R-3 Mixed Residential
  - C-1 Neighborhood Commercial
  - C-2 Highway Commercial
  - C-3 Industrial
  - S-U Special Use

We the undersigned do hereby certify this map to be the Official Zoning Districts Map and that it is a part of the Zoning Ordinance of the Township of Daugherty as adopted by the Board of Township Supervisors, Township of Daugherty, County of Beaver, Commonwealth of Pennsylvania, on August 13, 2008.

BOARD OF SUPERVISORS

ATTEST:

*George Rossick*  
Chairman

*Thomas Albanese*  
Supervisor

*William M. Bielecki Jr.*  
Supervisor

**OFFICIAL ZONING MAP**  
**DAUGHERTY TOWNSHIP**  
 BEAVER COUNTY, PENNSYLVANIA  
 AUGUST 13, 2008

DANIEL C. BAKER ASSOCIATES, INC.  
 CONSULTING ENGINEERS, SURVEYORS AND PLANNERS