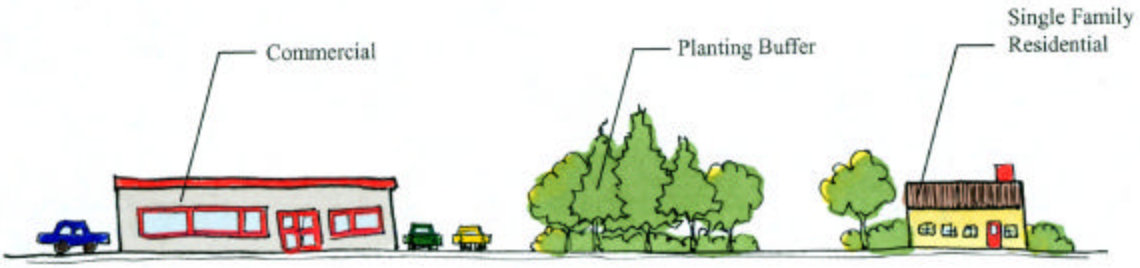
NORTHEAST UPPER BEAVER VALLEY MODEL ZONING ORDINANCE

September, 2003



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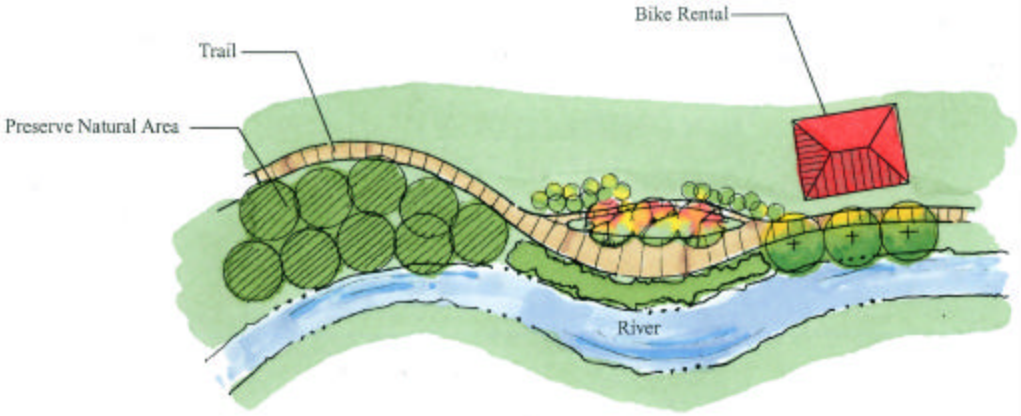

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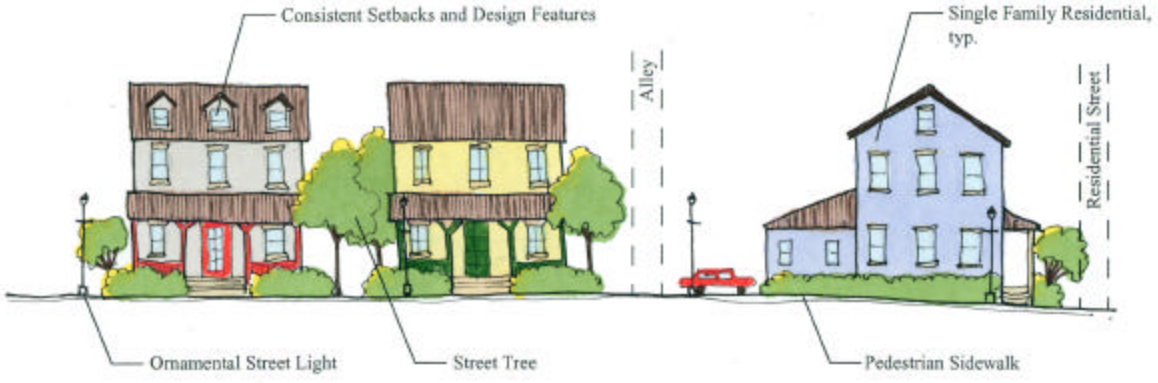

Village Residential District

PASHEK ASSOCIATES, LTD.

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AN ORDINANCE

Permitting, prohibiting, regulating, restricting, and determining the use of land, watercourses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land to be occupied by uses and structures; the density of population and intensity of use; and providing for repeal, and variances; for special exceptions, for the administration and enforcement of the ordinance, and such other provisions as may be necessary to implement the purposes of this ordinance.

ARTICLE 1
TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES

Section 101. Short Title

This ordinance shall be known as and may be cited as the <**insert title**>

Section 102. Authority

This ordinance 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. Purpose

This ordinance 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 zoning ordinance is made in accordance with an overall program, and with consideration for the character of the <**insert name of municipality**>, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104. Community Development Objectives

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

- Encourage development that is consistent with the vision and goals of the Northeast Upper Beaver Valley Regional Comprehensive Plan
- Maintain the rural atmosphere within the region
- Preserve and enhance the natural environment and Beaver Riverfront
- Encourage and promote tourism where appropriate in the region
- Increase employment opportunities, where appropriate, and the economic base of the region
- Provide a range of affordable housing types and styles
- Minimize natural hazards such as flooding, land slides, erosion, and soil limitation

- Provide necessary infrastructure of utilities and vehicular and pedestrian transportation facilities
- Provide for recreational and community facilities
- Provide for on-going community planning, growth management, and oversight of development in the region
- Maintain the historic and architectural character, where appropriate, and enhance existing streetscapes
- Provide for the appropriate scale and intensity of land uses
- Encourage site design and parking standards to improve visual quality and to be environmentally sensitive
- Encourage incentives to adopt quality design standards and the preservation of open space

Section 105. Interpretation

In construing and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the **<insert name of municipality>**. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance 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 ordinances.

Section 106. Conflict

This Ordinance 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 ordinance imposes more stringent restrictions upon the use of buildings and land than are elsewhere established, the provisions of this ordinance shall prevail. In construing the language of this zoning ordinance 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 **<insert name of governing body>** in favor of the property owner and against any implied extension of the restriction.

Section 107. Applicability

A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations contained herein, unless relief is granted by the Zoning Hearing Board by granting a Special Exception or Variance.

Section 108. Validity

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

ARTICLE 2
DEFINITIONS

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 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 unity 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.

Agriculture Uses: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to the following:

A. field crops, including: Barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.
B. livestock, including: Dairy and beef cattle, game birds, goats, hogs, horses, poultry, sheep, and other animals, excluding dogs.
C. Livestock products, including: butter, cheese, eggs, fur, honey, meat, and milk..

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 then 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.

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

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

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.

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.

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.

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.

Borough: A municipal governing body of the **<insert official municipal name>** .

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.

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 stormwater management facilities.

Business: Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange or 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.

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 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.

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.

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.

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.

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.

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: A term used to express the allowable number of dwelling units per acre of land.

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 road connecting a house, garage, other building or parking space with a street or alley.

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.

Elder Cottage: An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling.

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

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.

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.

Farm or Farm Parcel: A tract or parcel of land containing at least twenty-five (25) acres in size, which is principally used for agricultural activities, together with a farm dwelling and other accessory uses.

Farm-related business: A business operated on a farm parcel, related to or supportive of agricultural activities, such as blacksmithing, farm implement repair, and/or roadside sale of agricultural products.

Farmland: Land in active agricultural or horticultural use.

Farmer's Market: The offering for sale of fresh agricultural products directly to the consumer at designated areas as a community activity and where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail trade.

FEMA: The Federal Emergency Management Agency, Federal Insurance Administration

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

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 me 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.

Group Residence Facility: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet the standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

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.

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

Home based businesses (intensive): An accessory use which is incidental and clearly secondary to the residential use of the dwelling. However, an intensive home occupation is that which does one of the following: advertises through a sign at the dwelling; employs one person other than the resident of the dwelling; and generates noise, traffic, and parking requirements in excess of typical residential areas.

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.

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, pave recreation areas, golf course, swimming pools.

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.

Junkyard: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or reclaimable material, or for the collection, dismantling, storage, and salvaging or machinery or two (2) or more unregistered, inoperable motor vehicles or other types 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.

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.

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 of Record: A lot which has been recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.

Manufacturing Facility: Any building, structure, or use engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

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 then 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.

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.

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

Non-farm lot: The following constitute non-farm lots within an agricultural district: 1) a lot or parcel containing less than twenty-five (25) acres and containing one or more dwelling units; agricultural activities may be carried on as part of the use of a non-farm residential lot; b) a lot within an agricultural district devoted to uses other than agricultural or residential uses.

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.

Office: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Open space: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

A. 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 areas, and areas set aside for public facilities. (MPC definition)

B. Open Space, Developed: Land without resource restrictions which is intended and approved for use as active recreation areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management.

C. Open Space, Undeveloped: Land which is intended and approved for passive recreation, agriculture, resource protection, amenity, or buffers.

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 agree 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 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.

Planning Commission: The Planning Commission of **<insert name of commission>** .

Pond: Any body or 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.

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: Public utility transmission and distribution facilities including substations and the like.

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.

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.

Riverbank: Rising ground bordering a river.

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.

Seniors: An individual over the age of 65.

Senior Care Facility: A facility that provides primarily non-medical resident services to individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff. Such facilities include assisted living facilities.

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.

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.

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.

Street: A public or recorded private right of way which affords primary means of vehicular access to abutting property.

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.

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.

Township: The municipal governing bodies of **<insert official municipal name>** .

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 nonmotorized 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, conditional: A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Use, nonconforming: A use that was valid when brought into existence but, by subsequent regulation,

becomes no longer conforming. This may be a structure, use, or parcel of land.

Use, permitted: A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this ordinance.

Variance: Relief granted pursuant to the provisions of this ordinance.

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

Village: An unincorporated settlement that is part of a township, where residential and mixed use densities of one unit per acre of 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.

Water Oriented Facility or Use: A facility or use which by its nature is required to be on or adjacent to a river; without such adjacency to use could not exist.

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.

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, Font: The yard between a structure 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 year or rear yard.

Zoning: The designation of specified districts within a community, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

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 municipalities to which this zoning ordinance applies and which shall be a part of this ordinance.

Zoning Officer: The duly constituted municipal official designated to administer and enforce this ordinance in accordance with its literal terms.

ARTICLE 3
NONCONFORMING USES, STRUCTURES, AND LOTS

Section 301. Continuance

Unless otherwise specifically provided in the Article, non-conforming uses and structures that were otherwise lawful on the effective date of this ordinance may continue.

Section 302. Substitution

A. Substitution of Nonconforming Uses- The zoning hearing board, by special exception, may permit the substitution of another nonconforming use in accordance with the following criteria and limitations:

1. The proposed use shall be a permitted use in a more restrictive zoning district.
2. The proposed use shall not generate more traffic than the existing nonconforming use.
3. The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
4. The proposed use shall not generate higher levels of noise, smoke, or glare off the property than the existing nonconforming use.
5. The proposed use shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.

B. Substitution of a Conforming Use – Any use which complies with the regulations for the district in which the nonconforming use is located may be substituted for the nonconforming use. Once a conforming use is established, no nonconforming use shall be permitted in the future. If a nonconforming use is proposed to be eliminated and a conforming use substituted but certain regulations cannot be met (such as area, yard, etc.) the zoning hearing board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.

Section 303. Restoration and Repair

A. Restoration – A nonconforming structure which is unintentionally damaged or partially destroyed may be rebuilt and occupied for the same use as before the damage, provided that:
   1. The previous foundation is to be used for restoration.
   2. The reconstructed structure shall not be larger than the damaged structure.
   3. The reconstruction shall start within one (1) year from the time of damage to the structure.

B. Repair – A nonconforming structure may be repaired, provided that the repair shall not cause the structure to create further expansion in a nonconforming dimension or aspect.

C. Unsafe or Unlawful Nonconforming Structures – If a nonconforming structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not hereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 304. Expansion

A. An expansion of a non-conforming structure or use is not permitted unless an appeal has been filed with the zoning hearing board and such expansion has been approved as a special exception subject to the following:

1. The expansion shall conform to the height, yard, and coverage regulations applicable to that district.
2. The expansion shall be provided with all required off-street parking and loading spaces as defined in this ordinance.
3. The expansion of a structure shall be limited to an area equal to 50% of the existing total usable floor area.
4. The expansion shall be limited to the lot limits, which existed for the property at the time of adoption of this ordinance.

Section 305. Registration of Nonconforming Uses and Structures

A. All nonconforming uses and nonconforming structures in existence of the effective date of this ordinance shall be registered with the Zoning Officer. If by amendment a use or structure was lawfully in existence prior to the effective date of said amendment becomes by operation of that amendment a nonconforming use or structure, such nonconforming use or structure shall be identified and registered with the Zoning Officer as a matter of record.

   Registration shall be accomplished by the completion of a registration statement which shall be presented to the Zoning Officer by landowners who desire to have their lot use or structure classified nonconforming according to this ordinance.

B. The registration shall at least contain a description of the existing use and/or structure, a designation of rezoning district, names and addresses of the landowner at the time of the adoption of this ordinance and at the time of the registration, a deed reference to the land involved and the way in which the use or structure is nonconforming, together with all applicable dimensions. The form shall be presented to the Zoning Officer. Before registering any non-nonconforming use or structure, the Zoning Officer may, at his discretion, examine all buildings, structures, signs on land and potions thereof for which the proposed registration has been filed.

ARTICLE 4
ZONING DISTRICT CLASSIFICATIONS

Section 401. Types of Zoning Districts

A. For the purpose of this ordinance, the **<insert name of municipality>** is hereby divided into **<insert number of zoning districts>** zoning districts:

Residential Districts (**list only those that apply**)
1. Country/Low Density Residential District
2. Growing Greener Residential District
3. Mixed-Use Residential District
4. Medium Density Residential District
5. Village Residential District
6. High Density Residential District

Commercial, Industrial, and Office Districts (**list only those that apply**)
1. Office, Industrial, and Light Industrial District
2. Regional Commercial District
3. Village Commercial/Town Center District
4. Neighborhood Commercial/Office District
5. Heavy Industrial/Manufacturing District

Open Space, Recreational, Agricultural Districts (**list only those that apply**)
1. Agricultural District
2. Rural Conservation District

Overlay Districts (**list only those that apply**)
1. River Recreation Overlay District
2. Historic Overlay District
3. Access Management Overlay District
4. Floodplain Overlay District

Section 402. Types of Uses

Types of land uses permitted within the **< insert name of municipality>** shall be regulated uniformly throughout each Zoning District based upon the following types of uses:

A. Permitted

Permitted uses shall be specifically allowed as a matter of right upon application with the issuance of a use permit by the Zoning Officer and without prohibition, condition, or exception, except where overlay district regulations, supplementary district regulations, or the general health, safety, and welfare of the **<insert name of municipality >** supersedes the permitted use.

B. Conditional Uses

Conditional uses may be allowed or denied by the **<insert name of governing body>** pursuant to public notice and hearing, and the review by and recommendations of the Planning Commission and pursuant to expressed standards and criteria set forth for each. In granting a conditional use, the **<insert name of governing body>** may attach such reasonable conditions

and safeguards as it may deem necessary to implement the purposes of this Ordinance as empowered by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

C. Special Exceptions

Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to public notice and hearing, and in accordance with the criteria, standards, and conditions set forth for each. In granting a special exception use, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance as empowered by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

D. Specific Prohibited Uses

The following shall be uses specifically prohibited in all districts:

1. Any use that would emit smoke, odor, excessive noise, dust, or that may be dangerous to the health, safety, and welfare of the citizens of **<insert name of municipality>**.
2. Any use contrary to the laws of the Commonwealth of Pennsylvania.
3. Temporary Sales of Merchandise that is sold from a temporary structure or vehicle that is parked or displayed in a parking lot or roadside area provided they are not the owner or occupant of that property.

Section 403. Zoning Map; Severability

A. The boundaries of the districts shall be as shown on the Zoning Map. Said map and all notations, references, and data shown thereon and hereby incorporated by reference in to this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described herein.
B. The Zoning Map shall be so labeled and identified by signature of **<insert "President of the Council" or "Chairman of the Board of Supervisors">** and attested by **<insert "Secretary of the Borough Council" or "Secretary of the Board of Supervisors">** and bear the Seal of the **<insert name of municipality>** under the following words: "This is to certify that the following **<insert number of pages>** sheets comprise **< insert name of zoning map>** adopted this day of _____<**insert date**>_____,_____."
C. Should any challenge be made to the procedural validity of the process used by the **<insert name of municipality>** to enact the Official Zoning Map which is incorporated into this Ordinance, and should such procedure be determined to be invalid by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of the text of this Ordinance, it being the intention of the **<insert name of governing body>** that the remainder of the text of this Ordinance shall be and shall remain in full force and effect. The foregoing severability provision is intended to be applied to its fullest extent in order that the remainder of this Ordinance shall not be affected by any procedural defects relating to the Official Zoning Map, including but not limited to posting of properties to be rezoned.

Section 404. Interpretation of District Boundaries

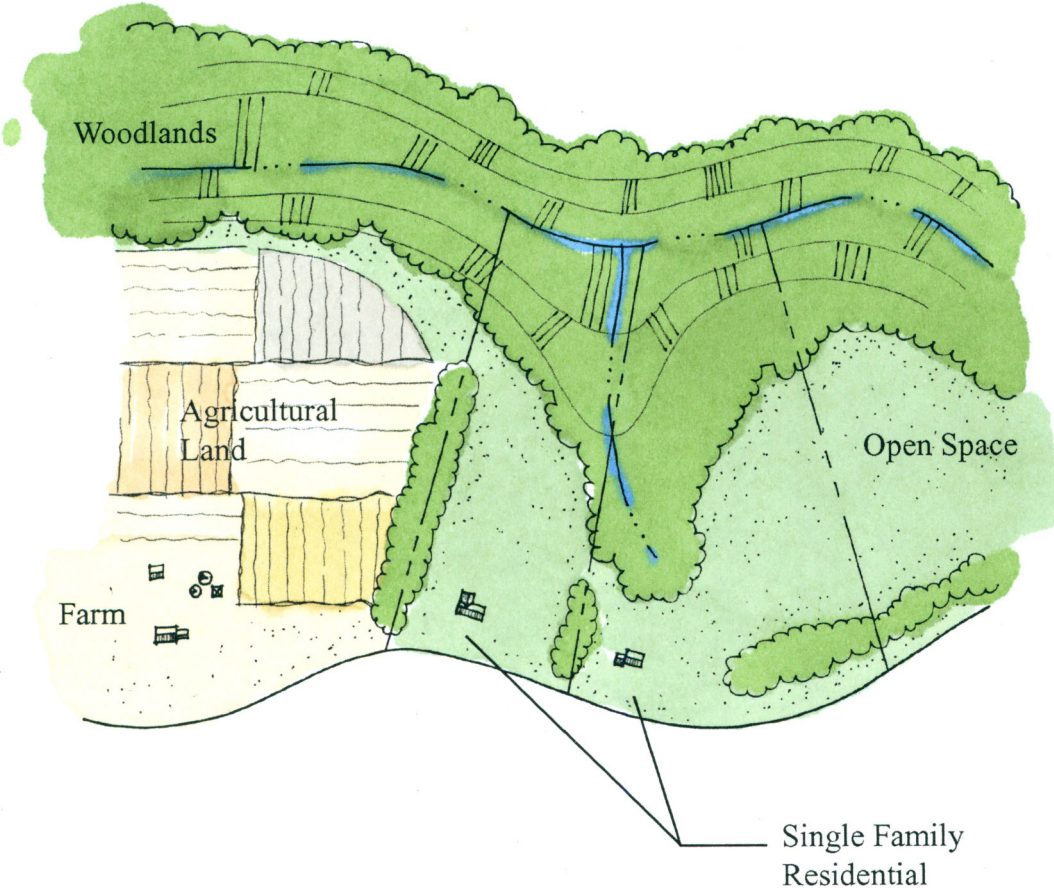
A. Boundaries indicated as approximately following the center lines of streets shall be construed to follow such center lines.

B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following municipal limits shall be construed as following such limits.
D. Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines.
E. In un-subdivided property, boundaries shall be determined by use of the scale or dimensions indicated on the Zoning Map.

Section 405. Applicability of District Boundaries

The regulations set by this Ordinance within each District shall be minimum regulations and shall apply uniformly to each class of kind of structure or land, and particularly, except as hereafter provided, in conformity with this Ordinance.

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part hereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the District in which it is located.
B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families to occupy a greater percentage of lot area or to have smaller or more narrow rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.
C. No yard or lot existing prior to the effective date of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.



Country Low Density Residential

ARTICLE 5
COUNTRY/LOW DENSITY RESIDENTIAL DISTRICT

Section 501. Purpose.

The purpose of the Country/Low Density District is to maintain the rural character yet allow some residential development within the region. Low density residential development is allowed yet the natural features of the site should be preserved to the greatest degree possible. The district is primarily open space with agricultural areas, woodlands, and scattered single-family homes. The standards that are applied to this district are intended to respect and preserve the rural character of the land.

Section 502. Permitted Uses

1. Single-family dwelling
2. Manufactured house on an individual lot
3. Agriculture uses including general farming, pasture, grazing, outdoor plant nurseries, horticulture, sod farming, wild crop harvesting
4. Public conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.
5. Public and non-profit parks, greens, squares, playgrounds, and recreation areas and facilities
6. Swimming pool or pond (Article 22, Section 2210.C)
7. Home based business (no-impact)
8. Microwave antenna for television receiving only
9. Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use, or use by special exception authorized in this District
10. Forestry

Section 503. Conditional Uses (shall be allowed in accordance with Article 23)

1. Church (Article 23, Section 2304.J)
2. Community center
3. Day care facility (Article 23, Section 2304.M)
4. Library
5. Municipal buildings or use
6. School (Article 23, Section 2304.U)
7. Additions to any structure

Section 504. Use by Special Exception (shall be allowed in accordance with Article 23)

1. Farm related business
2. Agriculture sales and service
3. Public campground and facilities
4. Public utility facility (Article 22, Section 2211.G)
5. Veterinary facility (Article 23, Section 2304.W)
6. Kennel (Article 23, Section 2304.R)
7. Home based businesses (intensive) (Article 23, Section 2304.O)
8. Cemetery (Article 23, Section 2304.I)

Section 505. Prohibited Uses

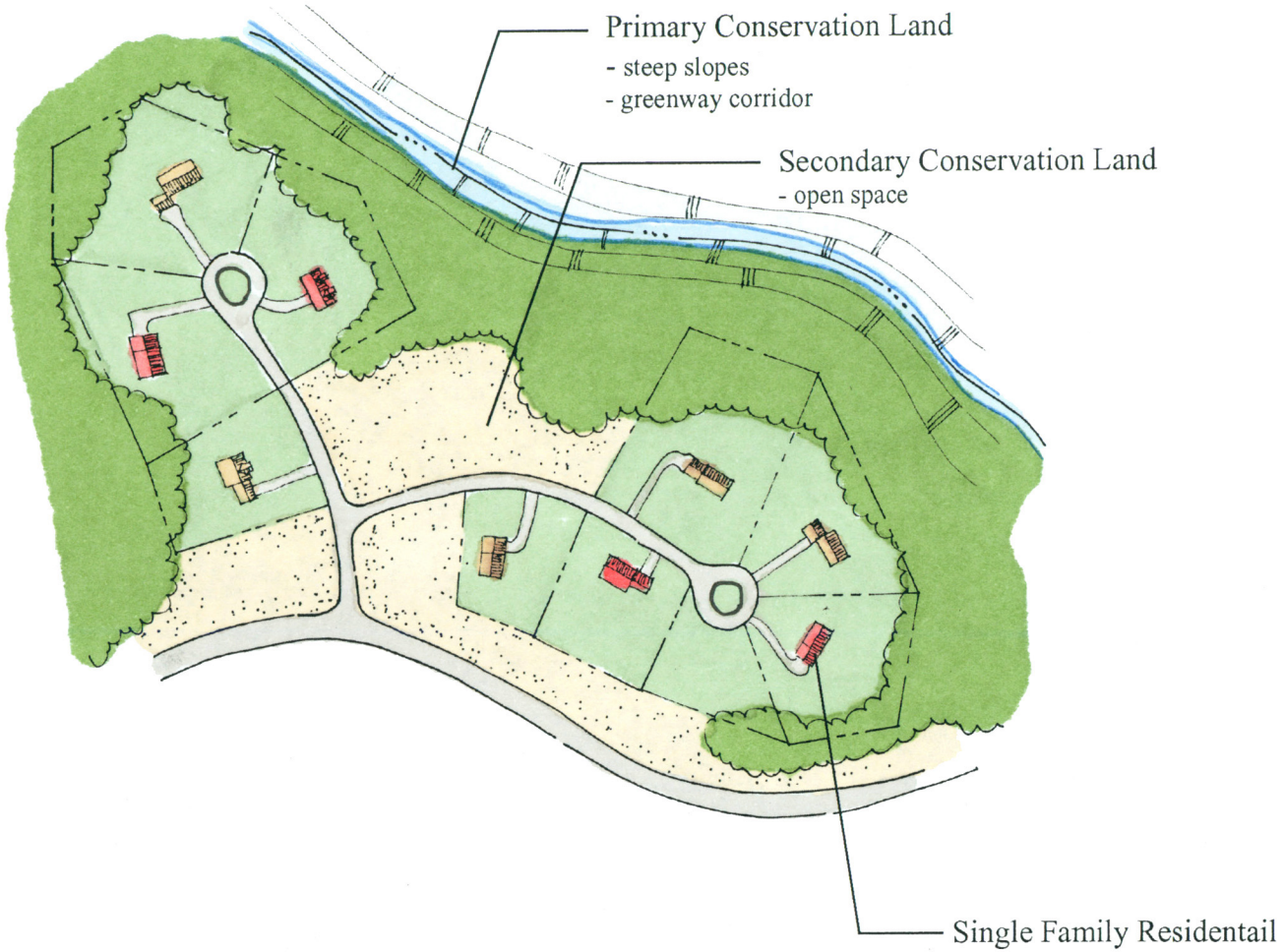
All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

Section 506. Development Standards

A. Minimum Lot Size: 80,000 square feet (approximately 2 acres)
    1. Multiplex housing: 10 acres
B. Maximum # of dwelling units/area: 1 unit per 80,000 square feet of net residential area
C. Minimum Front Yard Setback: 45 feet
D. Minimum Side Yard Setback: 12 feet
E. Minimum Rear Yard Setback: 35 feet
F. Maximum Lot Coverage of the lot: 10%
G. Height Maximum:
    1. Principal building: 40 feet
    2. Accessory Structures: 20 feet
    3. Farm structures should be exempt from height regulations
H. Impervious surface cover: 15%
I. Parking: Shall be developed in accordance with Article 25
J. Signs: Shall be developed in accordance with Article 24
K. Shade Trees: Shall be developed in accordance with Article 22
L. Sidewalks: Shall be developed in accordance with Article 22
M. Streetlights: Shall be developed in accordance with Article 22
N. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 507. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Growing Greener Residential District

ARTICLE 6
GROWING GREENER RESIDENTIAL DISTRICT

****Note: This district provides general district standards for Growing Greener Conservation Subdivision Design. Municipalities interested in adopting a Growing Greener District are advised to attend a *Growing Greener* Workshop, designed to demonstrate the principles of conservation zoning and conservation subdivision design, in order to tailor development options and design standards to local conditions. Please consult *Growing Greener: A Conservation Planning Workbook for Municipal Officials in Pennsylvania*, prepared by the Natural Lands Trust, January 1999, for more information.**

Section 601. Purpose.

A. The purpose of the Growing Greener District is to promote the five Growing Greener conservation subdivision design residential developments. This method of subdivision development requires an assessment of natural features to preserve and incorporate them into residential design. It requires defining primary and secondary conservation lands. The benefits are to promote a more aesthetic landscape for housing developments, as well as preserve environmental features. The approach results in less infrastructure costs, a benefit to the municipalities. If the approach is applied to consecutive parcels of land, natural greenway corridors will be preserved and connected. The housing developments range from a cluster of dense lots with surrounding open space to fingerprinting low-density lots on the natural landscape.

B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing four forms of "by-right" development referred to as "options", as summarized below:

Option One. *Neutral Density and Basic Conservation*: Greenway/open space lands comprise approximately half the tract. The flexibly-designed layouts work well with either individual wells and septic systems located in the open space, or with central wells and sewage treatment facilities.

Option Two. *Enhanced Density with Greater Conservation*: Providing for higher density residential uses and a larger percentage (60% or more) of greenway/open space land in more flexible designed layouts with, other improvements serving the community such as central wells and sewage treatment facilities.

Option Three. *Estate Lots*: Providing for rural-suburban residential uses at lower densities in conventional layouts of standard house lots, where homes and streets are located carefully to minimize impacts on resources lands.

Option Four. *Country Properties*: Providing for very low densities appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation in instances where a permanent conservation easement is offered to maintain such areas.

Option Five. *Hamlets and Villages*: Allowing for higher density development designed according to special guidelines to ensure that the resulting form incorporates the design principles of traditional villages and hamlets.

Section 602. Permitted Uses

1. Single-family dwellings
2. Multi-unit building for two, three, or four households (Option 5 subdivision only)
3. Greenway land comprising a portion of residential development
4. Agricultural uses: horticultural, wholesale nurseries, raising of crops, and related buildings
5. Woodlots, arboreta, and other similar uses
6. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use
7. Forestry
8. Swimming pool or pond (Article 22, Section 2210.C)
9. Municipal or public use: public, private, non-profit owned and operated park or recreation area; government or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary land fill.
10. Accessory dwelling units (including elder cottages and tenant houses) proposed in Option 4 subdivisions (Country Properties) are subject to the following provision (in addition to Article 22, Section 2201.10A):
    A. Accessory dwelling units in principal residences or in new traditional outbuildings (such as barns, stables, carriage houses, and spring houses) shall be designed to harmonize with vernacular rural buildings in the municipality's historic landscape.
    B. There shall be a maximum of one accessory dwelling unit (ADU) on any legal building lot in a County Properties subdivision, and a maximum of two accessory dwelling units (ADUs) on any legal building lot containing ten (10) or more acres in an Option 4 subdivision, provided all performance standards of this ordinance are met.
    C. The gross floor area in the first ADU shall not exceed 900 square feet. In the second ADU, where permitted, the maximum area shall be 750 square feet. However, on lots exceeding fifteen (15) acres, the second ADU may take the form of a tenant house containing up to 2,000 square feet of floor space. Under this section, existing historic accessory buildings more than 75 years old that exceed these floor space limits may be permitted by the Board to be used as ADU's without having to meet the dimensional setback requirements of this ordinance.
    D. Building permits for ADU's shall not be issued until the applicant demonstrates to the Board that a restrictive easement has been placed on the subject property prohibiting future enlargement of the ADUs, or the creation of additional ADUs beyond the limits described above. Issuance of permits for ADUs shall be contingent upon County Health Department and DEP approval for any on-site septic sewage disposal systems needed.

Section 603. Conditional Uses (shall be permitted in accordance with Article 23)

1. The following uses are classified as Conditional Uses in the Hamlet Option and in the Village Residential Area of the Village Option.
    a. Hamlets and the Village Residential Area:

i. Single-family detached dwellings (including both site-built and factory-built housing units meeting the minimum width design standards of this ordinance)
ii. Two-family and three-family dwellings designed to resemble traditional multi-family homes built in the boroughs and villages of the county prior to 1930, and sited so they front directly onto streets (rather than parking areas)
iii. Uses accessory to residential uses (including home occupations)
iv. Small neighborhood retail (not exceeding 1,000 square feet of floor space if in a single-story building, and 1,500 square feet if located in a two-story building, in which the second story may be in residential use)

Section 604. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

Section 605. General Regulations

The design of all new subdivisions in the Growing Greener Residential Zoning District shall be governed by the following minimum standards:

A. Ownership: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

B. Site Suitability: As evidenced by the *Existing Resources/Site Analysis Plan*, the conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design configuration shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.

C. Combining Design Options: The various layout and density options described in this Article may be combined at the discretion of the Zoning Hearing Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.

D. Intersection and Access: New intersections with existing public roads shall be minimized. Although tow access ways into and out of subdivisions containing more than 15 (fifteen) dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.

E. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcropping areas constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

F. Community Wastewater Systems: In developments that are proposed to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the municipality's "Ordered List of Preferred Alternative Types of Community Wastewater Systems" (from the Sewage Facilities 537 Plan).

Section 606. Development Standards

A. Dimensional Standards for Option 1 – Neutral Density and Basic Conservation

1. Density Factor: One dwelling unit per 80,000 square feet as determined through the Adjusted Tract Acreage approach or yield plan described in Section 104C. This is the "density-neutral" with the pre-existing zoning provisions for this district.

2. Minimum Required Greenway Land:

    a. The subdivision must include at least 50 percent of the Adjusted Tract Acreage as greenway land. Greenway land shall not be used for residential lots, except as provided below.
    b. Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 4 subdivisions found in Section 104E, and owned by individuals may occupy up to 80 percent of the Greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or the Township.

3. Average Minimum Lot Area: 15,000 square feet, on average. Up to twenty (20) percent of the lots may be reduced to a minimum of 10,000 square feet.

4. Minimum Lot Width at Building Line: 80 Feet
5. Minimum Street Frontage: 20 Feet
6. Yard Regulations: The builder or developer is urged to consider variations in the principal position and orientation, but shall observe the following minimum standards:
    a. Front: 20 Feet
    b. Rear: 40 Feet
    c. Side: 30 Feet
7. Maximum impervious coverage: 25% limit
8. Maximum Height Regulations: 35 Feet
9. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

B. Dimensional Standards for Option 2: Enhanced Density with Greater Conservation

1. Density Factor: One dwelling unit per 60,000 square feet as determined through the Adjusted Tract Acreage approach or yield plan.

2. Minimum Required Greenway Land:

    a. The subdivision must include at least 60 percent of the Adjusted Tract Acreage as greenway land. Greenway land shall not be used for residential lots, except as provided below.
    b. Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 4, Country Properties, subdivisions and owned by individuals may occupy up to 80 percent of the Greenway land, with the remainder (not

less than 20%) deeded to a homeowners' association, land trust, or the municipality.

3. Average Minimum Lot Area: 10,000 square feet, on average. Up to twenty (20) percent of the lots may be reduced to a minimum of 7,500 square feet.

4. Minimum Lot Width at Building Line: 80 Feet

5. Minimum Street Frontage: 20 Feet

6. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

    a. Front: 20 Feet minimum
    b. Rear: 40 Feet minimum
    c. Side: 25 Foot separation for principal buildings, with no side yard less than 5 feet
7. Maximum impervious coverage: 30 percent limit on each lot.
8. Maximum Height Regulations: 35 Feet.
9. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

C. Dimension Standards for Option 3: Estate Lots
1. Maximum Density: 1 dwelling unit per four acres, Adjusted Tract Acreage.
2. Minimum Lot Area: 1 acre. All lots created under Option 3 that are less than four acres shall be permanently restricted through a conservation easement from the development of more than one dwelling.
3. Minimum Street Frontage: 150 feet.
4. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
    a. Front: 150 feet from the right-of-way of existing Township roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).
    b. Rear: 50 Feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
5. Maximum Impervious Surface Coverage: 4 % limit on entire subdivision tract.
6. Maximum Height Regulations: 35 feet.
7. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

D. Dimension Standards for Option 4: Country Properties
1. Maximum Density: one dwelling unit per ten acres (gross).
2. Minimum Lot Area: 10 acres. The lot shapes
3. Minimum Lot Width at Building Line: 200 Feet.
4. Yard Regulations:

a. Front: 150 feet from the right-of-way of existing Township roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).
b. Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
c. Side: 25 feet.

5. Maximum Impervious Surface Cover: 4% limit on entire subdivision tract.
6. Maximum Height Regulations: 35 feet.
7. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

E. Dimension Standards for Option 5: Hamlets & Villages

1. Scale:
   a. Hamlets shall include at least four (4) dwelling units but may not contain more than twenty-five (25), within the Conservation Design Overlay District. The minimum land area required for a hamlet shall be four acres, Adjusted Tract Acreage.
   b. Villages shall range in size from 26 to 100 dwelling units, within the Conservation Design Overlay zoning district. The minimum land area required shall be 26 acres, Adjusted Tract Acreage.

2. Density Factor: One dwelling unit per 40,000 square feet as determined through the adjusted tract acreage approach or yield plan.

3. Minimum Required Greenway Land:

   a. The subdivision must include at least 70 percent of the Adjusted Tract Acreage as greenway land. Not less than one-sixth of this greenway land shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty percent of the minimum required greenway land might be comprised of active recreation facilities such as playingfields, golf courses, and tennis courts. Greenway land shall not be use for residential lots.
   b. The required greenway land shall be located and designed to add to the visual amenities of villages and hamlets and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets (or along outside edges of street curves), and by maximizing the visibility of external open space as a perimeter greenbelt. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

4. Average Minimum Lot Area: 6,000 square feet. Up to twenty (20) percent of the lots may be reduced to a minimum of 5,000 square feet.
5. Minimum Lot Width at Building Line: 40 feet.
6. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
   <u>Front:</u>

a. Principal buildings: 12 feet minimum (6 feet to front porches, steps)
b. Attached garages (front-loaded): min: 10 feet behind plane of house)
c. Attached garages (side-loaded): min. 10 feet from street right-of-way
d. Detached garages (front-loaded): min. 40 feet from street

Rear:

e. 30 feet minimum for principal buildings and 5 feet for accessory buildings (excluding garages)

Side: 20-foot separation for principal buildings, no side year < 5 feet.

7. Maximum Impervious Coverage: 50 % limit on each lot.
8. Minimum Street Frontage: Lots must have frontage either on a street or on a back land or shared driveway. Houses served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.
9. Maximum Height Regulations: 35 Feet.
10. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

F. Parking: Shall be developed in accordance with Article 25
G. Signs: Shall be developed in accordance with Article 24
H. Shade Trees: Shall be developed in accordance with Article 22
I. Sidewalks: Shall be developed in accordance with Article 22
J. Streetlights: Shall be developed in accordance with Article 22

Section 606. Density Determination (section to be added)

1. Adjusted Tract Acreage Approach:
2. Yield Plan Approach

Section 607. Design Standards (section to be added)

1. Residential Design Standards (Options 1,2, and 5)
2. Greenway Land Use and Design Standards

Section 608. Conservation Easements

Section 609. Discretionary Density Bonuses

Additional density may be allowed by the Board when one of the following public benefits is proposed:

A. Public Usage of Greenway Land

1. The Board may encourage the dedication of land for public use (including active and passive recreation areas, spray irrigation areas, municipal buildings, etc.) according to the following standards: A density bonus for greater public usage of greenway land in new subdivisions shall be computed on the basis of a maximum of one dwelling unit per five acres of greenway land or per 2500 feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate greenway land to public usage within a proposed subdivision shall be at the discretion of the Board, which shall be guided by the recommendations contained in the Open Space Plan, particularly those sections dealing with active recreational facilities and passive trail networks.

B. Endowment for Greenway Maintenance

1. When greenway land is to be donated to a land trust or to the municipality, the Board may allow up to a ten percent density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the greenway land (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of five percent, the amount designated for the Endowment Fund shall be at least twenty (20) times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board, and with experience in managing conservation land and recreational facilities.
2. Because additional dwellings, beyond the maximum that would ordinarily be permitted, may be reasonably considered to be net of the development costs and represent true profit, 75% of the net selling price of the endowment lots shall be donated by the applicant to the Greenway Maintenance Endowment Fund for the greenway lands within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.
3. When estimating the projected maintenance costs of the Greenway land, Greenway land that is not accessible by the subdivision residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Plan for Conservancy Lots or as land reserved for future agricultural, horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

C. Provision of Affordable Housing

1. A density increase is permitted where the subdivision proposal provides on-site or off-site housing opportunities for low- or moderate-income families. When off-site housing provision is proposed, the Board shall require evidence that these units will in fact be constructed by a certain date. The amount of density increase shall be based on the following standard: For each affordable housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units. Affordable housing is herein defined as units sold or rented to families earning 70 to 120 percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

D. Implementation

For each of the above categories of public purposes, density bonuses may be implemented by reducing the amount of required greenway land by up to 10%, or by a combination of these approaches, at the discretion of the Board. The collative reductions may total up to 30 percent, if the board is satisfied that the public purposes are being served.

Section 610. Ownership and Maintenance of Greenway Land and Common Facilities

A. All Greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open apace at any time, except for those uses listed in Section 607.2 (Greenway Land Use and Design Standards).

B. Ownership Options
The following methods may be used, either individually or in combination, to own common facilities; however, Greenway land shall be initially offered for dedication to the municipality. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ration of the overall development. Ownership methods shall conform to the following:

1. Fee Simple Dedication to the Municipality The municipality may, but shall not be required to, accept any portion of the common facilities, provided that:
    a. There is no cost of acquisition to the municipality; and,
    b. The municipality agrees to and has access to maintain such facilities.
2. Condominium Association Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."

3. Homeowners' Association Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:

    a. The applicant shall provide the municipality a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
    b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
    c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
    d. The association shall be responsible for maintenance and insurance of common facilities.
    e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his or her dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
    f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the municipality no less than thirty days prior to such event.

g. The association shall have adequate staff to administer, maintain, and operate such common facilities.

4. Private Conservation Organizations or the County With permission of the municipality, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:
    a. The conservation organization is acceptable to the municipality and is a bona fide conservation organization intended to exist indefinitely;
    b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or County becomes unwilling or unable to continue carrying out its functions.
    c. The Greenway land is permanently restricted from future development through a conservation easement and the municipality is given the ability to enforce these restrictions; and,
    d. A maintenance agreement acceptable to the municipality is established between the owner and organization or County.

5. Dedication of Easements to the Municipality The municipality may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the municipality. In addition, the following regulations shall apply:
    a. There shall be no cost of acquisition to the municipality.
    b. Any such easements for public use shall be accessible to the residents of the municipality.
    c. A satisfactory maintenance agreement shall be reached between the owner and the municipality.

6. Non-Common Private Ownership Up to 80 percent of the required Greenway land may be included within one or more large "conservancy lots" of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement and the municipality is given the ability to enforce these restrictions.

C. Maintenance

1. Unless otherwise agreed to by the Board, the cost and responsibility of maintaining common facilities and Greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements.
    i. The Plan shall define ownership;
    ii. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various

kinds of open space (i.e. lawns, playing fields, meadows, pastures, cropland, woodlands, etc.);

iii. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plans shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

3. In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the municipality may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
4. The municipality may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties.

Section 611. Site Plan Review
Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.

Section 612. Plan Content Requirements (This information should take precedence over or replace information in Article 27 Administration and Enforcement. This part of the review and submission process is very important to implementing the Growing Greener method of conservation subdivision design).

A. A **Sketch Plan** may be submitted by the applicant as a diagrammatic basis for informal discussion with the Board, the Planning Commission, and the County Planning Commission regarding the design of a proposed subdivision or land development. A Sketch Plan submission is strongly encouraged by the municipality as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.

B. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Map, a document that must, in any case, be prepared and submitted no later than the date of the Site Inspection, which precedes the Conceptual Preliminary Plan. The diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan.

1. Name and address of the legal owner, the equitable owner, and/or the applicant;
2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;

3. Graphic scale (not greater than 1" = 200 feet; however, dimensions on the plan need not be exact at this stage) and north arrow;
4. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality;
5. Location map;
6. Zoning district;
7. Streets on and adjacent to the tract (both existing and proposed);
8. 100-year floodplain limits, and approximate location of wetlands, if any;
9. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
10. Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation of Step One of the four-step design process described in Section 602B of this ordinance);
11. Proposed general street and lot layout; and
12. In case of land development plans, proposed location of buildings and major structures, parking areas and other improvements;
13. General description of proposed method of water supply, sewage disposal, and stormwater management.

C. Documents required for the conceptual preliminary plan

1. Conceptual Preliminary Plan Application Submission Requirements
   The submission requirements for a conceptual preliminary plan shall consist of the following four elements, and shall be prepared in accordance with the drafting standards and plan requirements described below:

   a. Site Context Map
   b. Existing Resources and Site Analysis Map
   c. Preliminary Resource Impact and Conservation Plan
   d. Preliminary Improvements Plan
   e. Preliminary Studies

2. Drafting Standards
   a. The plan shall be drawn to scale.
   b. Dimensions shall be set in feet.

3. Plan Requirements
   The following plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map.
   a. Site Context Map
      A map showing the location of the proposed subdivision within its neighborhood context shall be submitted.
   c. Existing Resources and Site Analysis Map
      For all subdivisions, an Existing Resources and Site Analysis Map shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing

conditions, both on the proposed development site and within 500 feet of the site.

d. Four-Step Design Process for Subdivisions in the Conservation Design Overlay District

All conceptual site plans in the conservation design district shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, and streets and lot lines.

Step 1: Delineation of Greenway Lands

Applicant must delineate primary and secondary conservation lands on the base map.

Primary Conservation Lands Consist of:

- Wetlands
- Slopes greater than 25%
- 100 Year floodplains

Secondary Conservation Lands consist of:

- mature woodlands
- greenways and trails
- river and stream corridors
- prime farmland
- hedgerows and individual freestanding trees or tree groups
- wildlife habitats and travel corridors
- historic sites and structures
- scenic viewsheds

Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed Greenway lands as a base map as well as other relevant data on the existing resources and site analysis map. Houses should not be located no closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas and take advantage of attractive views and visual settings for residences.

Step 3: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house with a logical relationship to the topographic conditions. Impacts of the street plan on greenway lands shall be minimized and be sensitive to environmental areas. The length of streets shall be minimized to the degree possible to save infrastructure costs.

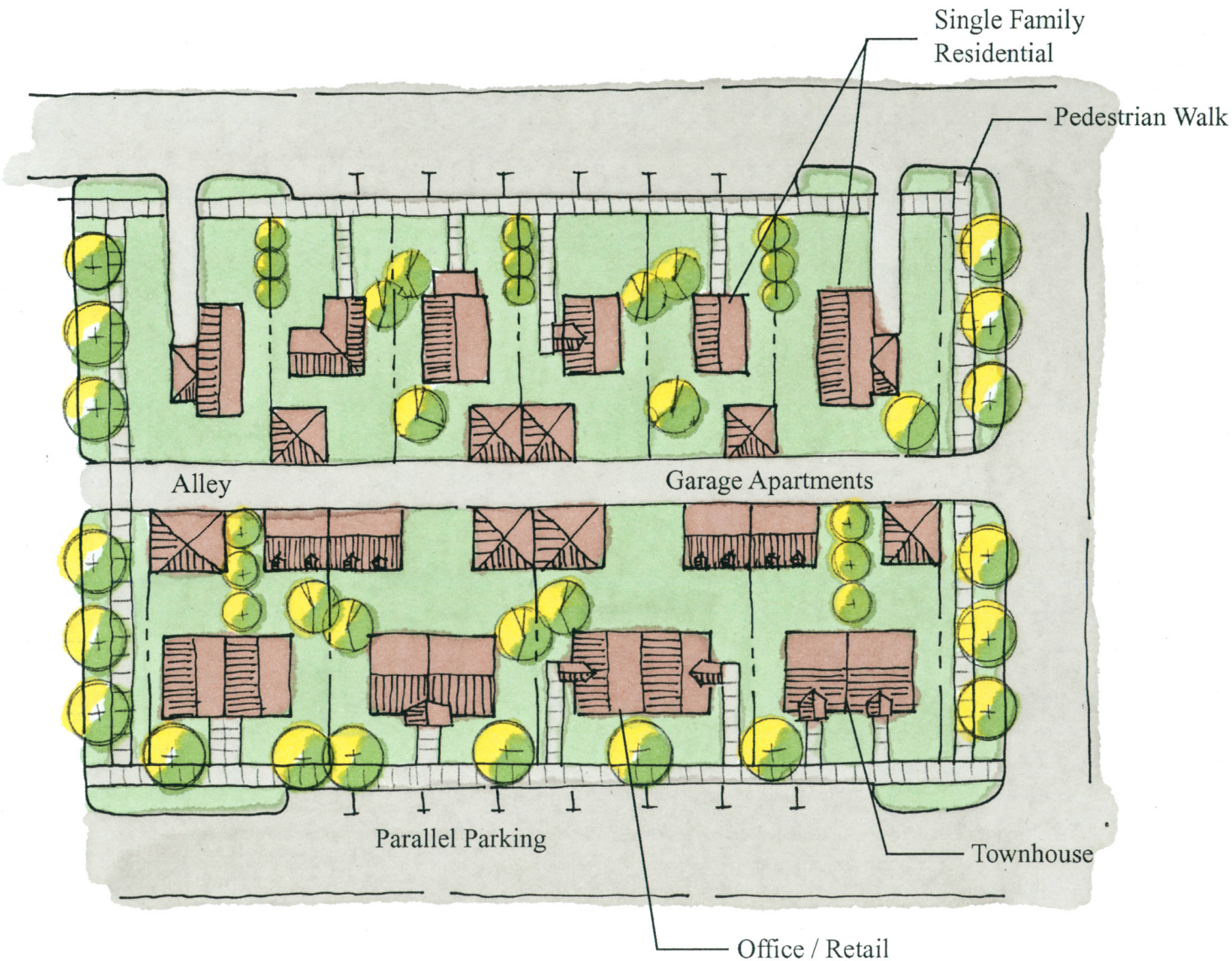
Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

D. Detailed Final Plan

Final plans shall conform to the Conceptual Preliminary Plan, including any conditions specified by the Board. A Detailed Final Plan shall consist of and be prepared in accordance with the following:

1. Existing Resources and Site Analysis Plan consistent with the terms of the Conceptual Preliminary Plan and proposed improvements.
2. Final Resource Impact and Conservation Plan, which complies with the Preliminary Resource Impact and Conservation Plan.
3. Final Improvements Construction Plan
   Where public or private improvements other than monuments and street traffic signs are to be required for any subdivision or land development, an Improvements Construction Plan and specifications, prepared by a registered professional engineer shall be filed setting forth the precise nature and exact location of the work and all engineering data necessary for completion of the work. The improvements construction plan and specifications shall be subject to approval of the Municipal Engineer and the Board as prerequisite to the approval of the Detailed Final Plan. The Improvements Construction Plan shall conform to the following standards and contain the following information:
   1. All information required noting the existing features and resources on the site.
   2. Detailed profile sheets for all proposed streets within the tract.
   3. Plan details and specifications of streetlights.
   4. Detailed design of any stormwater management facilities that may be required.
   5. Where off-site or community sewer service is to be provided, the final detailed design of all facilities, including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.
   6. Where off-site or central water service or water supply is to be provided, the final detailed design, including location and size of water service facilities within the subdivision, shall be shown, including wells, storage tanks, pumps, mains, valves, and hydrants.
   7. Detailed designs for all other improvements as required by this ordinance.
4. Final Stormwater Mangement and Erosion & Sedimentation Control Plan
5. Final Greenway Ownership & Management Plan
6. Final Landscape Plan



Mixed Use Residential District

ARTICLE 7
MIXED USE RESIDENTIAL DISTRICT

Section 701. Purpose.

The purpose of the Mixed-use Residential District is to promote a variety of residential development from single-family units, apartments, condominiums, senior facilities, mixed with small office, commercial, and retail businesses. The area is to be pedestrian oriented and include common open and public spaces. The commercial businesses, which are permitted within the district, must have low impacts on traffic and the nature of a residential area. Mixed-use buildings are also promoted within this district. The commercial businesses that are located within this district are more scattered than a core "main street" often found within a Village Commercial/Town Center District.

Section 702. Permitted Uses

1. Residential Uses
    A. Single-family dwelling
    B. Townhouse
    C. Duplex
    D. Apartment
    E. Condominiums
    F. Multifamily dwellings over ground floor office and retail space
    G. Home based businesses (no impact)

2. Non-Residential Uses:
    A. Public and non-profit parks, greens, squares, playgrounds, and recreation areas
    B. Post office
    C. Library
    D. Banking, professional, and business office
    E. Personal service
    F. Retail store, specialty
    G. Restaurant including delicatessen, ice cream parlor, and sit down restaurant with a maximum of seventy-five (75) seats
    H. Municipal building
    I. Forestry

Section 703. Conditional Uses (shall be allowed in accordance with Article 23)

1. Nursing Home (Article 23, Section 2304.T)
2. Senior Care Facility
3. Group Residence Facility
4. Health Care Facility (Article 23, Section 2304.T)
5. Medical Clinic (Article 23, Section 2304.T)
6. Day Care Facility (Article 23, Section 2304.D)
7. Grocery Store
8. Pharmacy
9. Public Utility Facility (Article 22, Section 2211.G)
10. Farmer's Market
11. Church (Article 23, Section 2304.J)
12. School (Article 23, Section 2304.U)

13. Bed and Breakfast (Article 23, Section 2304.D)
14. Funeral Home (Article 23, Section 2304.N)
15. Home based businesses (intensive) (Article 23, Section 2304.O)
16. Veterinary facility (Article 23, Section 2304.W)

Section 704. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

Section 705. Development Standards

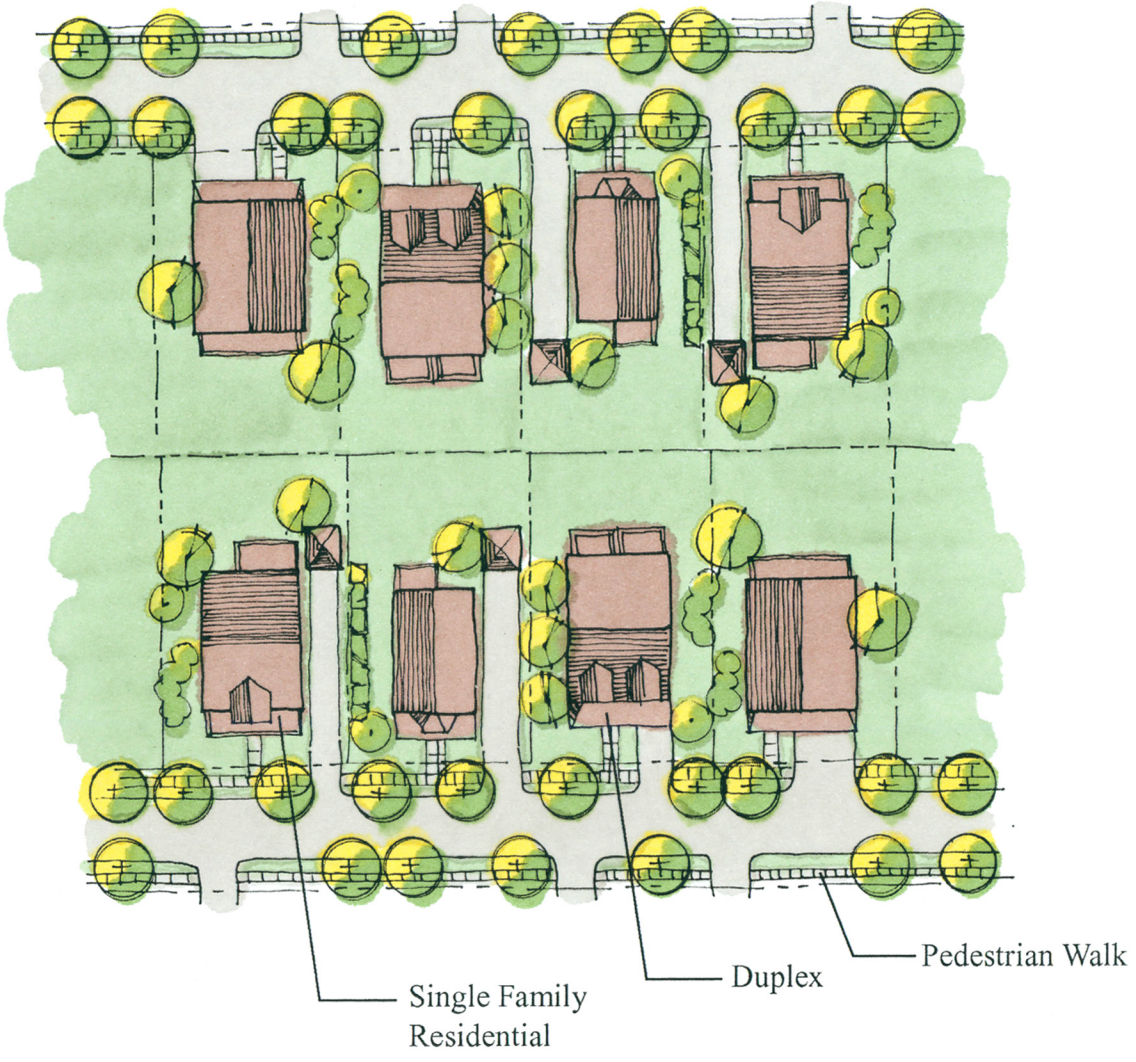
A. Minimum Lot Area:
    a. Public sewer/no water: 21,750 square feet
    b. Public water and sewer:
        i. Single family detached: 6,000 square feet
        ii. Single family semi-detached: 5,000 square feet
        iii. Townhouse: 2,000-4,000/unit
        iv. Apartment Building: 8,000 square feet
        v. Non-residential: 6,000 square feet

B. Minimum Lot width:
    a. Public sewer/no water: 75 feet
    b. Public water/sewer
        i. Single family detached: 50 square feet
        ii. Single family semi-detached: 45 feet
        iii. Townhouse: 20-40 feet
        iv. Apartment Building: 60 feet
        v. Non-residential: 50 feet

C. Minimum Front Yard Setback: 10 feet
D. Minimum Rear Yard Setback: 10 feet
E. Minimum Side Yard Setback: 10 feet
F. Maximum Lot Coverage of the lot: 60%
G. Height Maximum: 45 feet
H. Parking: Shall be developed in accordance with Article 25
I. Sidewalks: Shall be developed in accordance with Article 22.
J. Shade trees: Shall be provided in accordance with Article 22.
K. Streetlights: Shall be provided in accordance with Article 22.
L. Signs: Shall be developed in accordance with Article 24
M. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 706. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Medium Density Residential

ARTICLE 8
MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 801. Purpose.

The purpose of the Medium Density Residential District is to provide for a range of basic housing types at varying neighborhood densities that are similar in scale and design to surrounding neighborhood properties within New Brighton Borough and Pulaski Township. The designation is to include single-family homes and duplexes to help encourage a calm, friendly, neighborhood environment. This district should be developed with pedestrian orientation to adjacent land developments and at a human scale.

Section 802. Permitted Uses

1. Single-family dwelling
2. Townhouse
3. Duplex
4. Home based businesses (no-impact)
5. Public and non-profit parks, greens, squares, playgrounds, and recreation areas
6. All uses and buildings customarily accessory and incidental to any permitted use in this District
7. Forestry

Section 803. Conditional Uses (shall be allowed in accordance with Article 23)

1. Church (Article 23, Section 2304.J)
2. Municipally owned community centers
3. Day Care Facility (Article 23, Section 2304.M)
4. Retirement Community
5. Senior Care Facility
6. Group Residence Facility
7. Nursing Home (Article 23, Section 2304.T)
8. School (Article 23, Section 2304.U)
9. Library

Section 804. Special Exceptions (shall be allowed in accordance with Article 23)

1. Home based businesses (intensive) (Article 23, Section 2304.O)
2. Conversion Apartment (Article 23, Section 2304.L)
3. Public Utility Facility (Article 22, Section 2211.G)

Section 805. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

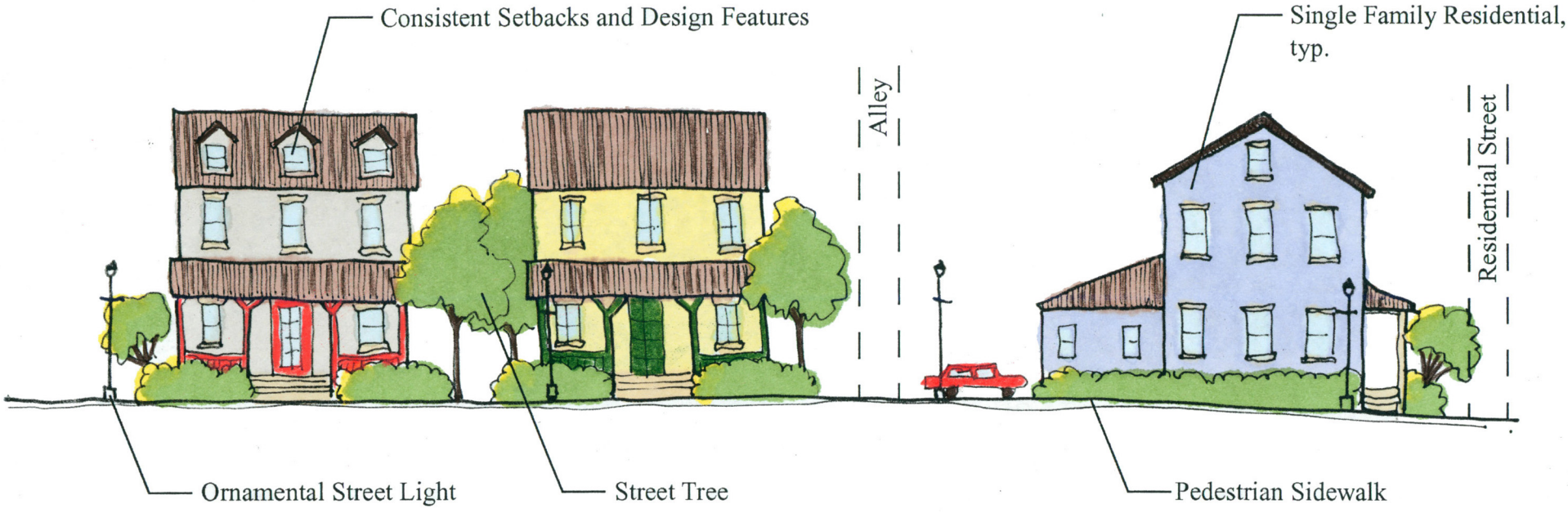
Section 806. Development Standards

A. Minimum Lot Area:
   a. Single family dwelling: 12,000 square feet
   b. Other uses: 1 acre
B. Minimum Lot Width:
   a. Single family dwelling: 80 feet
   b. Other uses: 100 feet

C. Minimum front yard setback: 20 feet
D. Minimum side yard setback: 15 feet
E. Minimum rear yard setback: 10 feet
F. Maximum lot coverage: 60%
G. Height Maximum 45 feet
H. Parking: Shall be developed in accordance with Article 25
I. Signs: Shall be developed in accordance with Article 24
J. Shade Trees: Shall be developed in accordance with Article 22
K. Sidewalks: Shall be developed in accordance with Article 22
L. Streetlights: Shall be developed in accordance with Article 22
M. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 807. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Village Residential District

ARTICLE 9
VILLAGE RESIDENTIAL DISTRICT

Section 901. Purpose.

The purpose of the Village Residential District is to provide for compatible building patterns yet promote higher density and a "sense of place." This residential district is meant to be compatible with the Village Commercial/Town Center District. The area will have a neighborhood feel due to consistent setbacks and design standards. It is the intent of this district to promote the development of livable streets that are oriented to and accessible by pedestrians. Streetscape amenities will be encouraged such as sidewalks, ornamental street lighting, pedestrian scale signage, and street trees. Architectural standards are also encouraged within the district such as similar roof pitches and porches. The Village Residential District incorporates more design standards than the medium density residential district. The district promotes a more uniform character to the area.

Section 902. Permitted Uses

1. Single-family dwelling
2. Townhouse
3. Duplex
4. Home based businesses (no-impact)
5. Public and non-profit parks, greens, squares, playgrounds, and recreation areas
6. Woodland preserve, wildlife sanctuary, conservation meadows, prairie grasslands, or other similar conservation uses
7. All uses and buildings customarily accessory and incidental to any permitted use in this District
8. Forestry

Section 903. Conditional Uses (shall be permitted in Accordance with Article 23)

1. School (Article 23, Section 2304.U)
2. Day care facility (Article 23, Section 2304..M)
3. Library
4. Church (Article 23, Section 2304. J)
5. Boarding house (Article 13, Section 2304.F)
6. Senior care facility

Section 904. Special Exceptions

1. Public Utility Facilities (Article 22, Section 2211.G)

Section 905. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

Section 906. Development Standards

A. Minimum Front Yard Setback:
   a. Principal Building: 12 feet minimum (6 feet to front porches/steps)

B. Maximum Front Yard Setback: 20 feet
C. Minimum Side Yard Setback: 20 feet
D. Minimum Rear Yard Setback: 30 feet
E. Maximum impervious surface coverage: 60 percent

F. Height Maximum: Not to exceed three stories (3 stories) or 45 feet.
G. Alleys should be encouraged as the primary means to provide access to parking located generally to the rear of structures in the district. Alleys should be parallel to primary streets and serve as a secondary means of access to any lot. They shall not be more than sixteen (16) feet in width.
H. Parking: Shall be developed in accordance with Article 23.
I. Sidewalks: Shall be developed in accordance with Article 22.
J. Street trees: Shall be provided in accordance with Article 22.
K. Streetlights: Shall be provided in accordance with Article 22.
L. Architectural Standards or Preferences:
    a. Overall form and Spatial Relationships
        i. Areas of new construction should be sited so as to best preserve natural vistas and the existing topography
    b. Housing type diversity
        i. The Central Residential Area shall contain a mixture of housing types and ownership options so that the development provides housing opportunities for persons with as broad a range of income levels as is feasible. At least 10 percent of the dwelling units in villages containing more than 80 dwellings shall be other than single-family detached. Different housing types and price ranges shall be intermixed rather than physically segregated.
        ii. The Central Residential Area shall be designed to provide for a variety of housing and live/work opportunities in close proximity to the village center.
    c. Residences housing more than one family shall be designed to emulate traditional buildings of this nature in historic settlements or shall be designed to resemble large single-family residences as shown.
    d. Stucco, brick, and painted wood clapboard siding shall be encouraged, as shall pitched roofs with slopes between 8:12 and 12:12.
    e. The illustration accompanying this article has been developed to provide guidance to applicants, designers, local officials, and interested residents with respect to the intended ultimate visual appearance of a village style.
M. Setbacks for Accessory Uses:
    a. Front Yard
        i. Attached garages (front-loaded): 20 feet minimum, no maximum
        ii. Attached garages (side-loaded): minimum 10 feet from street right-of-way, no maximum
        iii. Detached garages (front-loaded): minimum 20 feet behind the front façade of the house
    b. Side Yard
        i. Accessory buildings excluding garages: 5 feet minimum
        ii. Rear-loaded garages: minimum 20 feet from paved edge of alley or land and 9 feet to the alley right-of-way

N. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 907. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.

Condominiums

Pedestrian Walk
with Street Trees

Parallel Parking

Pedestrian Walk
with Street Trees

Apartment Building

High Density Residential

ARTICLE 10
HIGH DENSITY RESIDENTIAL DISTRICT

Section 1001. Purpose.

The purpose of the High Density Residential District is to reserve areas for the development of higher density multi-family housing within the region in appropriate locations, which are located on arterial or collector roads close to community services. Typical high-density residential units include: senior care facilities, group homes, high-rise apartments, and condominiums.

Section 1002. Permitted Uses

1. Apartments
2. Condominiums
3. Townhouses
4. Private residential swimming pools or tennis courts (Article 22, Section 2210.C)
5. Public and non-profit parks, greens, squares, playgrounds
6. Home based businesses (no impact)
7. Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
8. Forestry

Section 1003. Conditional Uses (shall be permitted in accordance with Article 23)

1. Church (Article 23, Section 2304. J)
2. Recreation, Public
3. Recreation, Noncommercial
4. Public Buildings or use
5. Senior care facility
6. Group Care Facility

Section 1004. Uses by Special Exception (shall be permitted in accordance with Article 23)

1. Day Care Facility (Article 23, Section 2304.M)
2. Home based businesses (intensive) (Article 23, Section 2304.0)
3. Conversion Apartments (Article 23, Section 2304.L)
4. Public Utility Facility (Article 22, Section 2211.G)

Section 1005. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

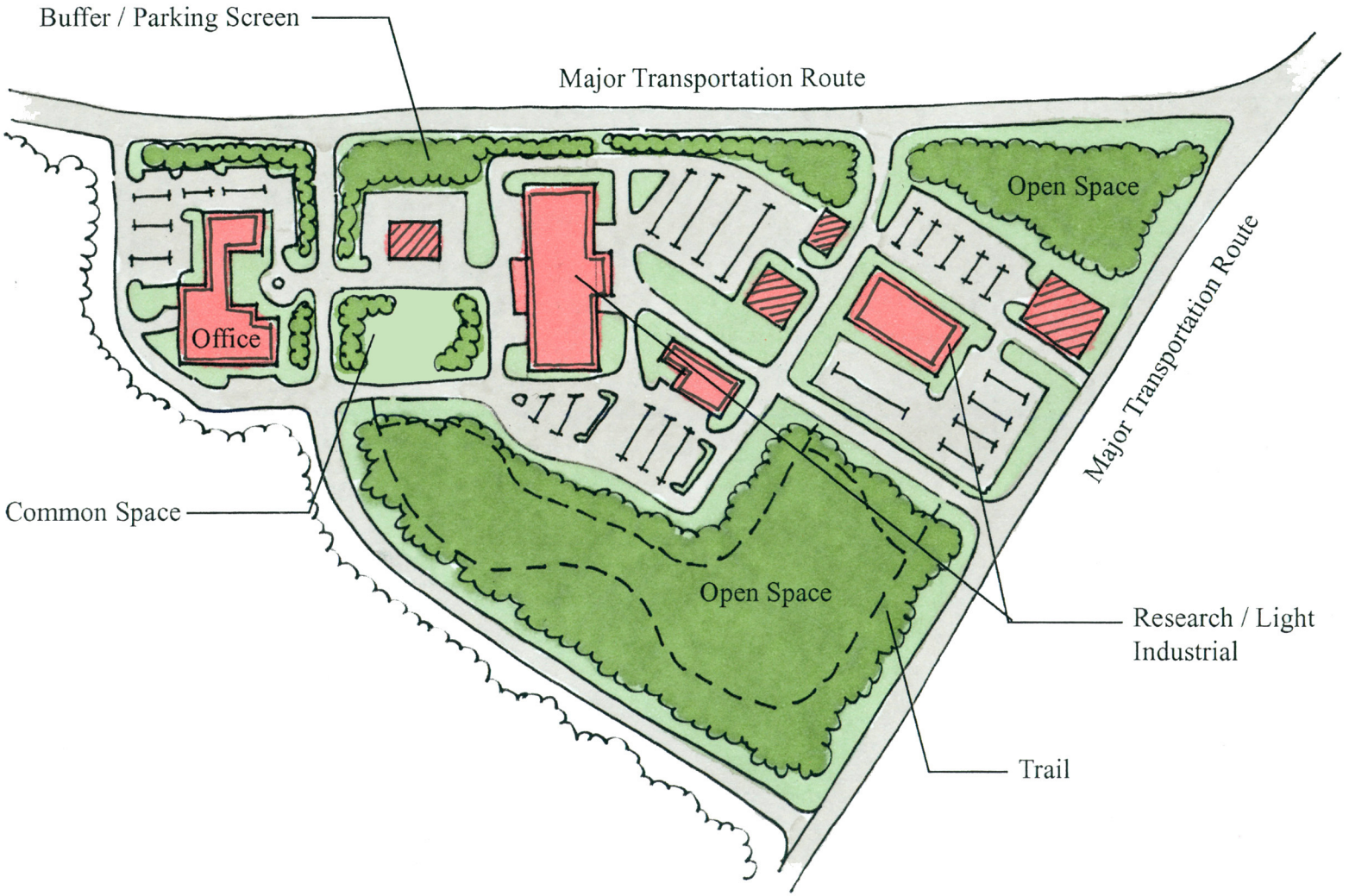
Section 1006. Development Standards

a. Minimum Lot Area: 17,424 square feet (0.4 acre)
b. Minimum Lot Width: 100 feet
c. Maximum dwelling unit density: 18 units per acre
d. Maximum length of residential building: 250 feet
e. Maximum lot coverage 60%
f. Maximum height: 8 Stories or 80 feet
g. Minimum Front Yard Setback: 15 feet
h. Minimum Rear Yard Setback: 15 feet
i. Minimum Side Yard Setback: 10 feet

j. Parking: Shall be developed in accordance with Article 25
k. Signs: Shall be developed in accordance with Article 24
l. Shade Trees: Shall be developed in accordance with Article 22
m. Sidewalks: Shall be developed in accordance with Article 22
n. Streetlights: Shall be developed in accordance with Article 22
o. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 1007. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Office, Research, and Light Industrial District District

ARTICLE 11
OFFICE, RESEARCH, and LIGHT INDUSTRIAL DISTRICT

Section 1101. Purpose

The purpose of the Office, Research, and Light Industrial District is to provide for a wide range of commercial, research, high tech, and light industrial and manufacturing uses. The type of uses allowed would produce minimal externalities (light, noise, odor) and a similar traffic flow. The district incorporates standards for access roads, screened parking, landscaping, and open public spaces to encourage human interaction within the district.

Section 1102. Permitted Uses

1. Publicly owned recreation or Borough owned facility
2. Greenhouse/plant nursery
3. Business and professional offices
4. Warehousing and Distribution
5. Business medical, public, and semipublic office
6. Exercise club
7. Printing and publishing establishment
8. Facility for providing services, repairs, and maintenance to office equipment
9. Restaurants
10. Bank
11. Roadside produce market
12. Research engineering or testing laboratory and offices
13. Retail Shop, Specialty
14. Forestry
15. Emergency Services Facility

Section 1103. Conditional Uses (shall be permitted in accordance with Article 23 and as specific in this Section)

Conditional uses in the Office, Commercial, and Light Industrial District shall be within the following requirements of this ordinance. In addition to the information required for a site plan, the following review procedures for conditional uses shall be made a part of the application.

1. Distribution centers and warehouses shall have a cap of 100,000 square feet per of total floor area.
2. Light industrial activity involving processing, cleaning, assembling, packaging, conversion, production, repair, manufacturing or testing of materials, goods and/or products (other than those uses specifically permitted by right), that the applicant proves, to the satisfaction of the <insert name of governing body>, based upon review by the Planning Commission, will not create a significant hazard to the public health and safety. These uses shall not include any use specifically prohibited by the regulations of this district. These industrial activities include but are not limited to the following:
    a. Testing and repair of manufactured products.
    b. Manufacture of products requiring light metal processing, including finishing grinding, polishing, heat treating, and stamping.
    c. Packaging and bottling operations with no retail activity on the lot.
3. Hotel, motel, and conference/convention center
4. Recreational vehicle storage
5. Automobile services and sales (Article 23, Section 2304.C)
6. Service station (Article 23, Section 2304.C)
7. Car Wash (Article 23, Section 2304.H)

8. College or trade school
9. Cultural center or auditorium
10. Communications antennae (Article 23, Section 2304.A)
11. Communications tower (Article 23, Section 2304.G)
12. Public Utility Facility (Article 22, Section 2211.G)

Section 1104. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

Section 1105. Development Standards

A. Lot Regulations
    a. The minimum lot size: 21,780 square feet (0.5 acre)
    b. The minimum lot width: 150 feet
    c. Lot coverage:
        i. Maximum total building coverage of the entire site: 50%
        ii. Maximum total impervious coverage (parking and building): 65%

B. Coordinated Development: All developments shall be constructed in accordance with well-coordinated, integrated overall plan with carefully designed interior and exterior system of vehicular access. If a development is to be carried out in progressive stages, each stage shall be planned so that the requirements and intents of this Article and this ordinance shall be fully complied with at the completion of any stage.

C. Maximum Height: Five (5) stories or sixty-five feet.

D. Front Yard Setback: A minimum of twenty (20) feet from the future or existing right-of-way.

E. Side Yard Setback: A minimum of ten (10) feet unless a continuous building design with a connected front façade is planned.

F. Parking: Shall be developed in accordance with Article 25

G. Signs: Shall be developed in accordance with Article 24

H. Shade Trees: Shall be developed in accordance with Article 22

I. Sidewalks: Shall be developed in accordance with Article 22

J. Streetlights: Shall be developed in accordance with Article 22

K. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

L. Other Regulations
    a. Noise – The maximum permitted sound pressure levels in decibels is listed below.
        i. From 7am-10pm is 70dBA.
        ii. From 10pm-7am is 60 dBA.

    Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2). Noise levels should be measured using an A-weighted sound pressure level scale.

b. Air Quality –

Any land use or activity that is a source of the emission of smoke, particulate matter or other air pollutants shall comply with all applicable state and federal standards and regulations governing air quality and emissions. Any such land use or other activity shall obtain and maintain all necessary licenses and permits from the appropriate county, state, and federal agencies.

c. Hazardous Materials --
Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable state and federal regulations governing the use, storage, transportation, emission, and disposal of such materials. Any such land use or other activity shall also obtain and maintain all necessary licenses from the appropriate state and federal Agencies, such as the United States Environmental Protection Agency.

M. Bonus provisions.

a. Intensity bonuses may be granted as a conditional use up to the limits listed below (G.b) for high quality development proposals. Any decision by the <insert name of governing body> to grant a bonus, after a review by the Planning Commission and the municipal Engineer, shall be based upon the interpretation of the following criteria. No such bonus shall be granted unless stormwater management of the tract is completely adequate.

i. The number of jobs that would be created by the development.
ii. The quality and amount of landscaping in an overall plan that will be provided, above the amount already prescribed by this ordinance.
iii. The quality of the site layout of the proposal, such as use of attractive and landscaped earth berming. This should include the screening of bulk parking areas from view of major streets.
iv. The integration of significant recreation facilities for employees and/or residents into the development.
v. The respect for sensitive and attractive natural features.
vi. Excellence in traffic circulation, within the site and accessing exterior roads.
vii. The compatibility with the proposed use and adjacent uses.
viii. Conformance with site design guidelines within this ordinance.

b. The <insert name of governing body> may grant bonuses in intensity up to the following maximum levels, based upon its interpretation of the criteria listed above in (G.a).

i. A density bonus up to 6 stories (one additional story than originally permitted).
ii. Maximum building coverage up to 60%
iii. Maximum impervious surface coverage up to 75%

N. Lighting.
Please refer to the lighting standards listed in Article 22, Section 2213.

Section 1106. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.

Regional Commercial District

ARTICLE 12
REGIONAL COMMERCIAL DISTRICT

Section 1201. Purpose

The purpose of the Regional Commercial District is to provide for more intensive commercial uses that may not be appropriately mixed with all types of residential uses. The district also requires access to major transportation facilities to accommodate the capacity of traffic flow attracted by larger businesses. Regional businesses are allowed within this district yet design standards and orientation of buildings on the site are defined. Office buildings are also allowed to be located within this district intending to have restaurant and retail destinations for workers. The district will incorporate access roads, screened parking, and open public spaces within the design of the district.

Section 1202. Permitted Uses

1. Business and professional offices
2. Medical Office
3. Retail Store, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building, provided that the sales area of the business is less than 20,000 sq. ft.
4. Bank
5. Restaurant
6. Motel, hotel, and inn
7. Entertainment
8. Municipal Building or use
9. Library or museum
10. Forestry
11. Emergency Services Facility

Section 1203. Conditional Uses (shall be permitted in accordance with Article 23)

1. Service Station (Article 23, Section 2304.C)
2. Automobile Services and sales (Article 23, Section 2304.C)
3. Car Wash (Article 23, Section 2304.H)
4. Large Retail Store, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building with a sales area greater than 20,000 sq. ft.
5. School (Article 23, Section 2304.U)
6. Church (Article 23, Section 2304.J)
7. Communication Antenna (Article 23, Section 2304. A)
8. Communications equipment building
9. Communications Tower (Article 23, Section 2304.G)
10. Public Utility Facility (Article 22, Section 2211.G)
11. Veterinary facility (Article 23, Section 2304.W)

Section 1204. Prohibited Uses

All uses not specifically allowed as a permitted use, conditional use, or special exception is prohibited within this district.

Section 1205. Development Standards

a. Minimum Lot Area: 10,000 sq. ft.

b. The minimum lot width: 60 feet.
c. Lot coverage:
    i. Maximum total building coverage of the entire site: 50%
    ii. Maximum total impervious coverage (parking and building): 65%

B. Coordinated Development: All developments shall be constructed in accordance with well-coordinated, integrated overall plan with carefully designed interior and exterior system of vehicular access. If a development is to be carried out in progressive stages, each stage shall be planned so that the requirements and intents of this Article and this ordinance shall be fully complied with at the completion of any stage.

C. Maximum Height: Three stories or 50 feet.

D. Front Yard Setback: A minimum of twenty (20) feet from the future or existing right-of-way.

E. Side Yard Setback: A minimum of ten (10) feet unless a continuous building design with a connected front façade is planned.

F. Rear Yard Setback: 20 ft.

G. Parking: Shall be developed in accordance with Article 25

H. Signs: Shall be developed in accordance with Article 24

I. Shade Trees: Shall be developed in accordance with Article 22

J. Sidewalks: Shall be developed in accordance with Article 22

K. Streetlights: Shall be developed in accordance with Article 22

L. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

M. Lighting.
Please refer to the lighting standards listed in Article 22, Section 2213.

Section 1207. Special Regulations

A. All such uses shall have public water and sewer facility
B. Except for automotive sales, gasoline pumps, and newspaper boxes, no permanent storage of merchandise, articles, vending machines, equipment, etc. shall be permitted outside the building

Section 1208. Design Requirements

A. Building orientation: The first impression of a building is from the side, which faces the street. The structure should be designed with a primary orientation to the street. The front façade of the structure should face the street. The front façade should include a distinctive entrance, although secondary entrances are permitted on the side of a building. A sidewalk should be constructed parallel to the front façade. The side yard visible to the public should be designed to present a pleasing appearance to the pedestrian.

B. Building materials: Façade materials give a structure character. Exterior materials should be compatible with nearby buildings and with the design of the structure. No structure addition shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. The use of wood shingles, wood clapboards, copper, brick, and stone are encouraged. The use of concrete block, sheet metal, vinyl, or aluminum siding is discouraged.

C. Landscaping and buffering

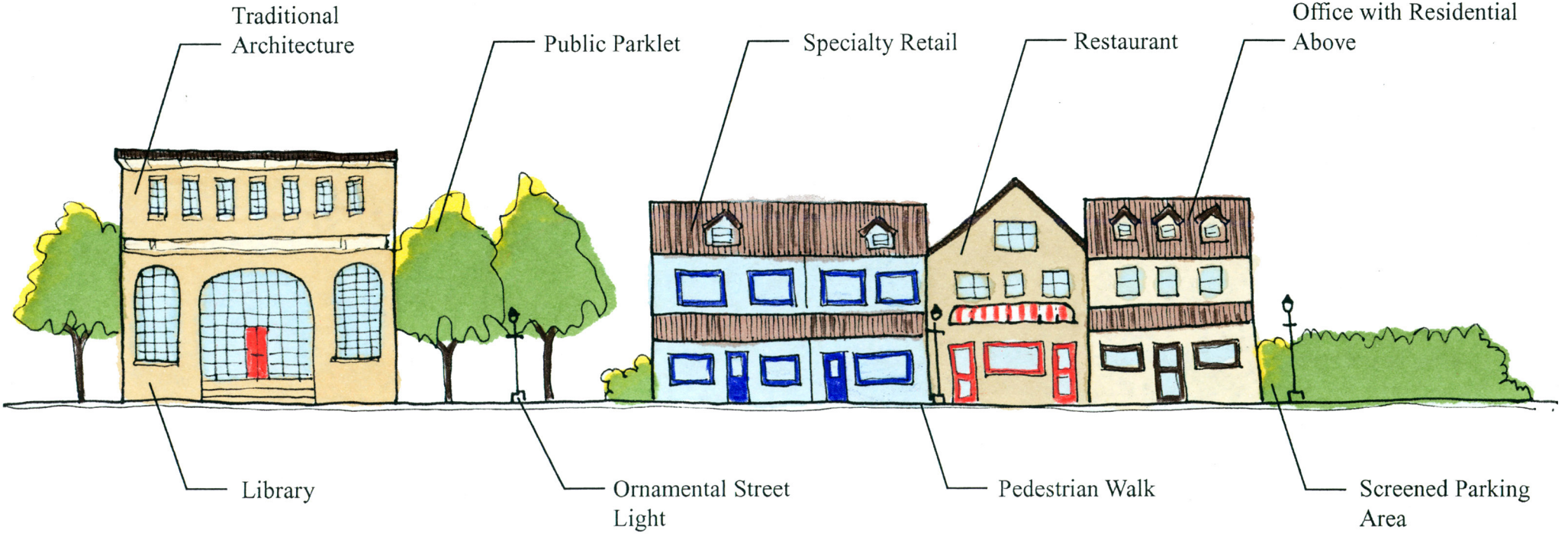
1. Front setback.
The land in the front setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of the town center. This area should be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, should be located between the road and the structure. The front yard should be landscaped carefully with attention to details such as street trees and courtyard gardens.

2. Parking lot. Landscaping around and within parking lots perceptually softens the hard surface of parking areas. Parking lots shall be designed and landscaped to be compatible with the pedestrian friendly purpose. A minimum of a five (5) foot wide landscaped buffer shall be required around parking lots. A landscaped area shall be required in the front yard setback between the road and the parking lot and shall include plantings of a size sufficient to obscure the view of parked cars and parking lots from the sidewalk and transitioning to a lesser height. At least one landscaped island shall be included for each double row of parking spaces or a single row of at least ten (10) parking spaces and shall be located within the interior of the parking lot.

3. Buffering. Buffering serves to soften narrow yards, screen-parking areas, and create a sense of enclosure by transforming a street into an outdoor room. Within the town center landscaping between properties can mitigate conflicts between land uses, densities, and building styles. The type of use proposed, and its compatibility with adjacent uses shall determine the depth and density of the buffer.

Section 1209. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Village Commercial/Town Center District

ARTICLE 13
VILLAGE COMMERCIAL/TOWN CENTER DISTRICT

Section 1301. Intended Purpose

The purpose of the Village Commercial/Town Center District is to ensure that retail and office businesses are in scale in terms of size, demand, and style with the surrounding village area. Buildings are to be either traditional in their architecture or be a contemporary expression of traditional styles, matching in scale and proportion the character of the existing or proposed village. The area will support small-scale specialty retail, office, and residential uses, and include public spaces and institutional buildings. The village commercial district will be pedestrian oriented and tied together with street amenities and design treatments such as sidewalks, pedestrian-scale and ornamental street lighting, pedestrian scale signage, landscaping, street trees, and screened parking areas. The area is to allow for a range of uses while controlling the impacts on the neighborhoods adjacent to them.

Section 1302. Permitted Uses

1. The residential uses:
    a. Single family dwelling
    b. Townhouses
    c. Duplex
    d. Multifamily dwelling units that are accessory to a nonresidential use and are located in a building where more than fifty percent (50%) of the floor area of the structure is occupied by nonresidential uses.
    e. Home based businesses (no-impact)

2. The following non-residential uses:
    a. Banking, professional and business offices provided the gross floor area of any one (1) shop does not exceed three thousand (3,000) square feet.
    b. Personal services, provided that the gross floor area of any one (1) shop does not exceed 3,000 square feet.
    c. Retail specialty store provided that the gross floor area does not exceed five (5,000) square feet.
    d. Restaurant including delicatessen, ice cream parlor, and sit down restaurant with a maximum of seventy-five (75) seats.
    e. Public and non-profit parks, greens, squares, playgrounds, and recreation areas
    f. Repair Shop
    g. Post Office
    h. Library
    i. Forestry
    j. Emergency Services Facility

3. The following accessory uses (in accordance with Article 22):
    a. Accessory building, structure or use
    b. Outside storage accessory to an allowed use provided that the area used for storage shall not exceed the floor area of the principal use and that, except for display area, the outside storage is screened from public view and abutting properties. (Article 22, Section 2210.B)

c. A drive-through for a bank provided that it is accessory to the principal use and located immediately adjacent to the structure of the principal use. (Article 22, Section 2211.H)
d. The renting of not more than two (2) rooms within a single-family dwelling provided that there is no physical alteration of the building and no change in the external appearance of the structure.

Section 1303. Conditional Uses (shall be permitted in accordance with Article 23)

a. The following uses will be permitted as a conditional use within this district. A condition is that no use shall exceed a maximum square footage of 8,000 square feet per floor.
    1. Bed and breakfast (Article 23, Section 2304.D)
    2. Hotel or Inn
    3. Exercise clubs
    4. Studios
    5. Gallery
    6. Grocery store
    7. Pharmacy
    8. Farmer's market
    9. Funeral Homes (Article 23, Section 2304.N)
    10. Church (Article 23, Section 2304.J)
    11. Municipal buildings and use
    12. Health care facility (Article 23, Section 2304.T)
    13. Medical clinic (Article 23, Section 2304.T)
    14. School (Article 23, Section 2304.U)
    15. Day care facility (Article 23, Section 2304.M)
    16. Senior Care Facility
    17. Bar/Tavern
    18. Convenience Store
    19. Public utility facility (Article 22, Section 2211.G)
    20. Communications equipment building
    21. Communications antenna (Article 23, Section 2304)
    22. Veterinary facility (Article 23, Section 2304.W)

Section 1304. Prohibited Uses

All uses not specifically allowed as permitted uses are prohibited within this district. Adult businesses, as herein defined, are prohibited within the Village Commercial/Town Center District. Drive-through services, except those associated with a bank or car wash that are specifically permitted as accessory uses, are prohibited within the Village Commercial/Town Center District.

Section 1305. Development Standards

1. Minimum lot size:
    With sewer facility: 3,000 sq. ft.
    With on-lot sewage disposal: 43,560 square feet (1 acre)
2. Maximum Floor Area Ratio: 2:1
3. Minimum Lot Width: 25 feet
4. Minimum setback: none required except for single family residential: 3 feet minimum
5. Maximum height: Not to exceed 3 stories (45 feet). Density Bonus: An extra story will be allowed providing that the municipality and the developer negotiate aesthetic

benefits to the District outlined below. No more than two additional floors can be negotiated for a bonus (5 story maximum).

6. Parking: Shall be developed in accordance with Article 25

7. Shade Trees: Shall be developed in accordance with Article 22

8. Sidewalks: Shall be developed in accordance with Article 22

9. Signs: Shall be developed in accordance with Article 22

10. Streetlights: Shall be developed in accordance with Article 22

11. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

12. Lighting. Please refer to the lighting standards listed in Article 22, Section 2213.

Section 1306. Performance Standards

1. No development shall create an adverse impact on abutting property values. Each project shall be compatible with the existing uses and purposes of the district.
2. Each lot with frontage on an arterial street shall not be allowed more than one (1) driveway onto the arterial street, unless the driveway is shared with an abutting property, in which case two (2) driveways are allowed. Lots with at least two hundred (200) feet of road frontage shall be allowed two (2) driveways.
3. No communication tower in excess of ten (10) feet in height or exposed satellite dish in excess of two (2) feet in diameter shall be allowed which is exposed to public view, except for exclusive municipal and school uses. Satellite dishes and the base of communication towers that are installed at ground level shall be screened from public view.
4. Structures existing as of _____, 2003, which do not conform to the maximum footprint or the maximum lot coverage requirement may increase the building footprint by up to twenty-five percent (25%), as long as the development will be in compliance with all other development requirements for this district.

Section 1307. Site Plan Design Requirements

The following requirements shall be applicable to all development, which requires site plan review by the Planning Commission and any new construction or addition. These standards should be used to determine if a development is compatible with the Village Commercial/Town Center district. The intent is not that all buildings should look the same, but rather to encourage a mix of compatible styles, sizes, and characteristics.

a. Footprint.
The building footprint of new construction should be compatible with the Village Commercial/Town Center District. The visual impact of a building is influenced by the placement of other buildings on the lot, the irregular, and varied surface of buildings due to architectural features, and the spaces between the buildings create a rhythm with which new construction should be compatible. Determination of compatibility shall be based on the overall building footprint square footage, the dimensions of each footprint side, placement of the building footprint on the lot, and the rhythm of buildings and spaces along the street edge.

b. Scale.

Scale is the apparent size of a structure in relation to its surroundings, including other buildings open space, and people. Scale gives a building "presence", making the building seem large or small, awkward or graceful. The perception of a structure is influenced by its size, but more importantly how the overall size is distributed throughout the building. New construction should be compatible in scale with other structures in the district. Determination of compatibility shall be based on the maximum dimension of the structure, the degree of articulation on building surfaces, and the magnitude of unbroken faces of a structure.

c. Height and Roof Pitch.

The height of a building and the type of roof design significantly influence the scale of a structure and can detract from the streetscape. New roof construction should conform to the predominant heights of roofs of nearby buildings in the Village Commercial/Town Center District. Roofs should generally be of a gable or other slopping roof design that matches the existing roofs. Flat roofs are discouraged.

d. Building and Parking Orientation

The first impression of a building is from the side, which faces the street. The structure should be designed with a primary orientation to the street. The front façade of the structure should face the street. The front façade should include a distinctive entrance, although secondary entrances are permitted on the side of a building. A sidewalk should be constructed parallel to the front façade. The side yard visible to the public should be designed to present a pleasing appearance to the pedestrian.

e. Openings. The relationship between doors and windows to exterior wall space of a building creates a rhythm or pattern. The pattern of window or door opening s of a structure should be compatible with the rhythm of openings in nearby structures. Doors and windows should be consistent with the style of the building. Development in existing structures should maintain the original rhythm and size of openings. The first floor front façade should be constructed with an equal proportion of openings to wall space.

f. Exterior Materials. Façade materials give a structure character. Exterior materials should be compatible with nearby buildings and with the design of the structure. No structure addition shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. The use of wood shingles, wood clapboards, copper, brick, and stone are encouraged. The use of concrete block, sheet metal, vinyl, or aluminum siding is discouraged.

g. Landscaping and Site Development.

1. Front setback.
The land in the front setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of the town center. This area should be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A

sidewalk and other pedestrian pathways, such as to the building and to parking areas, should be located between the road and the structure. The front yard should be landscaped carefully with attention to details such as street trees and courtyard gardens.

2. Parking lot. Landscaping around and within parking lots perceptually softens the hard surface of parking areas. Parking lots shall be designed and landscaped to be compatible with the pedestrian friendly purpose of the Village Commercial/Town Center District. A minimum of a five (5) foot wide landscaped buffer shall be required around parking lots. A landscaped area shall be required in the front yard setback between the road and the parking lot and shall include plantings of a size sufficient to obscure the view of parked cars and parking lots from the sidewalk and transitioning to a lesser height. At least one landscaped island shall be included for each double row of parking spaces or a single row of at least ten (10) parking spaces and shall be located within the interior of the parking lot.

3. Buffering. Buffering serves to soften narrow yards, screen-parking areas, and create a sense of enclosure by transforming a street into an outdoor room. Within the town center landscaping between properties can mitigate conflicts between land uses, densities, and building styles. The type of use proposed, and its compatibility with adjacent uses shall determine the depth and density of the buffer.

Section 508. Site Plan Review

A. All permitted uses within the Village Commercial/Town Center District are subject to site plan review by the Planning Commission.
B. Conversion of an existing building or structure or portion thereof from a less intensive category of use to a more intensive category use is subject to site plan review by the Planning Commission.
C. Conversion of an existing building or structure or portion thereof within the same land use category to a less intensive use is subject to site plan review by the Planning Commission.

Neighborhood Commercial/Office District

ARTICLE 14
NEIGHBORHOOD COMMERCIAL/OFFICE ZONING DISTRICT

Section 1401. Purpose

The purpose of the Neighborhood Commercial District is to allow for neighborhood scale retail and office businesses. The design standards within this district are not as encompassing or strict as the Village Commercial District. It does not allow for as much diverse and dense housing opportunities as the mixed-use residential district.

Section 1402. Permitted Uses

A. Single-family dwelling
B. Home based business (no-impact)
C. Bed and breakfast
D. Any retail business, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building, provided the sales area of the business does not exceed 3,000 sq. ft.
E. Grocery Store
F. Business and professional offices
G. Studios for instruction of dance, music, arts, and science
H. Personal services
I. Florists, greenhouses, or nurseries, provided that all incidental equipment and supplies are kept within a building
J. Restaurants, excluding drive-through
K. Banks
L. Motels and hotels not exceeding twenty (20) units
M. Entertainment
N. Convenience stores
O. Exercise club
P. Uses and building customarily accessory and incidental to any permitted use
Q. Forestry

Section 1403. Conditional Uses (shall be permitted in accordance with Article 23)

The following uses may be permitted as "special exceptions" by the Zoning Hearing Board:

A. Banks with drive-through services (Article 22, Section 2211.H)
B. Restaurants with drive-through services (Article 22, Section 2211.H)
C. Service Stations (Article 23, Section 2304.C)
D. Automobile services (Article 23, Section 2304.C)
E. Hotels and motels exceeding twenty (20) guest rooms
F. Any retail business whose principal activity is the sale of merchandise in an enclosed building, where the sales area exceeds five thousand (5,000) square feet but not more than 20,000 square feet.
G. Car Wash (Article 23, Section 2304.H)
H. Nursing home
I. Veterinary clinic (Article 23, Section 2304.W)
J. Church (Article 23, Section 2304.J)
K. Funeral home (Article 23, Section 2304.N)
L. Public Utility Facility (Article 22, Section 2211.G)

Section 1404. Prohibited Uses

All uses not specifically allowed as a permitted use, conditional use, or special exception is prohibited within this district.

Section 1405. Development Standards

a. Minimum Lot Area: shall be base on required setbacks, maximum impervious surface cover, parking, loading/unloading, buffer yard/screening, on lot well and septic requirements, and other applicable standard

b. Maximum total impervious coverage (parking and building): 65%

c. At least fifteen (15%) of the lot area shall be maintained with a vegetative cover and appropriate landscaping

d. Setbacks:
   1. Front yard setback: 10 feet

   2. Side yard setback: 5 feet (no side yard shall be required where structure abut one another. Where shared parking lots are proposed, which use a shared access driveway for access, between adjoining lots, one (1) side yard requirement per lot may be waived to accommodate the shared parking and lot access driveway.

   3. Rear yard setback: 10 feet

e. Maximum Height
   1. Principal structure: 40 feet
   2. Accessory structure: 25 feet

F. Parking: Shall be developed in accordance with Article 25

G. Signs: Shall be developed in accordance with Article 24

H. Shade Trees: Shall be developed in accordance with Article 22

I. Sidewalks: Shall be developed in accordance with Article 22

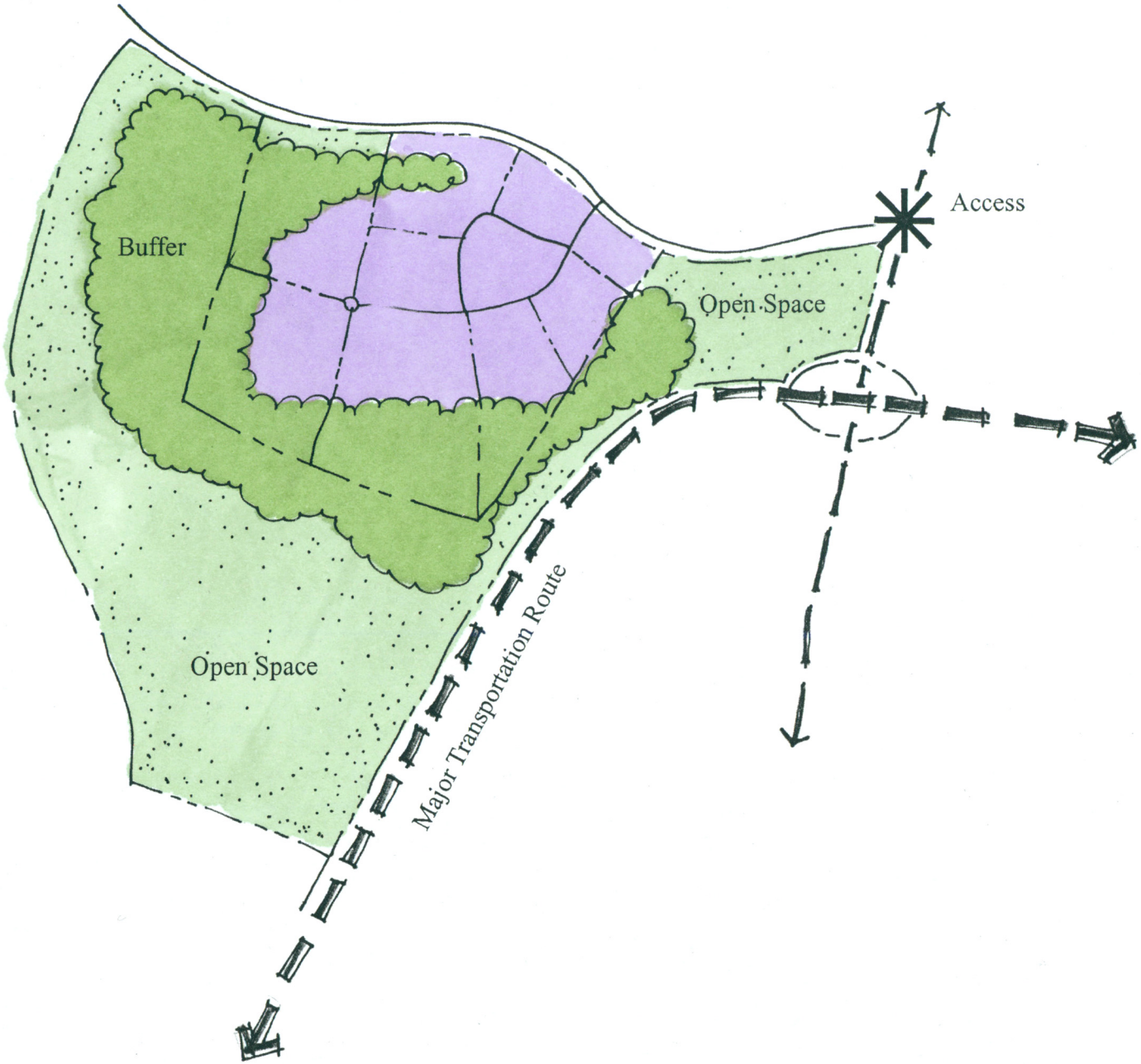
J. Streetlights: Shall be developed in accordance with Article 22

K. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

L. Lighting. Please refer to the lighting standards listed in Article 22, Section 2213.

Section 1406. Site Plan Reviews

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Heavy Industrial / Manufacturing District

ARTICLE 15
HEAVY INDUSTRIAL MANUFACTURING ZONING DISTRICT

Section 1501. Purpose

The purpose of the Heavy Industrial/Manufacturing District is to provide sufficient space, in appropriate locations, to meet the current and anticipated future needs for a wide range of manufacturing and heavy industry activity. Although non-manufacturing uses may be provided for in this district, this district is primarily intended to provide for manufacturing and industry uses. The district will incorporate buffers based on performance standards. Access standards to ensure smooth traffic flow and a safe environment will be incorporated.

Section 1502. Permitted Uses

1. Bakery, commercial
2. Business and professional offices
3. Contracting Business
4. Contractor's Yard
5. Emergency Services Facility
6. Forestry
7. Heavier equipment rental, sales, and repair
8. Landscaping contractor
9. Light manufacturing
10. Repair shop
11. Research Laboratory
12. Sign fabricator
13. Supply yard
14. Warehouses/self-storage Facility
15. Warehousing and distribution
16. Wholesale Establishment
17. All uses and buildings customarily accessory and incidental to any permitted use in this District

Section 1502. Conditional Uses (shall be permitted in accordance with Article 23 and as specific in this Section)

1. Distribution centers and warehouses shall have a cap of 100,000 square feet of total floor area.
2. Light industrial activity involving processing, cleaning, assembling, packaging, conversion, production, repair, manufacturing or testing of materials, goods and/or products (other than those uses specifically permitted by right), that the applicant proves, to the satisfaction of the <insert name of governing body>, based upon review by the Planning Commission, will not create a significant hazard to the public health and safety. These uses shall not include any use specifically prohibited by the regulations of this district. These industrial activities include but are not limited to the following:
    a. Testing and repair of manufactured products.
    b. Manufacture of products requiring light metal processing, including finishing grinding, polishing, heat treating, and stamping.
    c. Packaging and bottling operations with no retail activity on the lot.
3. Collection and recycling facility (Article 23, Section 2304.K)
4. Incinerator (Article 23, Section 2304.P)

5. Landfill (including composting) (Article 23, Section 2304.S)
6. Truck terminals (Article 23, Section 2304.V)
7. Automobile Service (Article 23, Section 2304.C)
8. Service station (Article 23, Section 2304.C)
9. Manufactured Home Sales
10. Public utility facility (Article 22, Section 2211.G)
11. Communications antenna (Article 23, Section 2304.A)
12. Communications tower (Article 23, Section 2304.D)

Section 1503. Special Exception

1. Storage Trailer

Section 1504. Prohibited Uses

All uses not specifically allowed as a permitted use, conditional use, or special exception is prohibited within this district.

Section 1505. Development Standards

a. Minimum Lot Area: shall be base on required setbacks, maximum impervious surface cover, parking, loarding/unloading, buffer yard/screening, on lot well and septic requirements, and other applicable standard

b. Maximum total impervious coverage (parking and building): 65%

c. At least fifteen (15%) of the lot area shall be maintained with a vegetative cover and appropriate landscaping

d. Setbacks:
   1. Front yard setback: 50 feet

   2. Side yard setback:
      Adjoining any residential or mixed-use district: 100 feet
      Other principal structures: 50 feet

   3. Rear yard setback: 10 feet

e. Maximum Height
   1. Principal structure: 40 feet
   2. Accessory structure: 25 feet

e. Parking: Shall be developed in accordance with Article 25
f. Signs: Shall be developed in accordance with Article 24
g. Shade Trees: Shall be developed in accordance with Article 22
h. Sidewalks: Shall be developed in accordance with Article 22
i. Streetlights: Shall be developed in accordance with Article 22
j. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.
k. Lighting. Please refer to the lighting standards listed in Article 22, Section 2213.

B. Other Regulations

a. Noise – The maximum permitted sound pressure levels in decibels is listed below.
   i. From 7am-10pm is 70dBA.
   ii. From 10pm-7am is 60 dBA.

   Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2). Noise levels should be measured using an A-weighted sound pressure level scale.

b. Air Quality –

   Any land use or activity that is a source of the emission of smoke, particulate matter or other air pollutants shall comply with all applicable state and federal standards and regulations governing air quality and emissions. Any such land use or other activity shall obtain and maintain all necessary licenses and permits from the appropriate county, state, and federal agencies.

c. Hazardous Materials --
   Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable state and federal regulations governing the use, storage, transportation, emission, and disposal of such materials. Any such land use or other activity shall also obtain and maintain all necessary licenses from the appropriate state and federal Agencies, such as the United States Environmental Protection Agency.

C. Bonus provisions.

a. Intensity bonuses may be granted as a conditional use up to the limits listed below (G.b) for high quality development proposals. Any decision by the <insert name of governing body> to grant a bonus, after a review by the Planning Commission and the municipal Engineer, shall be based upon the interpretation of the following criteria. No such bonus shall be granted unless stormwater management of the tract is completely adequate.
   i. The number of jobs that would be created by the development.
   ii. The quality and amount of landscaping in an overall plan that will be provided, above the amount already prescribed by this ordinance.
   iii. The quality of the site layout of the proposal, such as use of attractive and landscaped earth berming. This should include the screening of bulk parking areas from view of major streets.
   iv. The integration of significant recreation facilities for employees and/or residents into the development.
   v. The respect for sensitive and attractive natural features.
   vi. Excellence in traffic circulation, within the site and accessing exterior roads.
   vii. The compatibility with the proposed use and adjacent uses.
   viii. Conformance with site design guidelines within this ordinance.

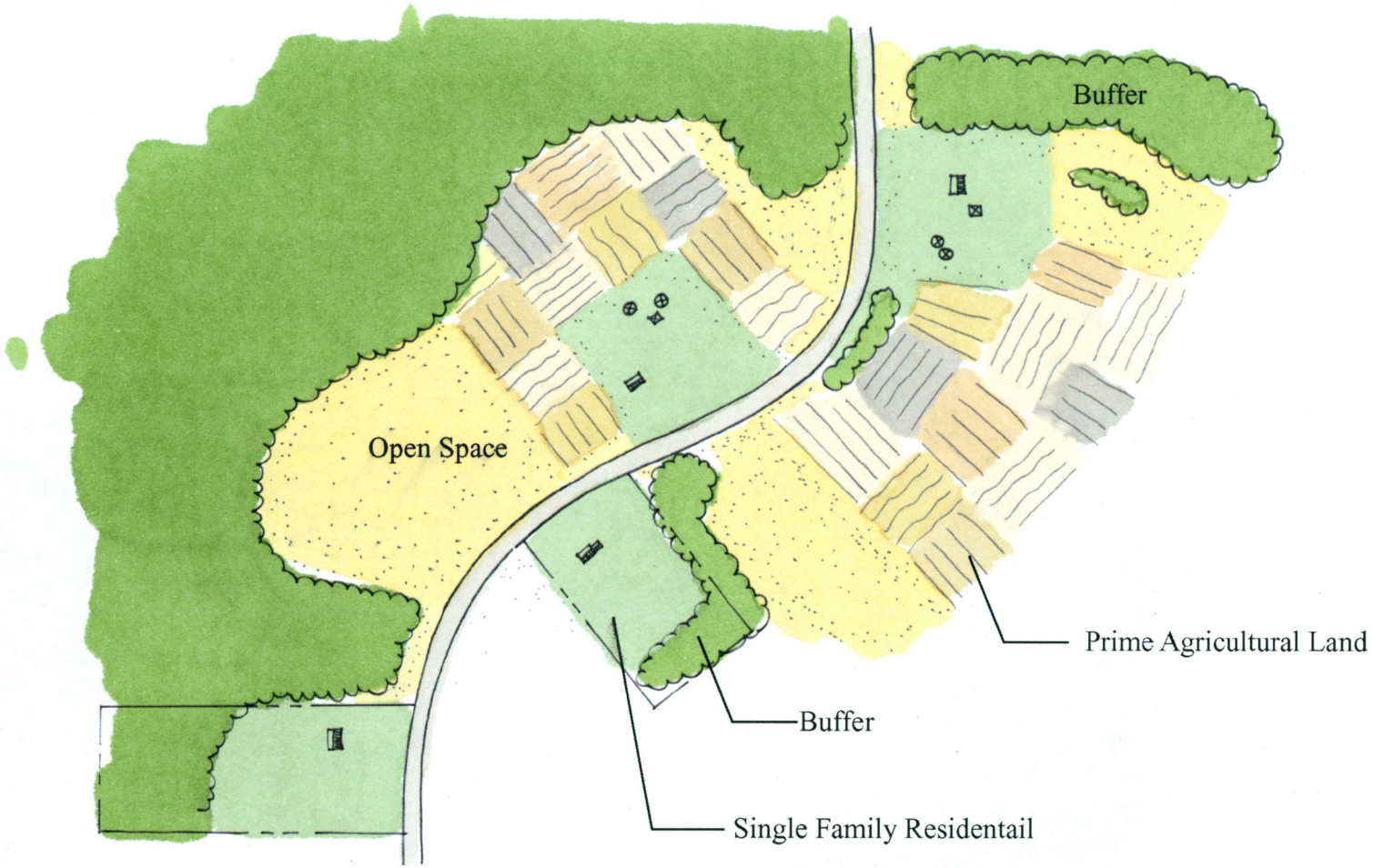
b. The <insert name of governing body> may grant bonuses in intensity up to the following maximum levels, based upon its interpretation of the criteria listed above in (G.a).
   i. A density bonus up to 6 stories (one additional story than originally permitted).
   ii. Maximum building coverage up to 60%
   iii. Maximum impervious surface coverage up to 75%

Section 1506. Access Standards

A. All plans for vehicular access to new development from the Interchange Access Road shall be submitted to the municipality. If PennDOT approval is required, plans must be submitted to the municipality and PennDOT concurrently for review and approval.
B. Any right-of-way providing vehicular access to a development within this zone shall be of a type that is equal to or of a lower order than the highest order road serving the adjacent area.
C. Any new right-of-way providing vehicular access from the access road shall be located a minimum distance of 300 feet from the point at which the exit/entrance ramp or the major arterial intersects the access road.

Section 1506. Site Plan Reviews

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Agricultural Zoning District

ARTICLE 16
AGRICULTURAL DISTRICT

Section 1601. Purpose.

The intent of the Agricultural Zoning District is to preserve prime agricultural land and soils, and the agricultural character of the region. Single-family residential development is permitted but limited within the district. Some agricultural businesses are permitted within the district, with certain buffering and environmental standards. The primary goal of this district is to minimize visual impact, retain rural agricultural features, and minimize site disturbance.

Section 1602. Permitted Uses

1. Single family dwellings
2. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures
3. Stable, horse barn, riding academy or kennel
4. Farmer's market
5. Beekeeping
6. Forestry uses, including sawmills
7. Public conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.
8. Public and non-profit parks, greens, squares, playgrounds, and recreation areas and facilities (excluding golf courses)
9. Home based businesses (no impact)
10. Uses customarily incidental to and on the same lot with any permitted use, conditional use, or use by special exception authorized in this District

Section 1603. Use by Special Exception (shall be permitted in accordance with Article 23)

1. Temporary farm housing provided:
    a. Takes place on a farm of at least twenty-five (25) acres
    b. Utilizes manufactured homes
    c. Is only used to house farm laborers
    d. Is removed when farm laborers no longer occupy the house
2. Agricultural use, intensive, provided:
    a. Shall not be located closer than two-hundred (200) feet from any residentially zoned property line or residence on adjacent property
3. Farm-related business provided
4. Agricultural sales and services provided:
5. Church
6. Public utility facility (Article 22, Section 2211.G)
7. Communications antennas (Article 23, Section 2304.A)
8. Communications towers (Article 23, Section 2304.D)
9. Conversion Apartments (Article 23, Section 2304.E)
10. Day care facility
11. Municipal buildings and facilities
12. Cemetery
13. Additional residential units per lot

Section 1604. Prohibited and Incompatible Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district. In general, uses and activities that induce non-farm development, generate large amounts of traffic, require substantial parking or could pose a threat to agricultural water supplies are inconsistent with the purposes of the Agricultural District. Without limiting the foregoing, the following specific uses are deemed by the Township Board of Supervisors to have the effect of altering the essential character of the Agricultural District and causing substantial and permanent impairment to the prevailing agricultural uses within this district and hence, are detrimental to the public welfare, and such uses would therefore be in contravention of the requirements set forth in Section 910.2 of the Municipalities Planning Code for considerations of variances: landfills, quarries, golf courses, sewage treatment plants, airports, and country clubs.

Section 1604. Development Standards

A. Lot Size:
   1. Farm Parcel: 25 acres
   2. Non-Farm Lot:
      Minimum Lot Size: 1 acre
      Maximum Lot Size: 2 acres
   3. All other uses: 1 acre

B. Setback Regulations
   1. Non-farm lot front and rear yard setback: 50 feet
   2. Non-farm lot side yard setback: 25 feet
   3. Farm parcel front, rear, side yard setback: 50 feet

B. Lot Width: 100 feet

B. Height Regulations
   1. Height Maximum of Principal Structure: 35 feet
   2. Farm structures shall be exempt from height regulations

C. Vegetation Setback Requirement: On any non-farm parcel, no shrub or tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any land used for agricultural purposes.

D. Parking: Shall be developed in accordance with Article 25

E. Signs: Shall be developed in accordance with Article 24

F. Shade Trees: Shall be developed in accordance with Article 22

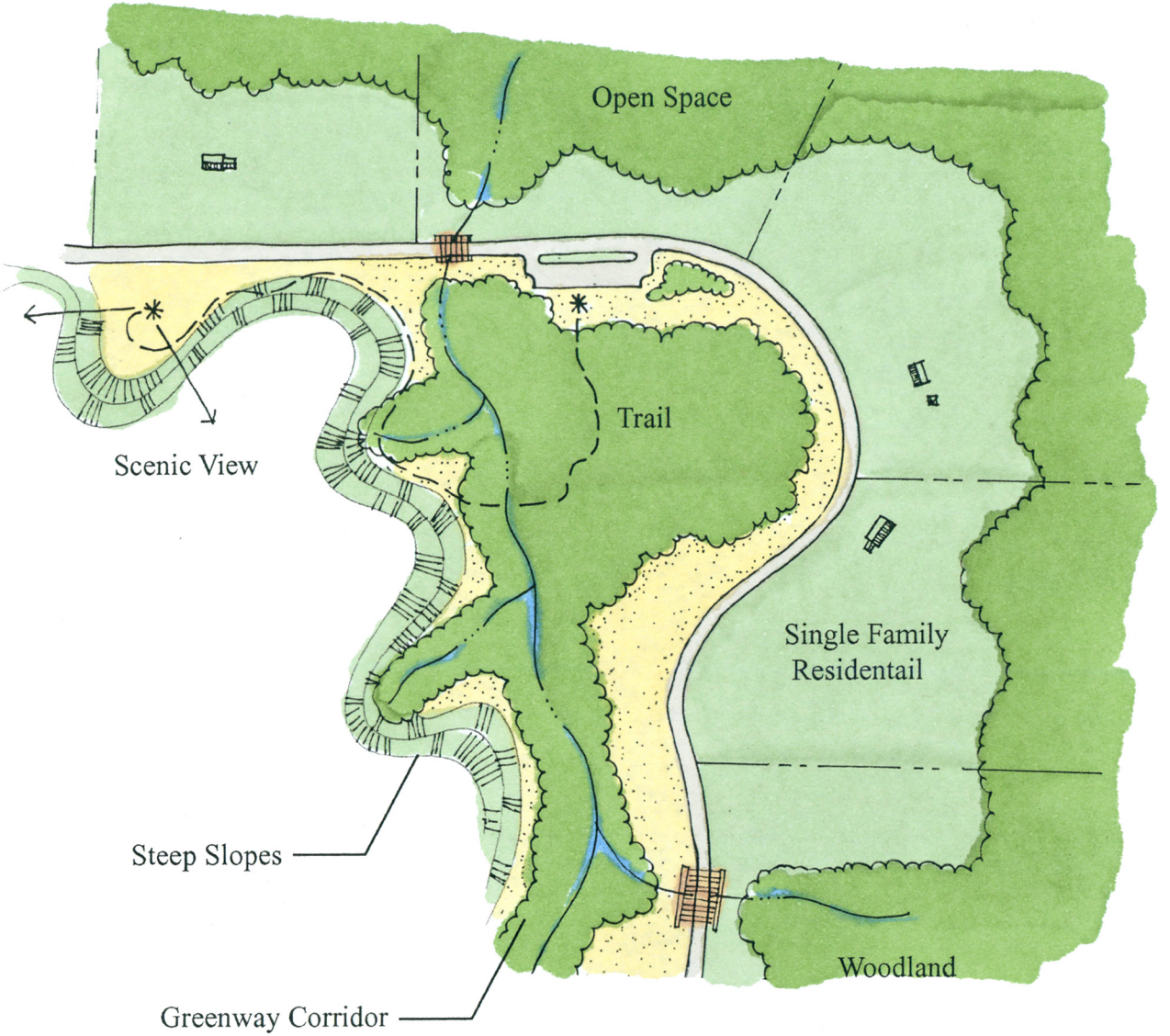
G. Sidewalks: Shall be developed in accordance with Article 22

H. Streetlights: Shall be developed in accordance with Article 22

I. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 1605. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



Rural Conservation District

ARTICLE 17
RURAL CONSERVATION DISTRICT

Section 1701. Purpose.

The Rural Conservation District is designed to protect areas for preservation and conservation of the natural environment. It is also to encourage the retention of forested and steep sloped areas, wildlife resources, scenic views, and agricultural areas while permitting limited residential and passive recreational uses. The designation is also to provide for the development of a network of greenways and support trail development for pedestrians and bicycles.

Section 1702. Permitted Uses

1. Single-family dwelling
2. Agriculture uses including general farming, pasture, grazing, outdoor plant nurseries, horticulture, sod farming, wild crop harvesting
3. Forestry
4. Public conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.
5. Passive recreation areas and facilities, game refuges, and similar non-intensive uses
6. Trails
7. home based businesses (no-impact)
8. Uses customarily incidental to and on the same lot with any permitted use, conditional use, or use by special exception authorized in this District

Section 1703. Use by Special Exception (shall be permitted in accordance with Article 23)

1. Agriculture-related businesses
2. Public and non-profit parks, greens, squares, playgrounds, and recreation areas and facilities
3. Public campgrounds and facilities
4. Public utility facility (Article 22, Section 2211.G)
5. Municipal buildings and facilities
6. Church

Section 1704. Prohibited Uses

All uses not specifically allowed as a permitted use or a conditional use is prohibited within this district.

Section 1705. Development Standards

A. Density

Minimum residential density: 1 dwelling unit per acre

B. Lot Regulations

1. Minimum lot area for single family dwelling: 40,000 sq. ft.
2. Impervious surface cover: 10%
3. No greater than fifty percent (50%) of lot area or 25,000 square feet, whichever is less, may be disturbed. Site disturbance shall include all areas disturbed or otherwise impacted for the purpose of constructing buildings and structures as well as all graded areas and lawns.

C. Setback Regulations
   1. Minimum Front Yard Setback: 15 feet
   2. Minimum Side Yard Setback:
   3. Minimum Rear Yard Setback:
   4. Minimum setback from waterways, lakes, or ponds: 100 feet

D. Height Regulations
   1. Height Maximum of Principal Structure: 40 feet
   2. Height Maximum of Accessory Structure: 25 feet
   3. Farm structures shall be exempt from height regulations

E. Parking: Shall be developed in accordance with Article 25

F. Signs: Shall be developed in accordance with Article 24

G. Shade Trees: Shall be developed in accordance with Article 22

H. Sidewalks: Shall be developed in accordance with Article 22

I. Streetlights: Shall be developed in accordance with Article 22

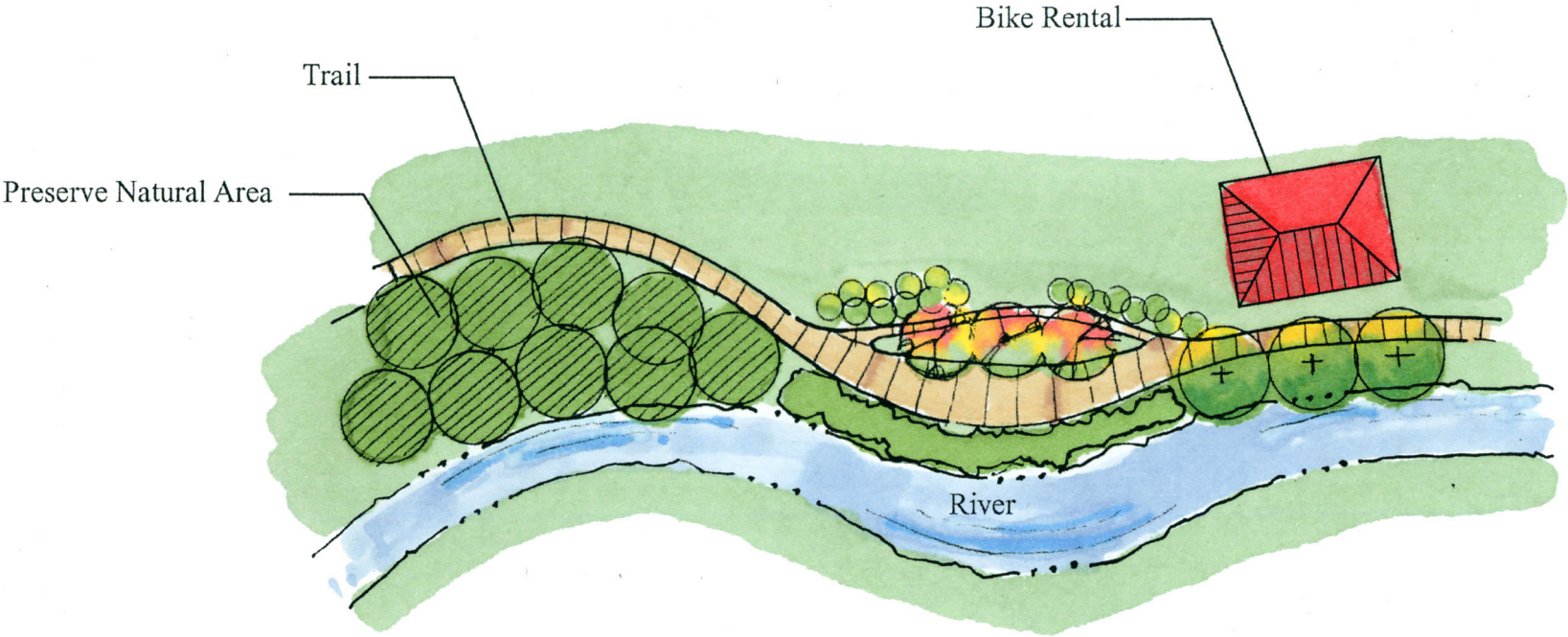
J. No building shall be placed in an area where slopes are in excess of fifteen percent (15%) except by special exception provided that the standards and conditions in Article 22, Section 2212, Steep Slope Standards, are met.

Section 1706. Building Placement

A. In order to visually maintain the rural character of Woodward Township, it is recommended that buildings be sited on any tract in the Rural Conservation District so that the building is not constructed.
   1. Along the top of a ridge line
   2. In an open field without vegetative screening
   3. Without consideration of environmentally sensitive features.
   4. Whenever feasible, building should be located on the edge of fields and in wooded areas to minimize the visual impact of development.

Section 1707. Site Plan Review

Any use allowed in the district shall be subject to site plan review by the Planning Commission. Site plan review must occur before issuance of any building permit, plumbing permit, highway occupancy permit, or other special permit.



River Recreation Overlay District

ARTICLE 18
RIVER RECREATION OVERLAY DISTRICT

Section 1801. Purpose

The purpose of the River Recreation Overlay District is to preserve and enhance the riverfront of the Beaver River as a recreational and economic amenity to the region. It is also to provide consistency of uses along the riverfront in all municipalities that front the Beaver River. The designation will seek to preserve the natural areas surrounding the riverfront and allow for recreational related uses. The district will seek to enhance the natural systems along the waterfront and allow for recreational economic development opportunities.

Section 1802. Relation to Zoning District and Zoning Map

The river recreation areas as described in Section 1801 shall be overlays to the existing underlying zoning districts, as shown on the Zoning Map. The provisions of the River Recreation Overlay District set forth herein shall serve as a supplement to the underlying district provisions.

1. In the event that any conflict exists between the provisions or requirements of the River Recreation Overlay District and the underlying zoning district, the more restrictive provisions shall apply in the area of conflict.
2. In the event that any conflict exists between the provisions or requirements of the River Recreation Overlay District and another overlay district, the more restrictive provisions shall apply in the area of conflict.
3. In the event that any provision concerning a River Recreation Overlay District area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

Section 1803. Permitted Uses

1. Public or privately owned recreation facility
2. Picnic Grove
3. Active or passive park land
4. Community Center
5. Small retail establishment related to recreational uses not to exceed 25,000 square feet.
6. Restaurant – not to exceed 8,000 square feet.
7. Water oriented uses with no more than 75 boat slips
8. Nature preserve
9. Bicycle or Pedestrian Path
10. Outdoor Amphitheater
11. Public Swimming Pool
12. Forestry

All uses permitted by right in this District shall be permitted by-right provided that:

a. No development shall be permitted by-right on slopes in excess of 25 percent
b. No development shall be permitted by-right within the floodway.

Section 1804. Conditional Uses

Section 1805. Special Exceptions

Section 1806. Prohibited Uses

Dumping of any kind is prohibited in this district. All uses not specifically allowed as a permitted use, conditional use, or special exception is prohibited within this district.

Section 1806. Development Standards

1. Development may not exceed more than 15% of the site.
2. No new construction or development shall be authorized in a floodway for any use, which does not require direct access to a river, other than recreation and open space uses.
3. To the maximum extent possible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway
4. If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction
5. All requirements of Site Plan Review Procedures must be met.
6. Parking shall be provided in accordance with Article 25.
7. All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
8. All uses shall seek to minimize alteration of natural drainage patterns, shall minimize grading and unnecessary removal of natural vegetation, shall seek to preserve substantial stands of mature and healthy trees, shall take into account attractive scenic views and shall properly respect any other important natural features existing on the site.

Section 1807. Site Plan Review

Site Plan Review procedures must be followed as outlined in Article <insert #>.

Cultural Resource / Church

Historic Home

Historic Home

Historic Overlay District

ARTICLE 19
HISTORIC PRESERVATION OVERLAY DISTRICT

(Note: Procedures for establishing a Historic District Ordinance in accordance with the Historic District Act of 1961 are included in the Appendix of this document. It is recommended that any municipality considering the adoption of a Historic District Ordinance or Historic District Overlay designate a Historic Preservation Commission and a Board of Historical Architectural Review and establish a formal review and approval process for proposed actions affecting historic resources)

Section 1901. Purpose

The purpose of the Historic Overlay District is to preserve resources including buildings, vistas, and features, which may be scattered. The overlay requires the municipality and developer to assess the historic characteristics of a site before developing which helps to balance preservation of resources with new development. What was identified in the comprehensive plan in the historic and cultural resources element should be considered for preservation. (*Note: A municipality should conduct their own more intensive inventory of resources to incorporate into a more detailed/strict preservation overlay*).

The Historic Preservation Overlay:

1. Provides for the protection, preservation, maintenance, restoration, and appropriate use of historic resources located within the Borough.
2. Assures that the regulation of historic resources is accomplished in a manner that is coordinated with and compatible with the community development objectives, this chapter and other regulations of the municipality.
3. Assures that the regulation of historic resources is accomplished in an equitable manner by incorporating those regulations within this Chapter, thereby assuring to persons who may be affected by those regulations the same rights of appeal as are provided for other zoning matters by the provisions of the Municipalities Planning Code (MPC).
4. Exercises in a coordinated manner the authority and/or responsibility to protect historic resources and to comply with the procedures specified in: 1) the Municipalities Planning Code; 2) the Pennsylvania Historic District Act; 3) provisions for certified local governments contained in the Federal National Historic Preservation Act Amendments of 1980 and regulations issued pursuant thereto.

Section 1902. General Provisions

A. Historic Resources Overlay District

The HP (Historic Preservation) Overlay District works with the underlying zoning district to add regulations to protect and enhance the historic, architectural, and cultural heritage of the Upper Beaver Valley Region. The provisions of the Historic Overlay District shall apply to all structures and properties included in the Historic Resources Overlay District. All provisions of the underlying zoning use districts shall continue to apply to land and structures within the Historic Resources Overlay District except as specifically superceded, or modified by provisions of this Article.

B. Historic Resources Overlay Map

The location of all structures and land included in the Historic Resources Overlay District shall be delineated on the municipal zoning map.

1. Where delineation on the Zoning Map is no sufficient to identify each structure and property included in the Historic Resources Overlay District, the Zoning Officer shall prepare and maintain a list of included properties, together with such additional information as may be necessary to administer the provisions of this Article. Any such list shall be considered part of the Zoning Map.

C. Criteria for designation of a historic structure or a historic district

1. Possesses significance in history, architecture, archeology, or culture;
2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
3. Is associated with the life of a person or persons significant to the community;
4. Embodies the distinctive characteristics of a type, period, style, or method of architecture or construction;
5. Represents the work of a significant builder or craftsman;
6. Represents an established and familiar feature of the community;
7. Possesses high artistic values;
8. Is eligible for listing in the National register of Historic Places
9. Is listed as a historic structure or landmark within the Upper Beaver Valley Regional Comprehensive Plan

D. Classification of Historic Resources:
(Note: An inventory of historic districts and structures should be conducted and areas, structures, and land shall be designated for coverage by the provisions of this Article by the governing body of the municipality.)

Historic resources included in the overlay district may include designated historic districts, individual structures or groups of structures, land or land and structures in combination, provided that the resource has architectural or historical significance to the community.

1. Historic Districts - The following kinds of districts may be included in the Historic Resources Overlay District:

    a. National Register Historic District – an area listed as a historic district on the National Register of Historic Places
    b. Certified Historic District – an area designated a historic district by a local ordinance, which has been certified as significant by the Pennsylvania Historical and Museum Commission according to provisions of Act 167 of 1961, the Historic District Act.
    c. Local Historic District – an area designated as a historic district by the municipal government, which has local historical or architectural significance but lacks Federal or State recognition.

2. Historic Resources not in Districts – Individual structures, group of structures, land or land and structures in combination may be designated by as historic resources in the overlay zoning district and shall be subject to the provisions of this Article. In designating properties not located in the historic districts for inclusion in the Historic Resources Overlay District, the following kinds of properties shall be eligible:

a. Properties listed on the National Register of Historic Places or evaluated by the National Park Service or the Pennsylvania Historical and Museum Commission as eligible for listing on the National Register
b. Properties identified as having outstanding historic or architectural significance in a State historic resource survey or other competent inventory.

Section 1903. General Procedures

A. No permit shall be issued for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure within the Historic Resources Overlay District except in accordance with all applicable requirements contained in this Article. The Section outlines the general process for considering and deciding upon proposed permit application in the Historic Resources Overlay District.

B. An application for a permit for any activity subject to the requirements of the Historic Overlay District shall be made to the Zoning Officer.

Section 1904. Permitted Uses

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 1904. Conditional Uses

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 1905. Prohibited Uses

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 1906. Historic Review of Exterior Alterations

A. The following "Standards for Rehabilitation" will be use as criteria in issuing a permit for alteration of structures.

1. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided where possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, site, and its environment. These changes may have acquired significance in their own rights, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than in conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

B. Approval of a permit for alteration should consider that many historic structures have been inappropriately altered prior to the enactment of this ordinance. It is not the intent of the regulations contained herein to require that all such inappropriate alterations be removed as a condition of authorizing new alterations. Rather it is the intent of these regulations to assure that future alterations are appropriate to the historic and architectural character of the building and to encourage, where feasible, the restoration of historic building features.

Section 1907. Historic Review of New Construction

A. New construction in historic districts will be permitted if it is compatible with the scale and basic design elements of adjacent and surrounding buildings and with distinguishing side design elements of the district. The intent is not to require or encourage new buildings to look like old buildings, but to assure pleasing and harmonious relationships between old and new that will maintain and strengthen the architectural character of the historic district. The following design elements will be considered:

1. Building Height: New Building should be constructed to a height within ten (10) percent of the average height of adjacent buildings.
2. Elevation Proportion: The relationship between the height and width of the front elevation of a new building should be within ten (10) percent of the average proportions of adjacent buildings.
3. Proportion of Openings: The relationship of height to width of windows and doors of a building should be within ten (10) percent of the proportions of windows and doors of adjacent buildings.
4. Rhythm of Solids and Voids: The rhythm of solids to voids in the front façade of a building should be similar to adjacent buildings.
5. Horizontal Lines: Basement sill lines and header and sill lines of a building should follow the horizontal lines of adjacent buildings.
6. Spacing of buildings on street: Setbacks and side yards of new buildings should be similar to those on adjacent parcels.
7. Roofs: The shape, style, and material should be compatible with materials commonly used within the historic district.
8. Building Materials: Building materials should be compatible with materials commonly used within the historic district.

9. Color: The predominant color of a building and the color of its trim should be compatible with the colors of surrounding buildings.
10. Architectural Details: The use of specific architectural elements and details such as porches, dormers, cornices, brackets, quoins, balustrades and the like may be use to strengthen the relationship of new construction to the existing architecture of the district. However, such detailing is not sufficient to assure appropriateness if the structure is no related to its surroundings in terms of massing, rhythm and proportions.
11. Landscaping: The use of plant materials that are traditional in the district should be encouraged. Similarly encouraged is the use of paving and fence materials that are traditional in the district.

Section 1908. Historic Review of Demolitions or Relocations

A. A permit shall be required for the demolition, in whole or in part, or a structure, which is subject to the requirements of this section.
    1. Demolition shall include the removal of significant exterior architectural feature as well as demolition of an entire structure or portion of a structure.

Section 1909. Maintenance and Repair Required

A. No owner or person with interest in real property in the Historic Overlay District shall permit the property to fall into a state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:
    1. Deterioration of exterior walls or other vertical supports
    2. Deterioration of roofs or other horizontal members
    3. Deterioration of exterior chimneys
    4. Deterioration or crumbling of exterior stucco or mortar
    5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors
    6. Deterioration of any features so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety

Section 1920. Signs

A. All development must abide by all signage standards in Article 24 as well as the additional standards outlined in this section 1920.
B. Certificate of Appropriateness Required. A permit shall not be issued for the placement or alteration of any business identification sign in the HR District until a certificate of appropriateness has been issued for the proposed sign in accordance with the procedures outlined.
C. General Requirements. All signs within the HR district shall comply with the sign regulations which are applicable in the underlying zoning district, unless excepted under the provisions of subsection (2) hereunder, and with the additional special standards for signs contained in this Section.
    i. A sign which meets the requirements of the underlying district must still be certified as appropriate in relation to the specific building on which it is to be located and in terms of compatibility with signs in the surrounding area; compliance with the underlying zoning district requirements does not guarantee approval of a certificate of appropriateness.
    ii. The Planning Commission may recommend and the governing body may issue a certificate of appropriateness for a sign which is not permitted by the regulations

of the underlying zoning district if the proposed sign is shown to be historically accurate by documentation acceptable to the municipality.

D. Special Standards for the Historic Overlay District.

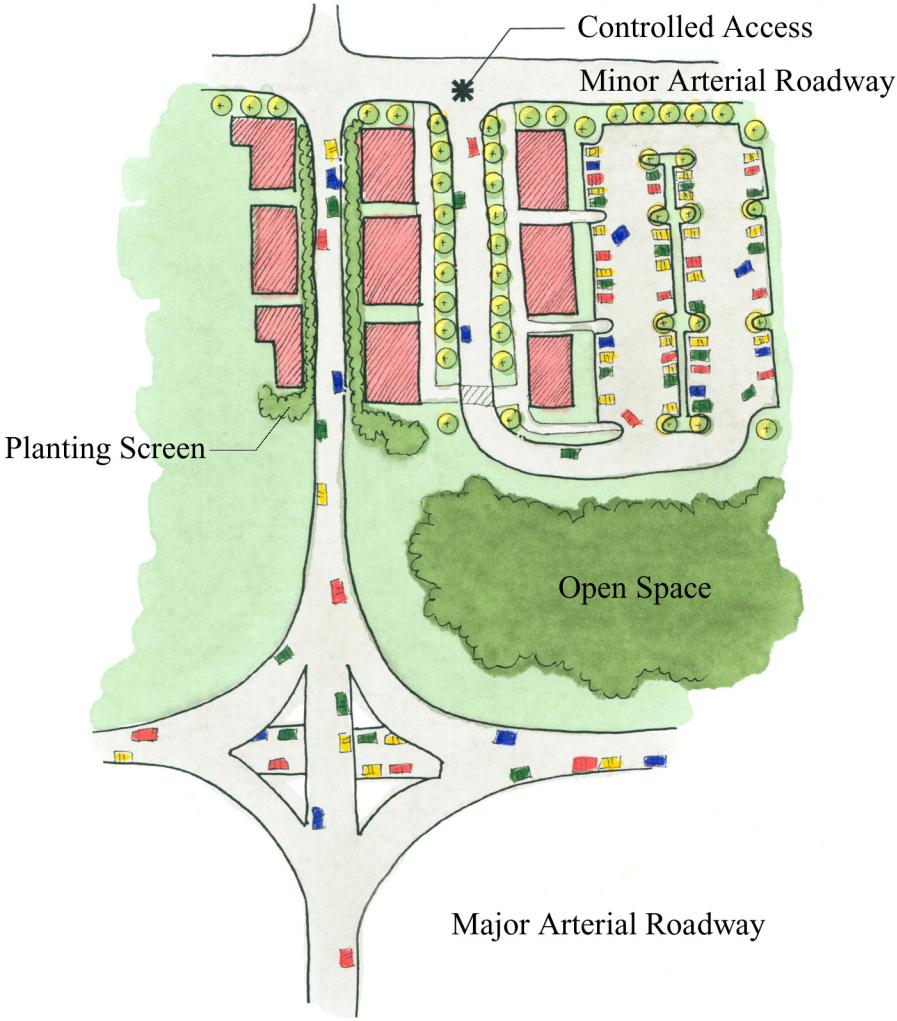
i. Illumination of signs shall be indirect only and shall be shielded or otherwise arranged to prevent glare.

ii. Acceptable sign types include:

1. Wall signs or flush signs, including signs framed on a background, mounted on a board and painted on a board, when the size of the sign is in proportion to the building the façade and the features of the façade.
2. Signs painted on a wall when the sign is painted in a historically appropriate location, including the sidewalls of buildings constructed for commercial uses and when the size of the sign is in proportion to the building and the features of the building.
3. Hanging shingle signs that do not project more than two (2) feet beyond the outer building wall, and that are at least eight (8) feet above the sidewalk, and that do not project above the level of the second story window sills.
4. Etched or painted signs on window glass covering no more than twenty (20) percent of the glazing area.
5. Awning or canopy signs; provided, the awning or canopy is of canvas or another similar heavy-duty, woven, flexible, natural fiber; and, provided that, the awning or canopy is of a design that is compatible with the features of the building (round for arched openings; sloping for non-arched openings); and provided that the color of the awning or canopy is compatible with the colors of the building and adjacent buildings; and provided that the installation of the awning or canopy does not obscure significant architectural features of the buildings; and, provided that, the sign appears only within the narrow band that hangs below the frame of the awning or canopy.
6. Signs shall be placed in traditional locations on building facades.
7. Installation of signs shall not obscure significant architectural features.
8. Sign colors shall be compatible with the colors of the building and adjacent buildings.
9. All signs on a single building should be compatible with each other with the building on which they are located, and with the overall streetscape.

Section 1921. Parking

All parking requirements will be followed in accordance with Article 25



Access Management Overlay District

ARTICLE 20
ACCESS MANAGEMENT OVERLAY DISTRICT

Section 2001. Purpose

The purpose of the Access Management Overlay District is to encourage controlled, sensible development, and design standards for easy, safe flow of traffic into businesses and onto main corridors. The overlay is to help define and control access points. The Access Management Overlay District is often placed around interchange locations and heavily traveled commercial corridors.

Section 2002. Permitted Uses

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 2003. Conditional Uses

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 2004. Use by Special Exception

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 2005. Prohibited Uses

All uses allowed within the primary use designated for the corresponding area on the zoning map on which this district is overlayed.

Section 2006. Highway Access and Safety

A. All plans for vehicular access to new development from the Interchange Access Road shall be submitted to the municipality. If PennDOT approval is required, plans must be submitted to the municipality and PennDOT concurrently for review and approval.
B. Any right-of-way providing vehicular access to a development within this zone shall be of a type that is equal to or of a lower order than the highest order road serving the adjacent area.
C. Any new right-of-way providing vehicular access from the access road shall be located a minimum distance of 300 feet from the point at which the exit/entrance ramp or the major arterial intersects the access road.
D. Direct vehicular access to uses fronting on an Interchange Access Road may be permitted in the following instances:
    a. Where direct access currently exists
    b. Where phased development is to occur as a single project or as part of a larger development, whether by one or more applicants, temporary direct access may be permitted. For purposes of this subsection, the period of temporary direct access shall not extend beyond the lesser of one year or at such time of construction of the second phase of development has commenced. Upon termination of the temporary direct access period, direct access shall no longer be permitted.

E. Unless the municipality has adopted an official map, access easements that connect adjoining properties and land developments for vehicular and pedestrian access shall be provided.

F. All proposed nonindustrial development with vehicular access from an access road that will 1) provide in excess of 35,000 square feet of total gross floor area space or 2) generate an estimated 100 or more vehicular trips on the access road during such road's peak travel period per day, as defined by current traffic volumes and concurrence of the municipality; PennDOT; and the developers traffic engineer, is required to provide a Traffic Impact Study to the Municipality.
G. All proposed industrial development with vehicular access from an access road that will generate an estimated 100 or more vehicle trips on the access road during the road's peak travel period per day is required to provide a Traffic Impact Study to the municipality.
H. The municipality may require a traffic impact study for any proposed development within the overlay zone.
I. Any Traffic Impact Study shall be prepared by a qualified professional.
J. Upon review of the Traffic Impact Study, the municipality shall recommend improvements to the developer to minimize the development's traffic impact and maximize public safety. Such recommended improvements shall be taken into account in any zoning, site plan, or subdivision review of the proposed development.
K. Any use that does not fully utilize its parking area on weekdays is encouraged to provide daytime park and ride opportunities.
L. All uses shall provide for pedestrian sidewalks and bicycle lanes where feasible and appropriate to provide linkages between lots.
M. Public transit amenities shall be provided where appropriate, as determined by the municipality. The amenities shall include a transit stop pull-off and pad area, covered shelter, and connecting walkways to buildings. ADA (Americans with Disabilities Act) standards shall be followed.

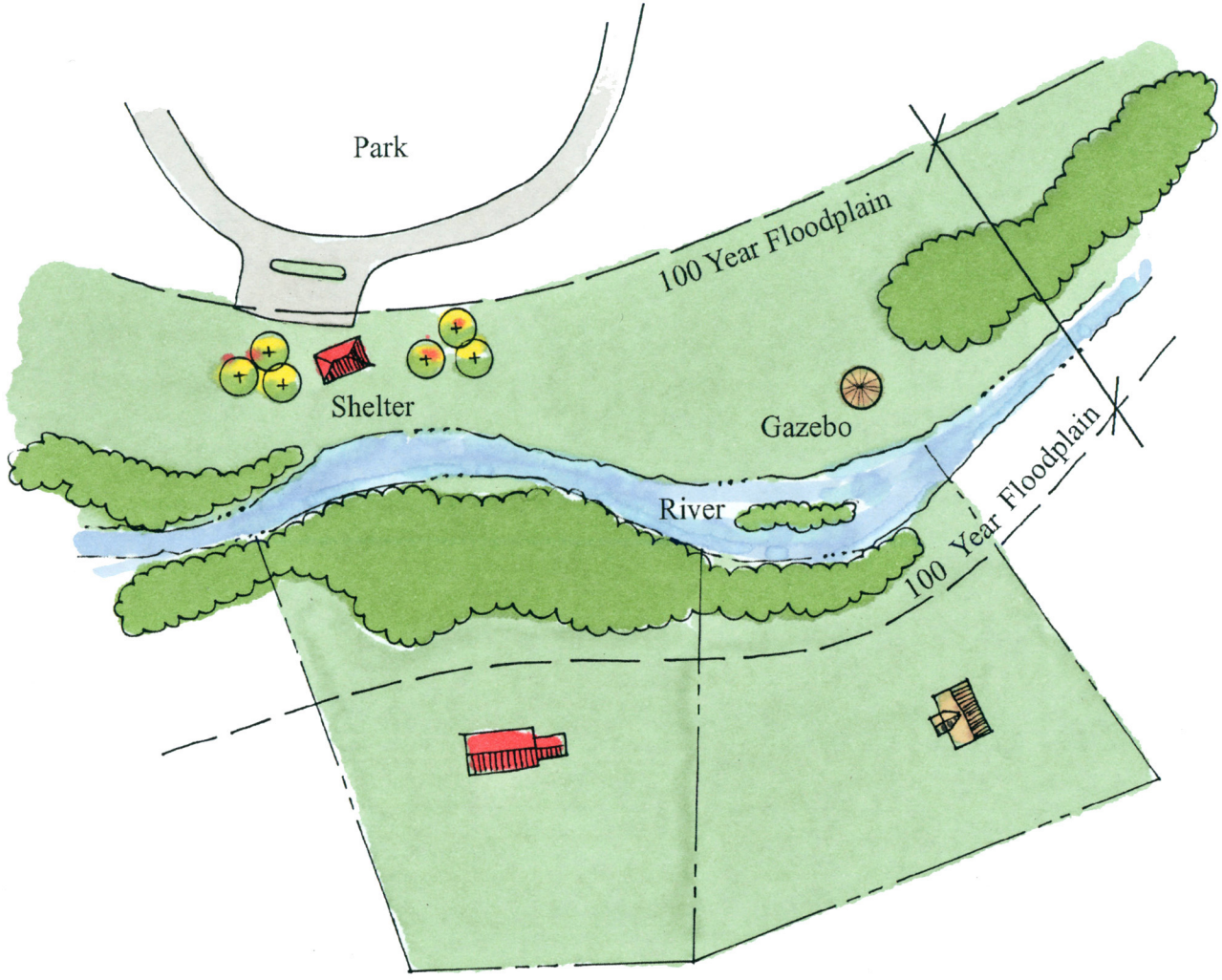
Section 2007. Setbacks and Landscaping

A. All proposed development to be located within the zone should meet the following setback requirements.
    a. A minimum setback from the edge of the right-of-way of the access road, as determined by the following table. Dimensions not shown in the table are to be determined by the municipality.

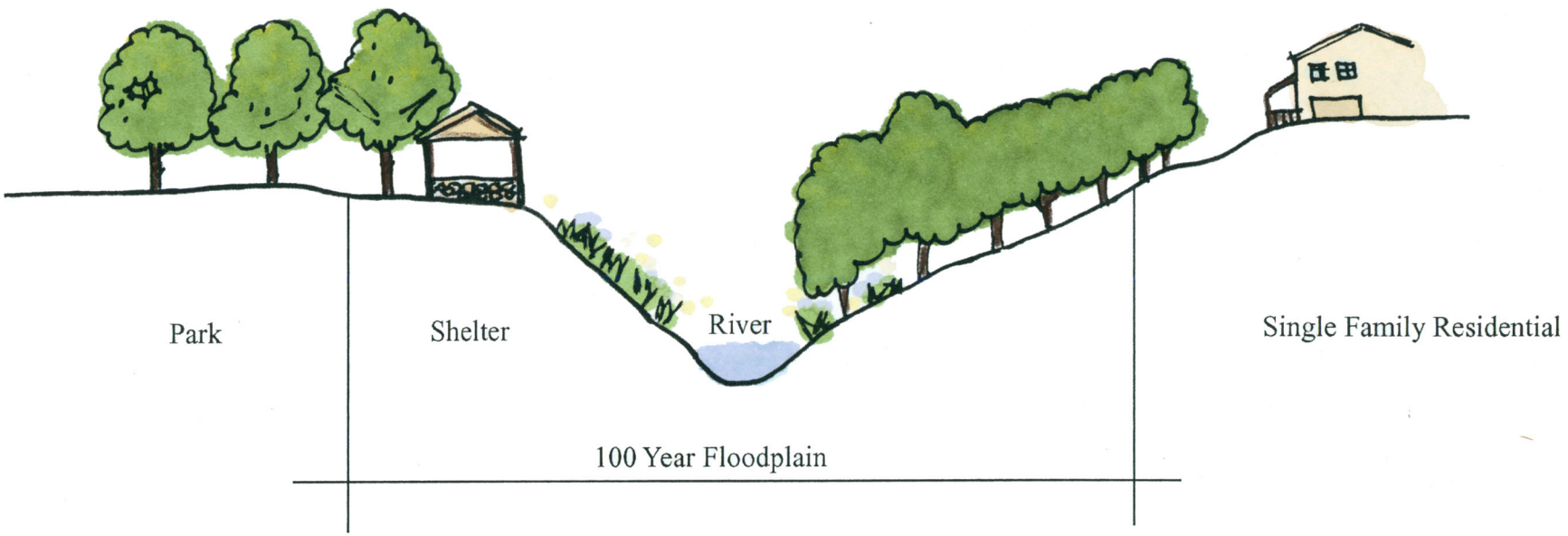
ROW Width	33 Feet	50 Feet	80 Feet	100 Feet
Setback size	83 Feet	75 Feet	60 Feet	50 Feet

    b. A minimum setback of one hundred (100) feet from the edge of the right-of-way of a highway.
    c. The setback requirements shall apply to all buildings, parking areas, and service or loading zones.
    d. All lots adjacent to an access road shall provide a minimum of one (1) tree for each forty (40) linear feet of road frontage. Lots less than forty (40) feet in width shall provide a minimum of one (1) tree.
    e. Within the setback established, sidewalks or pedestrian walkways shall be provided within the last thirty (30) feet of the setback.
    f. Developers are encouraged to respond to topography and vegetation in the design of the sidewalk or walkway layouts.
    g. An approved landscape plan shall be required for all proposed parking lots within the overlay zone.
    h. Parking lots and service or loading zones for commercial or industrial uses shall be landscaped along road frontages.
    i. Interior parking lots shall contain at a minimum the equivalent of one (1) for every ten (10) parking spaces. Instead of a uniform spacing of trees, they may be may be clustered or grouped with the approval of the municipality.

j. Planting islands within parking areas shall be no less than 160 square feet per tree at a minimum width of five (5) feet (excluding curb) and shall be underlain by a minimum of two (2) feet of suitable planting soil free of construction debris. Developers are encouraged to reduce curb height, provide breaks in the curb or eliminate curbs around planting islands so that they may be used as infiltration areas for stormwater reduction. Islands to be used for this purpose would be required to be at a lower grade to allow for the absorption of water.



Floodplain Overlay District



Floodplain Overlay District

ARTICLE 21
FLOODPLAIN OVERLAY DISTRICT

Section 2101. Purpose

The purpose of the Floodplain Overlay District is to prevent the loss of property and life and protect the floodplain areas subject to floodwater. It is also intended to permit and encourage the retention of open spaces uses and to guide incompatible development into more appropriate zoning districts. This district is to be applied to areas which are subject to flooding by a one hundred (100) year flood. All residential, commercial, and industrial uses shall be prohibited within the Floodplain Overlay District.

Section 2102. Relation to Zoning District and Zoning Map

The floodplain areas as described in Section 2101 shall be overlays to the existing underlying zoning districts, as shown on the Zoning Map. The provisions of the Floodplain Overlay District set forth herein shall serve as a supplement to the underlying district provisions.

1. In the event that any conflict between the provisions or requirements of any of the Floodplain Overlay District areas and those of any underlying zoning district, the more restrictive provisions shall apply.
2. In the event that any provision concerning a Floodplain Overlay District Overlay area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

Section 2103. Permitted Uses

The following uses are permitted in the Floodplain Overlay District (FPO):

1. Passive open space
2. Agriculture generally associated with floodplain and waterway uses
3. Cultivation and harvesting of crops
4. Pasture and grazing land
5. Outdoor plant nursery and orchard land
6. Trails and greenways
7. Park and Picnic grove (excluding buildings or structures)
8. Golf course (excluding buildings or structures)
9. Hunting and fishing clubs (excluding building/or structures)
10. Game farm and fish hatchery reserves
11. Wildlife sanctuary, woodland preserve, arboretum
12. Sports fields (soccer, baseball/softball)
13. Gardens
14. Forestry

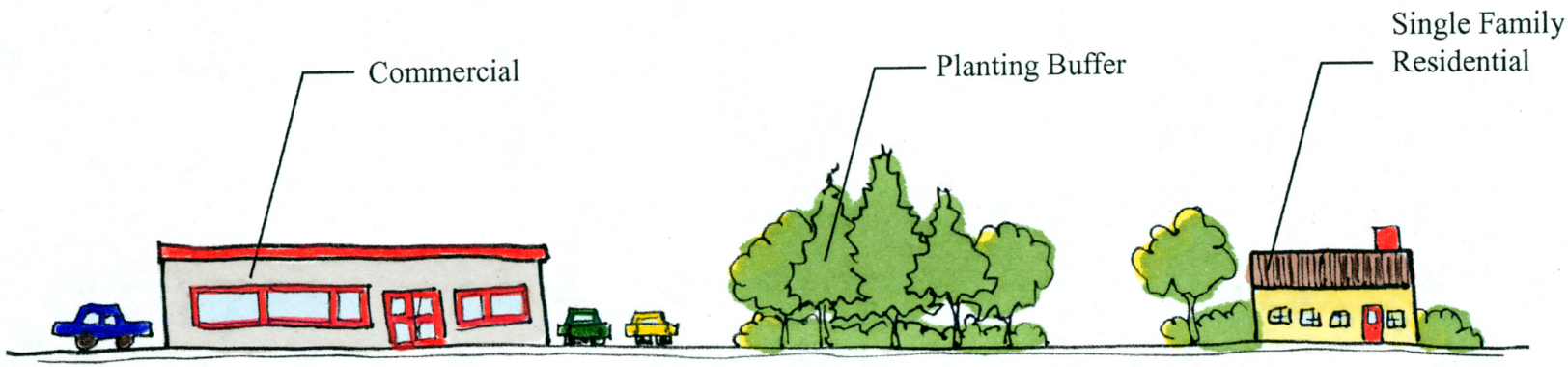
Section 2103. Expansion of Existing Buildings or Structures

Section 2104. Prohibited Uses

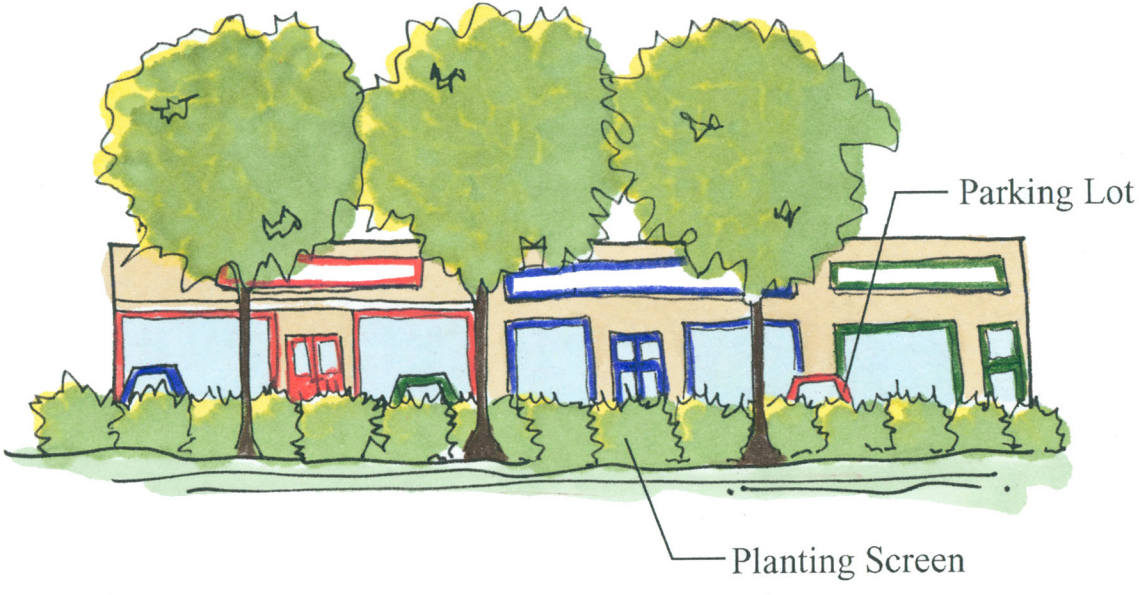
All uses not specifically allowed as permitted uses or conditional uses are prohibited within this district.

Section 605. Development Standards

1. No structures shall be placed within the boundaries of the Floodplain Overlay District (FPO). Any proposed use shall not, by runoff or otherwise, contribute to increasing the regulatory flood elevations.
2. No area in the FPO shall either be paved or covered with impervious materials, nor the placement of materials or other accessories subject to floatation by floodwaters be permitted.



Buffering



Screening

Sidewalk

ARTICLE 22
SUPPLEMENTAL DISTRICT REGULATIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this ordinance.

Performance Standards

Section 2201. Fire Protection

Fire prevention and fighting equipment which conforms to the requirements of the NFPA and BOCA Fire Prevention Code shall be readily available on site when any activity involving the handling or storage of flammable or explosive materials.

Section 2202. Electrical Disturbance

No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

Section 2203. Noise

Noise, which is determined to be objectionable due to volume, frequency, or beat, shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25') feet from any property line of the property from which the noise source is located, shall not be permitted.

Section 2204. Vibrations

Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

Section 2205. Odors

No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property. There shall be no emission of any malodorous gas or matter, which violates the regulations of the Beaver County Health Department.

Section 2206. Glare

No direct or sky-reflected glare, whether from floodlights or from high temperature processes shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. For purposes of interpreting this Sub-section, glare shall be defined as direct or indirect light from any source which exceeds one-half (1/2) foot candle on any adjoining property.

In all Zoning Districts, all lighting devices located within one hundred (100) feet of a property line adjoining residential use or zoning classification shall be designed with shields, reflectors, or refractor panels which direct and cut off light at a cutoff angle which is less than 90 degrees. Cutoff angle is defined as the angle formed by a line

drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Section 2207. Erosion

No erosion by wind, water, or other source shall be permitted which will carry objectionable substances onto neighboring properties.

Section 2208. Determination of Compliance with Supplemental District Regulations

During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility, or use will comply with the provisions of this Section. In reviewing such documentation, the **<inset name of municipality>** may seek the assistance of any public agency having jurisdiction or interest in the particular issues and may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

Section 2209. Continuing Enforcement

The Zoning Officer shall investigate any purported violation of the performance standards, and, subject to the approval of the **<insert name of governing body>**, may employ qualified technical experts to assist in the determination of violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the standards of this ordinance, said costs will be borne by **<insert name of municipality>**.

Section 2210. Accessory Buildings, Structures, and Uses

A. Accessory Apartments

1. Only one accessory apartment may be created in a single family detached dwelling and the appearance of the building will remain intact. In general, any new entrance shall be located to the side or rear of the home. Off street parking must be provided in accordance with Article 25.
2. A minimum of five hundred (500) square feet of floor area shall be required.

B. Outdoor Storage and Display

1. 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.
2. Outside storage areas excluding product display areas, shall be shielded from view from public streets.
3. Roadside produce stands and plant nurseries shall be exempted from outdoor storage limitations.

C. Swimming Pools

1. The pool is over eighteen (18”) inches in depth, is intended, and is to be used, solely for the enjoyment of the occupants of the principal use or the property on which it is located, including guests.
2. Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
3. Pools shall not be located, including any walks or paved areas or accessory structures, closer than five (5’) 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.
4. All permanent swimming pools hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four (4’) feet but nor 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 locking devices.
5. 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. Utility Buildings

1. No utility building shall be erected in the front yard.
2. The combined floor area of all utility buildings shall not exceed 200 square feet of floor area.
3. No utility building shall be located closer than 5 feet to the rear or side property lines or any easement unless more stringent requirements are contained in a specific district of this ordinance.

Section 2211. General Provisions

A. Streetlights

Streetlights where required, shall be at a pedestrian scale, fit harmoniously into the design, be a maximum of 15’ feet in height and have an intensity which maintains the character of the district and community.

B. Sidewalks

In order to facilitate pedestrian travel and enhance traffic safety, sidewalks shall be provided for all new land developments and changes in use where sidewalks do not currently exist. The width and materials should be consistent with the surrounding sidewalks. Sidewalks must be a minimum of four (4’) feet wide.

C. Shade Trees

Shade trees and other plant materials shall be provided along street frontage occupied by new land developments where applicable and change of uses prior to the issuance of the

Certificate of Use and Occupancy Permit. In general a minimum of one tree shall be provided for each residential lot. The minimum distance between the curb or sidewalk and the tree shall be two and a half (2 and ½') feet apart along the entire length of each existing and proposed street. If possible, it is recommended that street trees be located in a five (5') foot wide planting strip between the sidewalk and the curb.

D. Alleys

Alleys should be encouraged as the primary means to provide access to parking located generally to the rear of structures in the residential districts. Alleys shall be parallel to primary streets; shall serve as a secondary means of access to any lot; and shall be paved a maximum of sixteen (16') feet in width with a twenty (20') foot right-of-way.

E. Obstruction to Vision

Walls, fences, signs, or other structures shall not be erected or altered, hedges, trees, or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.

F. Projections into Required Yards

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 eighteen (18") inches in any case. Facilities installed to provide access to the physically challenged may extend into any front yard. The following encroachments are permitted in the required yard areas:

1. Light fixtures.
2. Sidewalks or walkways on grade.
3. Signs in accordance with Article 15.
4. Fences, not exceeding 8 feet as long as the top two (2') feet are decorative in nature.
5. Retaining walls.
6. Flagpoles for display of official government flags of the United States or any of its subdivisions.
7. Vegetation, including trees and landscaping materials.
8. Decorative lawn ornaments not exceeding 32 inches in height.
9. Bird feeders.
10. Handrails along sidewalk or walkway steps.
11. Parking spaces for single-family detached, according to regulations outlined in Article 16.
12. Awnings in the front yard area only, to a maximum of five (5) from the face of the building wall. Awnings, which overhang sidewalks, shall be a minimum of seven (7) feet above the sidewalk.
13. Bus shelters, telephone booths, chimneys, steps, canopies, and similar extensions, but not porches and patios whether covered or not.
14. Open fire escapes.
15. Minor public utility structures.

G. Public Utility Facilities

Public utility facilities, maintaining their minimum use, shall be permitted in any district without regard to the use and area regulations under State and Federal regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

A. Yards shall be provided in accordance with the regulations of the district in which the facility is located.
B. Height restrictions shall be as required by the district regulations.
C. Equipment shall be totally enclosed within a building.
D. If adjacent to a residential district, twenty (20) foot buffer yards and vegetative screened plantings consisting of at least a combination of hedgerows, shade trees (1 shade tree planted for every thirty (30') feet of the property line adjacent to the residential use), and grass areas.
E. The external design of the building shall be in character with existing buildings in the respective district.
F. No structure shall be used as an everyday work area.

G. Vehicular Drive-Thru Uses

1. Drive-thru shall not be located within the front yard area;
2. Stacking lanes shall be of sufficient length to stack the number of cars projected to be served during peak hours. In no instance shall the stacking lane be designed to hold less than five (5) vehicles.
3. All drive-thru window lanes shall be separated by curb from the parking area's interior drive.
4. A site plan shall be provided and shall show building dimensions and placement, internal circulation, landscaping, location, and size of signage.

2212. Steep Slopes

a. In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
    i. 15-25%: no more than twenty-five (25%) of such areas shall be developed and/or regarded or stripped of vegetation.
    ii. 25% or more: no more than 15% of such areas shall be developed and/or regarded or stripped of vegetation.
    iii. Application for building permits shall include the following information:
        1. site plan of the property at a scale of one (1) inch equals fifty (50) feet indicating existing grades with contour lines at two (2)-foot intervals and proposed grades within the area of the proposed construction;
        2. 25% or more: no more than 15% of such areas shall be developed and/or regarded or stripped of vegetation.
        3. Application for building permits shall include the following information:
            a. Site plan of the property at a scale of one (1) inch equals fifty (50) feet indicating existing grades with contour

lines at two (2) – foot intervals and proposed grades within the area of the proposed construction;

b. Landscaping plan indicating proposed paved areas, storm drainage facilities, retaining walls, and ground cover, as well;

c. Architectural plans, elevations, and sections of the structures and related improvements;

d. A statement prepared by a qualified registered architect or engineer stating an explanation of the methods to be used in overcoming foundation and other structural problems created by slope conditions, in preserving the natural watersheds, and in preventing soil erosion.

e. A plan submitted under the seal of a registered professional engineer showing and certifying the following:

    i. All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;

    ii. The calculated volume of water run-off from the slopes and from the lot in question, as unimproved;

    iii. The calculated volume of water run-off from the slopes and from the lot in question, as improved;

    iv. The existence, location, and capacity of all natural and artificial drainage courses and facilities within five hundred (500) feet of the lot, which are or will be used to carry or contain the water run-off from the slope and the lot; and

    v. The effect of any increased water runoff on all adjacent properties and any other property, which will be materially affected by increased water run-off.

b. Exemptions:

Areas of steep slope that are less than three thousand (3,000) square feet shall be exempted from these standards.

2213. Lighting

A. Where and when necessary for safety and security, the parking, loading, ingress, and egress areas of any commercial, office, industrial, or multi-family use shall be provided with a minimum of one half (.5) foot-candle at any point on the ground with lighting standards in parking areas being located not farther than one hundred (100) feet apart. All outside lighting, including sign lighting, shall be directed in such way a way as not to create a nuisance in any agricultural, institutional, or residential district, and in every district all such lighting shall be arranged so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. Any luminary shall be equipped with a glare shielding device approved by the municipal engineer. The height of any luminary must also be approved by the municipal engineer.
B. In all commercial and office related districts, all parking areas and related passageways and driveways serving any permitted use shall be illuminated adequately during the hours between sunset and sunrise. After 10:00pm, fifty percent (50%) of the lights in any parking area shall remain lighted until sunrise. Adequate shielding of such light shall be provided so that the source of light is not visible from any residential area.

ARTICLE 23
CONDITIONAL USES AND SPECIAL EXCEPTIONS

Section 2301. General Intent

The following regulations establish certain general requirements and procedures for uses which may be granted with conditions by either the **<insert name of governing body>** or the Zoning Hearing Board.

Section 2302. Procedure for Conditional Uses and Special Exceptions

A. Conditional uses and special exceptions are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards explicitly set forth for each use, or as specifically required by the Council in authority to implement the intent of this ordinance. Further, in allowing a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implant the purpose of this Ordinance.

B. Application Requirement

The application for a conditional use and/or special exception shall be as specified in Article 26 and/or Article 27.

Section 2303. Supplemental Standards for Conditional Uses and Special Exceptions

In recognition that certain conditional uses and special exceptions may require specific consideration and standards for design installation, and operation in order to meet the stated goals and objectives of this ordinance, supplemental standards are hereby established for certain uses. These supplemental standards shall apply uniformly to the indicated uses throughout each base zoning district, except where more restrictive regulations apply by a higher authority or legal requirement.

Section 2304. Criteria for Special Exception and Conditional Uses

In addition to criteria outlined within each district for conditional uses and special exceptions, and criteria outlined by the ZHB or **<insert name of governing body>** on a case-by-case basis, the following criteria must be met.

A. Antennas

Antennas, subject to licensing and/or regulation by the Federal Communications Commission, shall be permitted by special exception as accessory structures provided that:

1. Any freestanding antenna shall be located at least fifteen (15’) feet from any dwelling unit or principal structure on the lot.
2. Antennas and associated structures which do not exceed thirty (30’) feet in height shall be located at least fifteen (15’) from any property line. Antennas which exceed thirty (30’) feet in height shall provide an additional one (1’) foot of clearance fore every one (1’) foot of height in excess of thirty (30’) feet.

3. Antennas shall be considered a structure and shall comply with all yard requirements.
4. The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
5. The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public.
6. In granting the use, the zoning hearing board may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, fencing, screening, and increased setbacks.

B. Apartment above Office/Retail Space

1. Dwelling units shall not be located on the street floor of any commercial building.
2. Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.
3. Dwelling units in basements or accessory garages shall not be permitted.
4. Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.
5. Shared parking for residential and commercial uses shall not be permitted. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.

C. Automobile Services and Service Stations

1. All repair work and installation of parts and accessories shall be performed within an enclosed building.
2. All discharges into public sanitary sewers shall comply with all applicable regulations of the U.S. Environmental Protection Agency (EPA) and the PA Department of Environmental Protection (PA DEP).
3. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a minimum of four (4) foot fence.
4. Vehicles stored due to an accident shall remain no longer than sixty (60) days from the date of arrival unless respective parts are documented to be unavailable within such time period. Said documentation shall be provided to the zoning officer for approval. In no case, shall said vehicles be stored on or obstruct access to a public right of way.
5. No equipment above ground for the service of motor vehicles shall be closer than twenty-five (25’) feet to any side or rear property line.
6. Canopies shall be located no less than ten (10’) feet from the right-of-way line.
7. Fuel pumps shall be located at least twenty-five (25’) feet from any public right-of-way or fifty (50’) feet from the street centerline, whichever is greater.
8. The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30’) feet at its intersection with the curb line or edge of pavement.
9. No two (2) driveways leading from a public street to such service station shall be within fifteen (15’) feet of each other at their intersection with the curb or street line.

10. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
11. Buffers and screening is required when abutting residential districts.

D. Bed and Breakfast Establishments

Bed and Breakfast Establishments shall be subject to the following criteria:

1. No modifications to the external appearance of the building which would alter its residential character, shall be permitted;
2. All floors above grade shall have direct means of escape to ground level;
3. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
4. No parking areas shall be located in the front yard.

E. Billboard Signs

Billboard signs shall be permitted as a special exception by the Zoning Hearing Board pursuant to the following standards. The Board may attach such reasonable conditions as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, and the Borough of Bellevue Zoning Ordinance.

1. The billboard shall not be placed closer than three hundred (300') feet to a building used as one or more dwellings.
2. The billboard shall not be placed within a one-thousand (1,000) foot radius of another billboard.
3. The billboard shall not be placed in the minimum front or side yard area as specified in the Zoning Ordinance for the particular zoning district in which the sign is to be located.
4. The billboard sign face shall have a maximum vertical dimension of ten (10) feet, and a maximum horizontal dimension of twenty (20) feet with a maximum area being two hundred (200) square feet.
5. The maximum sign height of a billboard shall not exceed 20 feet measured from the top of the sign to the ground.
6. Decorative shrubbery should be provided at the sign location.
7. The billboard shall not adversely affect the health and safety of persons in the area of the billboard.
8. The billboard shall not be detrimental to the use or development of, or change the essential character of, the area in which the sign is located.
9. The billboard may portray information, which directs attention to a business or commodity, service or entertainment, which may or may not be located on the premises on which the sign is located.

F. Boarding Houses

1. Accommodations shall be limited to no more than ten (10) guest rooms for rent.
2. Not more than twenty (20) guests may be accommodated at any one time.
3. Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms.

G. Communication Towers

1. Any structures shall be set back from each property line a distance equal to its height;
2. All towers shall be completely enclosed by an eight (8) foot high fence and self-locking gate;
3. All ground-mounted satellite dish antennas that are used to transmit video format data shall be completely enclosed by an eight (8) foot high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended;

H. Car Wash

1. All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
2. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets, alleys, or other property.
3. Standing spaces shall be provided in accordance with the requirements specified in Section 2211 for vehicle drive-thru facilities.
4. The facilities shall be connected to public sanitary and storm sewers.
5. Driveway entrances shall be located at least thirty (30') feet from the right of way line of the intersection of any public streets.
6. Any car wash which also dispenses gasoline shall meet all applicable requirements of Section 2304 governing service stations.

I. Cemetery

1. A minimum site of ten (10) acres shall be required
2. A drainage plan shall be submitted with the application for the use to show existing and proposed runoff characteristics
3. A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.
4. Plans for ingress/egress shall be referred to local police officials for comments regarding public safety.
5. Parking for principal structures shall be provided in accordance with Article 25.
6. All equipment shall be properly stored in an enclosed building when not in use.
7. No burial sites or structures shall be located within one hundred (100) feet from any adjacent property line.

J. Church

1. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
2. A dwelling may be located on the same lot with a church provided that all requirements for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width, and yard requirements applicable to the church.

K. Collection and Recycling Facility

1. All facilities shall be operated and licensed in accordance with the Pennsylvania Department of Environmental Protection rules and regulations.
2. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than ten (10') feet in depth, established along lot lines.
3. The site shall be maintained free of litter and other undesirable materials and cleaned of loose debris daily.
4. Outside storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Outside storage, excluding truck trailers, shall not be visible about the height of the screen planting.
5. Front, side, and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
6. Of-street loading spaces or berths shall be provided on site for three (3) vehicles or the anticipated peak customer load, whichever is greater, to circulate and to deposit recyclable materials. All loading spaces and berths shall be designed in accordance with Article 25.
7. Containers provided for after hours donation of recyclable materials shall be located at least fifty (50') feet from any property zoned, occupied, or planned for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; be secure from unauthorized entry or removal of materials; and be clearly marked to identify the type of materials that may be deposited within them.

L. Conversion Apartments

Where permitted, any building existing at the effective date of this Ordinance may be converted to a dwelling for than one (1) family, provided that"

1. The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance the residential units. The completed conversion of the total existing building shall meet all applicable sections of this Ordinance and other applicable Borough regulations.
2. There is no exterior evidence of change in the building except as required by State or Township building or housing codes or regulations.
3. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
4. Off-street parking provisions shall be provided in accordance with the provisions of Article 16.

M. Day Care Facility

1. The facility shall be registered with or licensed by the Commonwealth, if applicable.
2. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.

3. The general safety of the property proposed for a day care facility shall meet the needs of small children.
4. Off-street parking shall be provided in accordance with the requirements of Article 25.

N. Funeral Home

1. The site shall have frontage on and direct vehicular access to an arterial or collector street.
2. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.
3. All off-street parking areas with adjoining property in any residential district shall be appropriately screened and buffered.
4. No loading or unloading shall be permitted on the public right-of-way.

O. Home based business (intensive)

1. The home occupation shall be carried on completely within the dwelling unit or an accessory structure.
2. Not more than one (1) person other than the occupants of the dwelling unit shall be employed.
3. Not more than thirty-five (35%) percent of the floor area of the dwelling unit, excluding attached accessory structure, shall be utilized for all home occupations. Attached structures, including, but not limited to garages, outbuildings, sheds, carports and enclosed or unenclosed walkways; or detached accessory structures, ma be used for the home occupation.
4. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, for food served as part of a bed and breakfast establishment, or for a licensed distributorship conducted by the residents.
5. Outdoor display shall be restricted to the daylight hours and must be removed after dusk.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
7. There shall be no exterior indications of the home occupation or variation of the residential character of the main building.
8. The home occupation shall not cause any external impact such an increased noise, excessive lighting, or offensive odor.

P. Incinerators
(*Note: additional standards can be established relating to the type of incinerator permitted; compliance with Best Available Technologies and New Source Performance Standards in determining Best Available Control Technology; operation of the incinerator; storage of waste and ash residue; and compliance with Pennsylvania Department of the Environment permitting requirements)*

1. The incinerator shall be located a minimum of one thousand (1,000) square feet from the property line of any residential or commercial zoning district.
2. Disposal of waste classified by the Pennsylvania Department of Environmental Protection (PA DEP) as hazardous, toxic, hospital, infectious, chemotherapeutic, or industrial wastes, as excluded in the definition of municipal waste in 25 PA Code, shall not be permitted.

3. No incinerator shall be constructed, operated, or used in violation of current or revised Department of Environmental Protection Regulations.
4. All information submitted to the Pennsylvania Department of the Environmental Protection for State permitting requirements shall also be submitted to the <**insert name of planning commission**> when applying for approval of the conditional use.

Q. Junkyards

1. Junk/salvage shall be stored in piles not exceeding eight (8') feet in height and shall be arranged so as to permit easy access for firefighting purposes.
2. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than twenty (20') feet in depth established along the perimeter lot line.
3. No open burning shall be permitted.
4. Operations shall be conducted in compliance with performance standards of Article 13 and other applicable standards.
5. All junkyards shall meet the licensing and screening requirements of Pennsylvania Act 4 of Special Session Number 3 of 1966, prohibiting junk from being located within one thousand (1,000') feet from the right-of-way of any interstates or primary roads.

R. Kennels

1. All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21 entitled, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.
2. All buildings in which animals are housed and all runs shall be located at least two hundred (200') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.
3. Outdoor runs may be provided if appropriate screening is provided. No animal shall be permitted to use the outdoor runs from 8:00 pm to 8:00 am

S. Landfill
(*Note: Additional standards can be established regarding roadway impacts, commercial composting, and annual renewal of permits.*)

1. The applicant shall show compliance with State and Federal permits regulating landfills
2. The required State and Federal permits shall be maintained throughout the duration of all operations.
3. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency prior to initiating any operation.
4. The site shall have frontage on and direct vehicular access to an arterial or collector road.
5. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.
6. A tire washing station shall be located on the site to service trucks exiting the facility. The tire washing station shall be located at least two hundred

(200) feet from any property line adjoining residential use or zoning classification.

7. New or expanded disposal operations shall be located at least two hundred (200) feet from any property lines adjoining residential use or zoning district classification.
8. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than ten (10') feet in depth, established along lot lines.
9. Fencing at least ten (10) feet in height shall be provided around any work area for security and to control windblown refuse.

T. Nursing Home, Medical Clinic, and Health Care Facility

1. The minimum lot area for a nursing home shall be one (1) acre.
2. The property shall be served by public water and sewer.
3. All nursing homes, clinics, and facilities shall be licensed by the Commonwealth.
4. Water pressure and volume shall be adequate for fire protection.
5. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
6. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
7. Disposal of medical waste shall be in accordance with all applicable permits and handling of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

U. School

1. The applicant shall submit a site plan that illustrates the proposed development, including the location and size of all buildings, the vehicular circulation pattern, the location and number of parking spaces along with a calculation of the minimum number of required parking spaces, the location and use of all outdoor athletic fields, courts, and play areas.
2. The applicant shall specify how sewer and water facilities will be provided and shall prove that the sewage system is in compliance with the municipality's Sewage Facilities Plan (Act 537).
3. For nursery schools, kindergartens, and elementary schools, the applicant shall make provisions for sufficient off-street drop-off/pick-up area for children, vehicular stacking lanes, and additional off-street parking spaces to ensure adequate traffic flow and avoid traffic obstruction.
4. Schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire fighting equipment and vehicles.
5. The applicant shall identify the maximum number of students, faculty members, and employees that the facility would be designed to accommodate.
6. The applicant shall identify all activities that are intended to take place at the facility.
7. The applicant should identify the intended schedule for use of the facility including months of the year, days of the week, and hours of the day.
8. The applicant shall identify any flammable, hazardous, or explosive materials that would be stored or used at the facility. Safety measure shall be identified.
9. The governing body may impose reasonable conditions regarding the use of the facility, size of buildings, and other matters it deems necessary to ensure the proposed use meets the objectives of this Ordinance; results in no nuisance

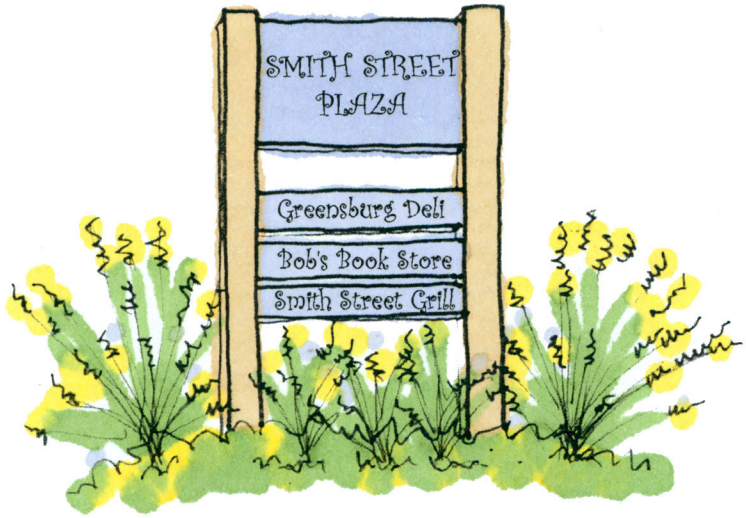
impacts on existing, proposed, or potential uses in the surrounding area and on the subject site; and results in no impacts on municipal and Commonwealth services and facilities that are not solved by the applicant. The governing body may deny the conditional use application if the applicant is unable to address, to the satisfaction of the governing in this Ordinance.

V. Truck Terminals

1. No terminal or part thereof shall be located within two-hundred (200') feed of a floodplain or wetland, or within three hundred feet (300') feet of a residential use or district.
2. Access to a public street shall be provided by a public industrial service road or a major collector. No direct point of access shall be provided from an arterial road.
3. The layout of improvements mush be to provide for convenient forward movement of vehicles leaving and entering the sites.
4. A minimum of 1,320 square feet of surface, not including maneuvering area, shall be provided per loading berth.
5. Buffer yard/screen planting shall be required.
6. All parking, loading, maneuvering and storage areas shall be paved and proper site drainage provided.

W. Veterinary Facility

1. The minimum lot area for a veterinary facility shall be 20,000 square feet.
2. Outdoor kennels or runs shall not be permitted as part of the veterinary facility
3. Overnight boarding of animal, other than for medical supervision, shall not be permitted in the veterinary facility.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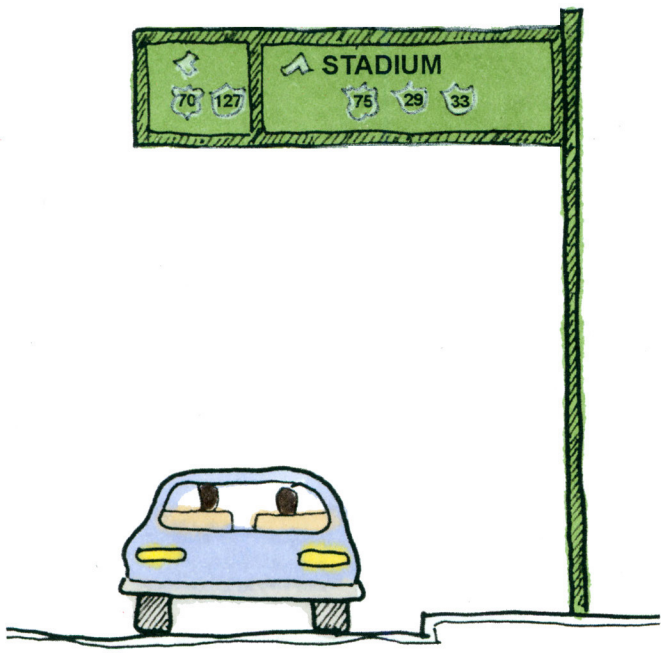
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Signage

ARTICLE 24
SIGN REGULATIONS

Section 2401. General

The following sign regulations are included to provide guidance in preserving the **<insert name of municipality>** character. 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 2402. Signs Exempt from Requirements

The following signs shall not be included in the application of the sign 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 2403. 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 within the **<insert name of municipality>** 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. 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.
H. No sign shall have a clearance of less than eight (8) feet between any pedestrian walk at the lowest part of the sign.

I. No sign, which is parallel to the face of a building, shall project more than twelve (12) inches over a public sidewalk; no sign, which is perpendicular to the face of a building, shall project more than forty-eight (48) inches over a public sidewalk.
J. 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.
K. No sign shall advertise activities or products, which are illegal under federal, state, or local municipal laws or regulations.
L. No sign shall include statements, words, or pictures, which are considered to be vulgar, obscene, or pornographic.
M. Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica, shall be except from the regulations of this Article.
N. The light from any illuminated sign shall not adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas, any residential district or any part of a building or property used for residential purposes.
O. Business signs in other than commercial and industrial districts shall not be illuminated with the business is closed.

Section 1504. 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. A second sign is permitted facing the right-of-way.
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 twelve (12’) feet from ground level to the top of the sign and shall not exceed a height of fifteen (15) feet to the top of the sign support. The freestanding sign shall have a maximum sign area of thirty-two (32) 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.
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 ten (10) feet of any right-of –way line or ten (10) feet from any property line.
6. Advertising signs are only permitted in the Downtown Mixed-Use Commercial District, Neighborhood Commercial District, Light Industrial, Office, and Retail District, and Manufacturing 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 ten (10) 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 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.

E. 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 are 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.
4. Banners crossing a street shall be a minimum of sixteen (16) feet above the cart-way. No part of the banner shall be more than twenty-five (25) feet in height.

F. Street Banners.

Section 2405. 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 ten (10) 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 thirty-five (35) square feet. However, for uses such as genera commerce, entertainment, retail, restaurant, lodging, consumer service, wholesaling, transportation, manufacturing and research the maximum area may be increased to 80 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 ten (10) 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 twelve (12) 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 ten (10) 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, which ever is less.
5. The mounting structure of any wall-mounted sign must meet the standards of the BOCA Building Code.

F. Other signs not permanently attached at all points or which utilize air motion, sound, direction lights, or mechanical parts for effect shall be permitted only by a special exception granted by the zoning hearing board. The Board may specify such appropriate conditions and safeguards as may be required to keep such signs consistent with the intent of this Article.

Section 2406. Sign Permits

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

A. All signs exempted from the requirements of this Article.
B. Trespassing signs.
C. Real estate signs.
D. Signs, within buildings, which are not visible from any street.
E. Garage/yard sale signs.
F. Election signs.
G. Temporary contractor signs.

ARTICLE 25
PARKING REGULATIONS

Section 2501. Accessible Parking Spaces

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

Total Parking Spaces	Required Accessible Spaces
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 (Refer to Figure 14-1):

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 ten (10') 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. Parking spaces and access aisles shall be at a level with surface slopes not exceeding two (2%) in all directions.
5. 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 2502. Off-street Parking Facility Requirements

1. 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

2. 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

3. 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

4. Industrial or Manufacturing

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

5. 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

6. 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. If the Zoning Officer is not reasonably satisfied that the anticipated parking needs will be provided and/or have been realistically anticipated, the application shall be denied. The applicant may appeal the Zoning Officer's decision to the _____Zoning Officer.

Section 2503. Design and Construction Standards

1. Minimum depth of parking space, nineteen (19') feet.
2. Minimum width of parking space, nine (9') feet.
3. Minimum width of parking space for persons with disabilities, eight (8') feet plus an adjacent five (5') foot wide access aisle.
4. Minimum driving lane width adjacent to perpendicular parking spaces or angled parking spaces adjacent to a two (2) way driving lane, twenty-five (25) feet.
5. Driving lane widths for angled parking spaces adjacent to a one-way driving lane shall have the following minimum widths:
    a. Angle space of eight (80) degrees but less than ninety (90) degrees, twenty-five (25) feet.
    b. Angle of space seventy (70) degrees but less than eighty (80) degrees, nineteen feet.
6. Provisions should be made within a parking facility and loading/unloading areas for vehicles to turn around as necessary to enter the public street in a forward direction. This requirement shall not apply to individual parking facilities for buildings containing less than five (5) dwelling units and attached residential dwelling units.
7. Parking facilities, driving lanes, access drives, and areas for loading, and unloading shall, at a minimum, be contrasted of asphalt, concrete, brick, paver blocks, or cobblestone on a six (6) inch stone base. Parking spaces shall be delineated by painted lines having a minimum width of four (4) inches. This subsection shall not apply to individual parking facilities for single-family detached dwellings.

8. Access drives shall have a minimum width of twenty-four (24) feet, if two-way traffic is to be permitted, and shall have a minimum width of twelve (12) feet if only one-way traffic is to be permitted and not tractor-trailer traffic will use the access drive. If tractor-trailer traffic is anticipated, a minimum access drive width of eighteen (18) feet shall be provided, and appropriate curve radii shall be provided to accommodate such traffic.
9. Access drives shall meet the adjacent public street at a ninety (90) degree angle.
10. A minimum of ten (10) percent of the interior of a parking facility consisting of more than fifty (50) parking spaces shall be maintained as a landscaped area, with at least one (1) two and one-half (2 ½) inch caliper tree provided for each eight (8) parking spaces or portion thereof. Landscaped areas located outside the parking facility, such as peripheral areas, shall not constitute interior landscaping. Interior landscaped areas must be flanked on all sides by portions of the parking facility in order to be considered an interior landscaped area.
11. 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 2504. Perimeter Landscaping Requirements for Off-street Parking Areas

Off-street parking areas shall be defined as an open or unenclosed area containing more than 1,800 square feet of area or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Further, grass or ground cover shall be planted on all portions of the landscape buffer yard not occupied by other landscape material.

A. Off-street parking area perimeter requirements shall be as follows:

1. 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.
2. 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 faction thereof, and a three and one-half (3 ½) foot average height continuous planting and hedge.
3. 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.

B. Landscape buffer yard conflicts

The required landscape buffer yard may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement.

Section 2505. Interior Landscaping Requirements for Off-street Parking Areas

A. Standards for landscaping within off-street parking areas containing nineteen (19) or more parking spaces shall be as follows:
    1. A terminal island shall be provided at both ends of all rows of parking spaces. Each terminal island shall measure at least five (5) feet in width and fifteen (15) feet in length. Each terminal island shall include at least two (2) trees, with the remaining area landscaped with appropriate ground cover or grass.
    2. A divider strip between abutting rows of parking shall be provided. At least one (1) tree shall be planted at twenty (20) foot intervals within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate vegetative ground cover or grass.

Section 2506. Standards for Landscaping Materials

A. All required trees shall be a minimum of eight (8) feet in height and shall have a minimum caliper of two (2) inches, measured at three (3) feet above the ground line, immediately upon planting.
B. All required trees shall be deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and removal operations.
C. Maintenance and Installation of Landscaping Materials – All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction, and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. All plantings shall be properly maintained with dead plantings replaced in spring and fall planting seasons as needed. Violation of these installation and maintenance provisions shall be grounds for the refusal of a certificate of occupancy or institution of legal proceedings.
D. All plant materials used in conformance with provisions of this Article shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

Section 2507. Off-Street Loading and Unloading

A. Required Spaces
    1. For all nonresidential uses requiring delivery or pick up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

Gross Floor Area	Required # Of Loading Spaces
0-20,000 square ft.	1 loading/unloading space
20,000-50,000 square ft.	2 loading/unloading spaces
Above 50,000 square ft.	2 loading/unloading spaces, plus 1 additional space for each additional 50,000 square feet of gross floor area.

    2. Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.

3. All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

B. Design Standards

Off-street loading facilities shall be designed in accordance with the following specifications:

i. Each required space shall not be less than (12’) feet in width, fifty-five (55’) feet in length, and fourteen and one half (14.5)’) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
ii. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
iii. The maximum width of driveway openings, measured at the street lot line, shall be forty (40’) feet; the minimum width shall be twenty (20’) feet.

ARTICLE 26
ZONING HEARING BOARD

Section 2601. Creation, Membership, Vacancies, Removal, Alternates

A. There is hereby created a Zoning Hearing Board, which shall consist of three (3) residents of **<insert name of municipality>** _____ who shall be appointed by resolution of the Council.
B. Zoning Hearing Board members shall serve for three-year terms, which shall be so fixed that the term of office of no more than one (1) member shall expire each year.
C. The Zoning Hearing Board shall promptly notify the **<insert name of governing body>** of any vacancies, which shall occur, and appointments to fill such vacancies shall be only for the unexpired portion of the term.
D. Members of the Zoning Hearing Board shall hold no other office in **<insert name of municipality>** .
E. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the **<insert name of governing body>** taken after the member has received fifteen (15) days' advance notice of the intent of the **<insert name of governing body>** to take such a vote. A hearing shall be held in connection with the vote if the member shall request such hearing in writing.
F. The **<insert name of governing body>** may, in its discretion, appoint by resolution between one (1) and three (3) alternate members to the Zoning Hearing Board. Such alternate members shall have the right to participate in all hearings of the Zoning Hearing Board but shall be entitled to vote only as provided in Article IX of the Municipalities Planning Code.
G. Whenever the term "Board" is used in this Article, it shall mean the Zoning Hearing Board.

Section 2602. Organization

The Board shall elect from its membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not fewer than two (2) members of a three member board. If the Council has appointed alternate members to the Zoning Hearing Board, the Chairman of the Board may designate alternate members to participate and vote upon designated applications in accordance with the regulations contained in Article IX of the Municipalities Planning Code. The Board may also appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in the Municipalities Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the **< insert name of municipality>** , and shall submit a report of its activities to the **<insert name of governing body>** as requested by the **<insert name of governing body>**.

Section 2603. Functions

The Zoning Hearing Board shall have the following functions and duties:

A. The Board shall hear and render final adjudications concerning substantive challenges to the validity of any land use ordinance in accordance with Article IX of the Municipalities Planning Code.
B. The Board shall hear and render final adjudications concerning challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said land use ordinance.

C. The Board shall hear and render final adjudications concerning appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or the failure to act on the application therefore, the issuance of any notice of violation or cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot.

D. Special Exceptions

When special exceptions are provided for in this Ordinance, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance. The Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety, and welfare of the neighborhood. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the **<insert name of municipality>**. The burden of proof shall rest with the applicant.

1. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the section, which gives the applicant the right to seek the special exception.
2. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems including water and sewer if applicable. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.
3. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this Article and any other governing law or regulation.
4. The applicant shall provide the Board with sufficient plans, studies, or other data to demonstrate compliance with all applicable regulations.
5. The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.
6. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.
7. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Municipalities Planning Code and this Article, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive, or hazardous elements.
8. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of authorization thereof by the Board or by the court if such special exception has been granted after any appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in use authorized by the special

exception approval within one (1) year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

9. Any plan presented in support of the special exception pursuant to Article 12 shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted plan. Should a change in the plan be required as a part of the approval of the use, the applicant shall revise the plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved plan or the amended plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the grant of another special exception to authorize such change.

E. Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that the following findings are made where relevant in a given case. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the **<insert name of municipality>**. The burden of proof shall rest with the applicant:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of a 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 Zoning Ordinance 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 Zoning Ordinance 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 applicant.
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 of 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.
6. The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.
7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The Board shall require that adequate on- or off-site water and sewage disposal facilities are available for the use intended.
8. Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of authorization thereof by the board or by the court if such variance has been granted after any appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within one (1) year from the date of authorization thereof of the Board or by the court if

such variance has been granted after an appeal. The Board, upon written application, may extend the approval for an additional period up to six (6) months if the applicant can show a hardship such as financing, physical disability, etc.

9. Any site plan or plot plan presented in support of the variance pursuant to Section 1704 shall become an official part of the record for said variance. Approval of any variance shall also bind the use in accordance with the submitted site plan. Should a change in the site plan be required as a part of the approval of the use, the applicant shall revise the site plan or plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved site plan or the amended site plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the grant of another variance to authorize such change.

F. The Zoning Hearing Board shall hear and render final adjudication in any other matter for which the Board shall have been granted jurisdiction by Article IX of the Municipalities Planning Code.

Section 2604. Form of Applications for Special Exceptions and Variances

The application for a special exception or a variance as prescribed by the Zoning Officer and adopted by the **<insert name of governing body>** shall be submitted by the applicant along with a fee (established by resolution by the **<insert name of governing body>**) to the Zoning Officer. The fee may be hereafter adjusted by adoption of a resolution by the **<insert name of governing body>**. No application shall be considered complete until all information requested by the Zoning Officer or the Zoning Hearing Board has been submitted to the **<insert name of municipality>**. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the **<insert name of municipality>**.

Section 2605. Hearings

The Board shall conduct hearings and made decisions in accordance with the following requirements:

A. The Board shall fix a reasonable time and place for the public hearing and shall give notice thereof stating the time and place of the hearing and the particular nature of the matter to be considered as follows:
    1. By publishing notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the **<insert name of municipality>**. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing. The costs for developing and mailing the notice shall be paid for by the applicant.
    2. By mailing a notice thereof to the applicant (by certified mail).
    3. By mailing a notice thereof to the Zoning Officer, the **< insert name of municipality>** Secretary and to every person or organization who shall have registered with the Zoning Hearing Board for the purpose of receiving such notices.
    4. By posting notice conspicuously on the affected tract of land at least one (1) week prior to the hearing.

B. The meeting shall be held within such time periods as are required by the Municipalities Planning Code (MPC)

C. The hearings shall be conducted by the Zoning Hearing Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the finding shall be made by the Board, but the parties may waive decision of findings by the Board and accept the decision or findings of the hearing officer as final.

D. The parties to the hearing shall be the applicant, the **<insert name of municipality>**, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organization, permitted to appear by the Board.

E. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance to witnesses and documents requested by the parties.

F. 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.

G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or uduly repetitious evidence may be excluded.

H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee of the stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Board if such appeal is made. 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.

I. The Board or hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from its Solicitor, unless the parties are afforded an opportunity to contest the material so notices 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.

J. The Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provision of this chapter or of any act, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decision or findings or final, the Board shall make a report and recommendations available to the parties within forty-five (45) day and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or to render a decision hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner provided in Section 1705(A). If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him or her no later than the day following its date. To all other person who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief

notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 2606. Time Limitations

A. Appeals from the denial or an application by the Zoning Officer or from the issuance of a notice of violation and/or cease-and-desist order shall be made within thirty (30) days of said permit or issuance of said notice of violation and/or cease-and-desist order.
B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the **<insert name of municipality>** or later than thirty (30) days after a permit has been issues by the Zoning Officer if such proceeding is designed to secure reversal or limit the approval of the permit in any manner unless such person alleges and proves that he had no notice or knowledge or reason to believe that such approval has been given. If such person has succeeded to his or her interest after such approval, he or she shall be bound by the knowledge of his or her predecessor in interest.
C. No appeal shall be considered filed with the Board unless any applicable filing fee has been paid.

Section 2607. Appeals

Any party aggrieved by any decision of the Board may appeal to the Court of Common Pleas of Allegheny County in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code.

ARTICLE 27
ADMINISTRATION AND ENFORCEMENT

Section 2701. Zoning Officer

The provisions of this Zoning Ordinance shall be administered and enforced by an agent, to be appointed by and serve the **<insert name of governing body>**, who shall be known as the "Zoning Officer." The Zoning Officer shall not hold any elected office in the **<insert name of municipality>**. The Zoning Officer shall administer the Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance and all other applicable **<insert name of municipality>** Ordinances and applicable statues and regulations. The Zoning Officer may be provided with assistance of such persons as the **<insert name of governing body>** may direct, and the compensation of the Zoning Officer shall be determined by the **<insert name of governing body>**.

Section 2702. Duties and Responsibilities

The Zoning Officer shall have all of the duties and powers conferred upon him by this Ordinance and the Municipalities Planning Code. The duties of the Zoning Officer shall include but not be limited to:

A. Applications and Permits

The Zoning Officer shall receive, examine, and process all applications for zoning permits, conditional uses, special exceptions, variances, and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, use, change of use and/or occupancy of land, buildings, structures, signs, and/or landscaping in the **<insert name of municipality>**. The Zoning Officer shall record and file all applications for permits and accompanying plans and documents and keep them for public record.

B. Inspections

The Zoning Officer may, and if requested by the **<insert name of governing body>** or the permit holder shall, make at least one (1) inspection during the progress of the work for which a zoning permit has been issued. Upon completion of the work and before issuance of a certificate of use and occupancy, he or she shall make a final inspection of the property to assure compliance with all provisions of this Zoning Ordinance and all other applicable **<insert name of municipality>** Ordinances and applicable statutes and regulations. Violations of approved plans or permits shall be noted, and the Zoning Officer shall notify the holder of the permit of all discrepancies.

C. Complaints Regarding Violations

The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof shall, investigate alleged violations of this Zoning Ordinance. If a signed written

complaint is received, said investigation shall be completed within thirty (30) days of the receipt of said complaint. A written report of all investigations of alleged violations of this Zoning Ordinance shall be prepared and properly filed, and a copy shall be sent to the **<insert name of governing body>**. If, after investigation, the Zoning Officer determines that a violation has occurred, he or she shall take action as provided in this Zoning Ordinance.

D. Official Records

It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the **<insert name of municipality>**. The records shall include but not be limited to all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Ordinance and all amending ordinances, a copy of the current Official Zoning Map and all other pertinent information. The records of the Zoning Officer shall be available for the use of the **<insert name of municipality>** and inspections by any interested party during normal office hours. The Zoning Officer shall submit to the **<insert name of governing body>** a written report of all zoning permits and certificates of use and occupancy issues and all notices of violations and stop work orders issues or recommended as requested by the **<insert name of governing body>**.

E. Nonconforming Uses, Structures, and Lots

The Zoning Officer shall inspect nonconforming uses, structures, and lots and keep a record of such nonconforming uses, structures, and lots as a public record.

F. Presentation of Evidence and Testimony

Upon request of the **<insert name of governing body>** or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching their decision.

G. Enforcement

The Zoning Officer shall enforce the provisions of this Zoning Ordinance in accordance with Section 1807 and 1808 and all applicable provisions set forth herein.

Section 2703. Zoning Permits

A. Requirement

1. A zoning permit shall be obtained from the Zoning Officer:

a. For any erection, construction, alteration, extension, replacement, relocation, or conversion of any building or structure or the

commencement of excavation for construction of any building or structure; and

b. For the chance in use of any building, structure, sign, and/or land.

2. No zoning permit shall be required for repairs to or maintenance of any building, structure, or land, provided that such repairs do not change the use, alter the exterior dimensions of the building or structure or otherwise violate the provisions of this Ordinance or any other applicable **<insert name of municipality>** ordinance or applicable statute or regulation.

B. Form of Application for Zoning Permit

The application for a zoning permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as set by the **<insert name of governing body>**. Application for a zoning permit shall be made by the owner or lessee of any building, structure, or land or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work. The full name and address of the applicant and landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and address of the officers of the corporation shall be included on the application.

C. Description of the Work

The application shall contain a description of the proposed work and/or use and occupancy of the building, structure, sign, and/or land with any other information required by the Zoning Officer to determine compliance with this Zoning Ordinance and other applicable **<insert name of municipality>** ordinances, statutes, and regulations, and with any decisions of the Zoning Hearing Board. The application shall be accompanied by plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building, or alteration, distance from existing lot lines and street right-of – way lines, easements, parking areas, and other pertinent information.

D. Approval or Disapproval of Application

Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable **<insert name of municipality>** ordinances, statutes, and regulations. The Zoning Officer shall complete this examination within thirty (30) days from the date the application, including all required fees, is filed with the **<insert name of municipality>**. The Zoning Officer shall determine if stormwater management plan approval has been obtained, if state sanitation inspection requirements have been met and if, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any sewage permit has been issued for the lot or a Highway Occupancy Permit issued by the Department of Transportation of

the Commonwealth of Pennsylvania has been issued in order that access may be gained to the lot and that all other required **<insert name of municipality>** approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and shall return one (1) copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the **<insert name of municipality>** files. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons for such disapproval and informing the applicant of his or her right to appeal to the Zoning Hearing Board.

E. Issuance and Posting of Permits

Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a zoning permit placard, which shall be visibly posted on the site of operations during the entire time of construction.

F. Expiration of Zoning Permit

The zoning permit shall expire six (6) months from the date of issuance if the work described in the zoning permit has not begun. If the work described in the zoning permit has begun, the zoning permit shall expire one (1) year from the date of issuance.

G. Revocation of Permit

The Zoning Officer may revoke a zoning permit issued under the provisions of this Ordinance if he or she subsequently determines that the permit was issued erroneously or issued as a result of any false statement or misrepresentation of fact in the application or on the plans on which the permit was based or if the work is not undertaken in accordance with the permit or for any other cause set forth in this Zoning Ordinance.

H. Rights of Permit Holders

The zoning permit shall be a license to proceed with work described on the approved application. Permit holders shall proceed with work at their own risk and are subject to the rights of aggrieved parties who may appeal the issuance of the zoning permit as authorized by the Municipalities Planning Code.

Section 2704. Site Plan

Site plans are required for the identified uses in the planning districts that specifically require site plan submission and review prior to the issuance of a zoning permit. When a site plan is required, a site plan review by the **<insert name of planning commission>** and **<insert name of governing body>** will take place in concert with the following procedures:

A. Submission and Review of a Sketch Plan
   1. Applicability

A diagrammatic sketch plan is strongly encouraged for all proposed minor or major subdivisions. Sketch plans shall be submitted to the Board of Supervisors for review by the Planning Commission. Such plans are for informal discussion only. Submission of a Sketch Plan does not constitute formal filing of a plan with the municipality, and shall not commence the statutory review period as required by the Municipalities Planning Code.

2. Pre-Application Meeting

   A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings, and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Map at the meeting.

3. Existing Resources and Site Analysis Map

   Applicants shall submit an Existing Resources and Site Analysis Map in its context. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for them in making a site inspection.

4. Site Inspection

   After preparing the Existing Resources and Site Analysis Map, applicants shall arrange for a site inspection of the property by the Planning Commission and other municipal officials, and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of the designated Greenway lands, and potential locations for proposed buildings and street alignments.

5. Pre-Sketch Conference

   Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract. At the discretion of the Commission, the conference may be combined with the site inspection.

6. Sketch Plan Submission & Review

Copies of the diagrammatic sketch plan shall be submitted to the Municipal Secretary during business hours for distribution to the Board, the Planning Commission, the Municipal Planner, and the Municipal Engineer and applicable municipal advisory boards. It must be submitted seven (7) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed.

The Planning Commission shall review the sketch plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the municipality.

B. Submission of Conceptual Preliminary Plan

The conceptual preliminary plan is a preliminary-engineered scale drawing in which layout ideas are illustrated in more than the rough, diagrammatic manner appropriate for Sketch Plans, but before heavy engineering costs are incurred in preparing detailed alignments and profiles for streets, and/or detailed calculations for stormwater management.

The applicant shall complete and sign the application form provided by the municipality and shall accompany such application form with the type and number of plans, documents, and other submissions required and the appropriate filing fees. The applicant must identify the name, address, and telephone number of the record holder of legal title to the land involved.

The existing resources and site analysis map shall be presented at the pre-application meeting, and distributed to those municipal officials who attend the site inspection.

All application shall be accompanied by full payment of the required fees and escrow deposits established in accordance with the terms of this ordinance for proposed subdivisions.

The date of receipt is subject to review by the Zoning Officer and the Board of Supervisors to determine if all required materials, fees and escrow deposits have been submitted by the applicant.

C. Review of Preliminary Plan

The Planning Commission shall review the plan and any recommendations made by the County, State, and Federal agencies to determine conformance of the Plan to this ordinance.

After the review, the Planning Commission shall submit its report to the Board, containing its findings, recommendations, and reasons citing specific sections for improvement to meet requirements. A copy of the report will be given to the applicant.

When the recommendations on the Conceptual Preliminary Plan have been officially submitted to the Board of Supervisors by the Planning Commission, such recommendations shall be placed on the Board's agenda for review and action.

If the Conceptual Preliminary Plan is not approved, the Board's decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall cite in each case the provisions of the Ordinance relied upon.

D. Submission of Detailed Final Plan Documents

The applicant is required to submit ten (10) copies of required site plans to the Zoning Officer. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this ordinance. A minimum of one (1) copy of the site plan shall be retained in the **<insert name of municipality>** files. The Zoning Officer shall seek a review by the **<insert name of municipality>** engineer if engineered matters are involved in the site plan.

E. Review

1. The site plan shall be reviewed by the **<insert name of planning commission>** and the **<insert name of governing body>** and comments shall be submitted in writing to the Zoning Officer within the time limit stated.

2. The Zoning Officer shall review the site plan and determine its compliance or noncompliance with this Ordinance, based upon his or her review and any comments of the Planning Commission and **<insert name of governing body>** . The Zoning Officer shall make such determination within ninety (90) days after the first scheduled Planning Commission regular meeting following at least twenty-one (21) days after the receipt of a complete site plan submission, unless the applicant grants a written time extension. Such determination shall be provided in person or through the United States Mail, in writing, to the applicant or his/her representative.

F. Requirements

The following information, as applicable, shall be submitted by the applicant for any conditional use or any use for which a site plan is required, except for information waived by the Zoning Officer as not applicable or necessary:

1. A statement describing the proposed use, including proposed maximum hours of operation, maximum number of employees on the highest shift and the type of services or type of manufacture.
2. Layout. A site layout drawn to scale showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas.
3. Landscaping and tree preservation.

(a) The width of any buffer yard and the heights, spacing and general species of plants to be used for screening.
(b) General numbers, locations, and types of landscaping to be provided in off-street parking lots, along streets and in other areas.
(c) The locations of individual and clusters of healthy trees with a trunk diameter over six (6) inches (measured four (4) feet about the surrounding ground level) that are proposed to be removed or preserved.

4. Parking. The locations and numbers of parking spaces, the location and widths of aisles, and the location and sizes of off-street loading areas.
5. Lighting and Signs. The height, location, and approximate intensity of exterior lighting. The sign area, location, and general method of lighting of signs.
6. Sidewalks. The location of any proposed sidewalks (with width) and curbing.
7. Utilities. A note stating the general proposed method of providing wastewater treatment and water supply.
8. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, dust, fire or toxic or explosive hazards or other significant hazards to the public health and safety, together with proposed methods to control such hazards and nuisances.
9. Grading and Stormwater.
   (a) Proposed and existing contours if earth disturbance is proposed
   (b) Identification of any slopes between fifteen percent (15%) and twenty-five percent (25%) proposed to be impacted.
   (c) Proposed method of managing stormwater runoff.
   (d) Delineation of any floodplains from the Official Floodplain Maps.
   (e) Areas of wetlands that may be affected by the proposed use.
   (f) Concentrations of existing mature trees.
10. A location map showing the relation of the project to surrounding streets; and approximate lot lines of abutting lots within fifty (50) feet of the project, with identification of abutting land uses.
11. Zoning district and major applicable requirements including design standards.
12. Name, address, and professional seal (if applicable) of the person who prepared the site plan, that applicant and owner of record of the land.
13. Such other data as the Zoning Officer deems is reasonable necessary to determine compliance with **<insert name of municipality>** ordinances.

G. Site Planning Guidelines. The following advisory guidelines are intended to assist applicants and the **<insert name of municipality>** in creating well-planned developments.

1. Natural features. Seek to minimize grading changes and removal of mature trees. Seek to preserve the natural beauty of highly visible areas. Seek to preserve land along creeks and steep hillsides.
2. Circulation: Seek to separate pedestrian circulation from major routes of vehicle traffic. Minimize the number of access points along transportation routes. Avoid parking spaces backing into through traffic routes. Ensure adequate capacity of driveways and drive-through lanes to avoid traffic backing onto streets.
3. Utilities. Seek place as many utility lines as possible underground.
4. Signs. Seek to minimize the intensity of signs. Seek to avoid with overly bright, less attractive colors.
5. Compatibility: See to locate noisier and less compatible uses as far away from home as possible. Seek to screen out views of less attractive activities from street and homes.

Section 2705. Payment of Fees; Compliance Required

A. Payment of Fees

No zoning permit shall be issued until the fees prescribed by the **<insert name of governing body>** have been paid. The payment of fees under this Article shall not relieve the applicant or permit holder from payment of other fees which may be required under any other applicable ordinance, statute, or regulation.

B. Compliance with Ordinance

The zoning permit shall be a license to proceed with work or to commence a use in accordance with the application filed and terms of the permit issued and shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Article.

C. Compliance with Permit and Site Plan

All work or use shall conform to the approved application and plans for which the zoning permit was issued, as well as any approved site plan.

Section 2706. Certificate of Use and Occupancy

A. For new uses or expansion of existing uses:

1. Upon completion of any new building or structure, or upon completion of the expansion of an existing commercial, public, semi-public or industrial building, or a structure containing more than two (2) dwelling units, or the placing of a mobile home on its foundation, the contractor or builder shall apply to the Zoning Officer for an occupancy permit.
2. The Zoning Officer shall inspect the premises and if satisfied that all conditions of the zoning permit have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this Chapter and may be used for the purposes set forth on the zoning permit.

3. If the Zoning Officer upon inspection finds the premises to have been developed in violation of any of the conditions of the zoning permit, he or she shall order the violations corrected to conform to the zoning permit and shall not issue an occupancy permit until satisfied with the corrections that have been made. The contractor shall be responsible for requesting a re-inspection after violations have been corrected and the Zoning Officer shall not issue an occupancy permit until he or she verifies all violations have been corrected.
4. It shall be a violation of this Chapter for a new structure covered by this section to be occupied without an occupancy permit first having been issued.
5. After five years from the date the occupancy permit has been issued, the Zoning Officer is permitted to "walk through" the structure to ensure that all uses are consistent with the zoning ordinance and building code.

B. For changing existing uses:

1. If the property owner wishes to change the use of any building, structure, or premises, or if a new owner seeks to occupy a property that has been used for commercial or industrial purposes, he shall apply to the Zoning Officer for an occupancy permit. Changes for which an occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion of premises to a different commercial or industrial use, or continuation of the use of a commercial or industrial property by a new owner. The Zoning Officer shall first determine that no zoning permit is needed to effect the proposed change.
2. If the Zoning Officer is satisfied that such change or addition is in conformance with all requirements of this Chapter, he or she shall issue an occupancy permit.
3. It is the responsibility of the owner of a property to determine that any persons leasing or subleasing the premises will use them only for activities permitted by this Chapter, and if a use is contemplated or undertaken by a lessee or sublessee which is not permitted, or is permitted only as a conditional use, it shall be the responsibility of the owner to either secure permission from the **<insert name of municipality>** for the use or to remove the use from the premises.
4. After five years from the date the occupancy permit has been issued, the Zoning Officer is permitted to "walk through" the structure to ensure that all uses are consistent with the zoning ordinance and building code.

C. For an occupancy permit to be permitted it must conform to all conditions listed within the building code.

D. Form of Application

The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and shall be made when the

work authorized by the zoning permit for the use authorized by the zoning permit has been completed.

E. Description of Use and Occupancy

The application shall contain a description of the intended use and occupancy of any building, structure, sign, land, or portion thereof for which a permit is required herein.

F. Issuance

Upon receipt of written notification that the work for which a zoning permit has been issued has been completed, the Zoning Officer shall inspect the premises within five (5) working days to determine that the work has been performed in accordance with this Ordinance and the approved application and other applicable **<insert name of municipality>** Ordinances, statutes, and regulations. If he or she is satisfied that the work has been completed in accordance with the approved application and approved application and applicable ordinances, statutes, and regulations, he or she shall issue a certificate or use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the records. If he or she finds that the work has not been performed in accordance with this Ordinance and the approved application, the Zoning Officer shall refuse to issue the certificate of use and occupancy and, in writing, give the reasons therefore and inform the permit holder of his rights of appeal to the Zoning Hearing Board.

G. Availability of Certificate of Use and Occupancy

The certificate of use and occupancy or a true copy thereof shall be kept available for inspection by the Zoning Officer at all times.

H. Temporary Certificate

The Zoning Officer may also issue a temporary certificate of use and occupancy for such temporary uses such as tents, trailers, and buildings on construction sites, the use of lands for public or semipublic purposes or other temporary use and/or occupancy upon order of the Zoning Hearing Board. Such temporary certificates of use occupancy shall be for the period of time to be determined by the Zoning Hearing Board, but in no case shall any temporary certificate of use and occupancy be issued for more than six (6) months. The applicant shall completely remove the structure or use authorized by the temporary certificate upon expiration of the permit without cost to the **<insert name of municipality>** .

Section 2707. Conditional Uses

A. Conditional Use Approval Required

When conditional uses are provided for in this ordinance, the **<insert name of governing body>** shall hear and decided requests for such conditional uses in accordance with stated standards and criteria. Conditional uses shall only be granted when the minimum conditions set forth for the granting of a conditional use have been met. In granting a conditional use, the **<insert name of governing body>** may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance. Prior to granting approval or denying a conditional use application, the proposal shall first be reviewed by the **<insert name of planning commission>**. Furthermore, a minimum of one (1) public hearing shall be held regarding the proposal by the **<insert name of governing body>** pursuant to public notice. The grant of approval of a conditional use shall not relieve the applicant from filing a site plan as required by other **<insert name of municipality>** regulations and obtain approval therefore from the **<insert name of municipality>**.

B. Form of Application

The application for a conditional use prescribed by the **<insert name of municipality>** shall be submitted by the applicant along with a fee (established by resolution by the **<insert name of governing body>**) to the Zoning Officer. The fee may hereafter be adjusted by adoption of a resolution by the **<insert name of governing body>**. No application shall be considered complete until all information requested by the Zoning Officer and **<insert name of governing body>** has been submitted to the **<insert name of municipality>**.

1. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the **<insert name of municipality>**. The burden of submitting the adequate data to allow full evaluation of the proposal shall rest with the applicant. However, at a minimum, the following requirements shall be addressed:

    a. The applicant shall establish by credible evidence compliance with all conditions of the conditional use requested as enumerated in the section which gives the applicant the right to seek the conditional use.

    b. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems including water and sewer if applicable. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.

    c. The applicant shall provide the **<insert name of governing body>** with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

d. The applicant shall inform the **<insert name of governing body>** whether any structures on the property are listed on the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks, or any other registry of historic structures.

e. The proposed conditional use shall not injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the area included in the conditional use application shall be adequately safeguarded.

f. The **<insert name of governing body>** may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Municipalities Planning Code and this Ordinance, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

g. Unless otherwise specified by the **<insert name of governing body>** or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of authorization therefore by the **<insert name of governing body>** or by the court if such conditional use has been granted after any appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in use authorized by the conditional use approval within one (1) year from the date of authorization thereof by the **<insert name of governing body>** or by the court if such conditional use has been granted after any appeal. The **<insert name of governing body>**, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

h. Any plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use shall also bind the use in accordance with the submitted plan. Should a change in the plan be required as part of the approval of the use, the applicant shall revise the plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved plan or the amended plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the grant of another conditional use to authorize such change.

i. Fees
A fee of Twenty-five dollars ($25.00) shall be charged for a certificate of occupancy and use compliance by a single family residential zoning use (one Unit) and for multi-family residential zoning use (more than one unit), the charge shall be Twenty-five dollars ($25.00) plus five dollars ($5.00) for each unit over one, and for commercial uses. A charge of Fifty dollars ($50.00) shall be paid for a certificate of occupancy and use compliance for any

type of Group facility, health are facility, motel, or bed and breakfast.

Section 2707. Enumeration of Violations

The construction, excavation, alternation, maintenance, or use of any structure, building, sign, land, or landscaping or the change of use, area of use, percentage of use, or displacement of the use of any structure, building, sign, land, or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign, or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign, or land for a use or in a manner which is not in accordance with the provisions of this Ordinance; or the use of property for a use difference from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for such new or different use; or the failure to comply with any other provisions of this Ordinance; or the violation of any conditions imposed upon the grant of a special exception, variance, or appeal by the Zoning Hearing Board or a conditional use by the **<insert name of governing body>** or by a court of competent jurisdiction if a special exception, variance, appeal, or conditional use is granted by such court are hereby declared to be violations of this Ordinance.

Section 2708. Enforcement Notice

If it appears to the Zoning Officer that a violation of this Ordinance shall exist, the Zoning Officer shall send an enforcement notice (also know as a "notice of violation and cease and desist order") to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and any other persons against whom the **<insert name of municipality>** may take action, the location of the property in violation, the specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, the date before which steps for compliance must be commenced, and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within thirty (30) days and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with Sanctions as provided in this Ordinance.

Section 2709. Enforcement Action

If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the **<insert name of governing body>**. The **<insert name of governing body>** may request the **<insert name of municipality>** Solicitor to institute in the name of the **<insert name of municipality>** any appropriate action or proceeding at law or in equity to prevent, restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping, or land in violation of the provisions of this Ordinance or the order or direction made pursuant thereto.

Section 2710. Violation and Penalties

Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the **<insert name of municipality>** , pay a judgment of not more than the fee established by the resolution of the **<insert name of governing body>**, plus all court costs, including the reasonable attorneys' fees incurred by the **<insert name of municipality>** as a result thereof. No judgment shall commerce or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the **<insert name of municipality>** may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Judge determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date o 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 attorneys' fees collected for the violation of this Ordinance shall be paid over to the **<insert name of municipality>** for the general use of the **<insert name of municipality>**.

Section 2711. Additional Remedies

In case any building, structure, sign, or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign, or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto, or any of the permits or certificates of use and occupancy issued under this Ordinance, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board, or upon the grant of a conditional use by the **<insert name of governing body>** , then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use or to prevent any illegal act, conduct, business, or use in and about such premises.

ARTICLE 28
AMENDMENTS

Section 2801. Amendments

The **<insert name of governing body>** may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance, including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the **<insert name of planning commission>** , the **<insert name of governing body>** or by petition to the **<insert name of governing body>**. Such amendment, supplement, change or repeal shall be submitted to the **<insert name of municipality>** and the Beaver County Department of Economic Development and Planning for their recommendations.

Section 2802. Amendments Initiated by Planning Commission

When an amendment, supplement, change or repeal is initiated by the **<insert name of planning commission>** , the proposal shall be presented to the **<insert name of governing body>** , which shall then proceed in the same manner as with a petition to the **<insert name of governing body>** which has already been reviewed by the **<insert name of planning Commission>.**

Section 2803. Amendments Initiated by <**inset name of governing body**>

When an amendment, supplement, change or repeal is initiated by the **<insert name of governing body>** , it shall submit the proposal to the **<insert name of planning commission>** and the Beaver County Department of Economic Development and Planning for review and recommendations.

Section 2804. Procedure for Petition

The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the application form approved by the _____ , shall include an accurate legal description and surveyed plan of any land to be rezoned and shall be signed by at least one (1) record owner of the property in questions whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee, to be established by the _____, shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The petitioner shall also pay any fee required by Beaver County for the review of the proposed amendment, supplement, change or repeal.

Section 2805. Referral to <insert name of municipality> Planning Commission and Beaver County

After receipt of the petition by the **<insert name of governing body>** , said petition shall be presented to the <insert name of planning commission> and the Beaver County Department of Economic Development and Planning for their review and recommendations at least thirty (30) days prior from the date of said referral. The recommendation of the Beaver County Department of Economic Development and Planning shall be made to the **<insert name of governing body>** within thirty (30) days, and the proposed action shall not be taken until such recommendation is made. If, however, the Beaver County Department of Economic Development and Planning fails to act within thirty (30) days, the **<insert name of governing body>** may proceed without its recommendation.

Section 2806. Public Hearings

The **<insert name of governing body>** shall fix a time and place for a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice and conduct of such public hearing shall be given in accordance with the Municipalities Planning Code.

Section 2807. Action by **<insert name of governing body>**

At the time and place specified, the **<insert name of governing body>** shall conduct a hearing on said petition to amend, supplement, change or repeal this Zoning Ordinance or Zoning Map of the **<insert name of municipality>** and shall thereafter submit all ordinances to the **<insert title of person>** for approval

Section 2808. Authentication of Official Zoning Map

Whenever there has been a change in the boundary of a zoning or reclassification of the zoning district adopted in accordance with the above, the change on the Official Zoning Map shall be made and shall be duly certified by the **<insert name of municipality>** Secretary and shall thereafter be refilled as part of the permanent records of the **<insert name of municipality>**.

Section 2809. Curative Amendment

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof which prohibits or restricts the use of development of land in which he or she has any interest, may submit a curative amendment to the **<insert name of governing body>** with a written request that his or her challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code. The **<insert name of governing body>** shall commence a hearing thereon within sixty (60) days of the request, unless such time period shall be extended by the petitioner. The curative amendment shall be referred to the **<insert name of Planning Commission>** and the Beaver County Department of Economic Development and Planning, and public notice and conduct of the hearing shall be provided in accordance with the Municipalities Planning Code.

ARTICLE 29
INTERPRETATION/REPEALER AND EFFECTIVE DATE

Section 2901. Continuation of Prior Provisions; Repealer

A. The provisions of this Ordinance, insofar as they are the same as those of ordinances and codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any or any rights acquired or liability incurred or any permit issued or approval granted or any cause or causes of action, including actions to enforce any right or penalty or punish any offenses under the repealed ordinances, arising prior to the enactment of this Ordinance.

B. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 2902. Rescinded Ordinances
All ordinances to be rescinded upon adoption of this Zoning Ordinance include the following:

Section 2903. Effective Date

This Ordinance shall become effective from and on the ___ the day of ____ 20__. ORDAINED AND ENACTED into law this ___the day of ___, 20__.

ATTEST:

_____ _____
Secretary Governing Body Representative

EXAMINED AND APPROVED this ____day of ____. 20__.

_____
Mayor

Addendum: Recommended Standards for Sexually Oriented Businesses

Definitions:

Sexually Oriented Businesses: An establishment consisting of, including, or having the characteristics of any or all of the following: adult arcades, adult bookstores, adult video stores, adult cabarets, adult motels, adult theaters, adult escort agencies, adult motion picture theater, adult theater, adult escort agencies, or sexual encounter center.

A. Adult Arcade: any place where the public is permitted to operated coin-operated or electronically or mechanically operated still or motion picture machines, projectors, or other image-producing devices to show images to five or fewer persons, and where the images are describe "specific sexual activities" or "specified anatomical areas".

B. Adult Bookstore or Adult Video Store: a commercial establishment which offers for sale or rental one or more of the following: 1) books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; 2) Instruments, devices, or paraphernalia that are designated for use in connection with "specific sexual activities."

   A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing, "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult bookstore or adult video store." Such other business purposes will not serve to exempt such commercial establishment from being categorized as a "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

C. Adult Cabaret: a night club, bar, restaurant, or similar commercial establishment which regularly features:
   A. persons who appear in a state of nudity; or
   B. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
   C. films, motion pictures, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

D. Adult Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration that (1) provides patrons with closed-circuit television transmitters, films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by an emphasis upon the

depiction or description of “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right-of-way or in any other manner advertises the availability of this adult type of photographic reproductions; and/or 2) rents, leases, or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a 24-hour period.

E. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

G. Adult Escort Agencies: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

H. Escort: A person who, for a fee, tip, or other 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.

I. Nude Model Studio: A place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

J. Sexual Encounter Center: An establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.”

K. Specified Anatomical Areas: The male genitals in a state of sexual arousal and/or vulva or more intimate parts of the female genitals, and the following listed areas of the human anatomy when not completely and opaquely covered: the human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.

L. Specified Sexual Activities: Includes any of the following: 1) the fondling or other erotic touching of human genitals, public region, buttocks, anus or female breasts; 2) sex acts, normal or perverted, actual or simulate, including intercourse, oral copulation or sodomy; 3) masturbation, actual or simulation; 4) excretory

function as part of or in connection with any of the following activities set forth in the subsections 1-3 set forth above.

Sexually Oriented Businesses are classified as follows:
(1) “adult” arcades;
(2) “adult” bookstores or video store;
(3) “adult” cabarets;
(4) “adult” motels;
(5) “adult” motion picture theaters;
(6) “adult” theaters;
(7) escort agencies;
(8) nude model studio;
(9) sexual encounter center.

Conditional Use Provisions for Sexually Oriented Business

1. Operation of a Sexually Oriented Business.

A. A person is guilty of violation of the Zoning Ordinance if he or she operates or causes to operate a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. Sexually oriented businesses and defined herein shall be permitted in the Manufacturing District as a Conditional Use.

B. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to operate a sexually oriented business within one-thousand (1,000) feet of:
   1. church;
   2. public or private pre-elementary, elementary, or secondary school;
   3. public library;
   4. child care facility or nursery school;
   5. a public park adjacent to any residential district
   6. a child-oriented business

C. A person is guilty of violation of the Zoning Ordinance if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000’) feet of another sexually oriented business.

D. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

E. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, child-oriented business, or nursery school; or to the nearest boundary of unaffected public park.

F. Any sexually oriented business lawfully operating on date of enactment of this Ordinance that is in violation of subsection A through E of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two or more sexually oriented businesses are within five thousand feet (5,000') of one another and otherwise in a permissible location, the sexually oriented business which was first established as a continually operating business at a particular location is the conforming use and the later-established business is nonconforming.

G. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, child-oriented business, nursery school or public park within one thousand (1,000') feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an

application for a permit is submitted after a permit has expired or has been revoked.

H. The sexually oriented business may be open for business Monday through Saturday from 10:00am to 12:00 midnight, pm. No sexually oriented business shall be open on Sunday.

I. No sexually oriented business shall be located within three hundred (300’) feet from any residentially zoned land or lot used principally as a residential use.

A MODEL HISTORIC DISTRICT ORDINANCE

FOR LOCAL GOVERNMENTS IN PENNSYLVANIA

Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation

1997

Review Procedure for Building Permit Requests within the (City, Borough, Township, County) Historic District

1. A completed application as determined by a submittal criteria developed by the Historical Architectural Review Board is submitted to the Building Inspector. (Refer to Section 600 (A) Proposed (City, Borough, Township, etc.) Historic District Ordinance).

2. The building inspector sends a completed application either for staff administrative review or to the Historical Architectural Review Board (HARB). (Refer to Section 600 (A) of the above proposed Ordinance).

3. The Historical Architectural Review Board reviews the application at its next regularly scheduled or special meeting. (Refer to Section 600 (B) of the above proposed Ordinance).

4. The Historical Architectural Review Board makes a decision within 30 working days if it is satisfied that it has all the information that it requires to review the proposed project. It then notifies the governing body of its recommendations. (Refer to Sections 600 (E) and (F) of the above proposed Ordinance).

5. The (City, Borough, Township, etc.) governing body considers the application and the HARB's recommendations at its next regularly scheduled meeting or it schedules a special meeting. (Refer to Section 600 (H) of the above proposed Ordinance).

6. The (City, Borough, Township, etc.) governing body makes a decision and then notifies the applicant within five (5) days after its meeting. (Refer to Sections 600 (J), (K), and (L) of the above proposed Ordinance).

ORDINANCE NO. _____

(City, Borough, Township, etc.)

An Ordinance of (City, Borough, Township, etc.) creating a historic district, defining its limits, providing for the appointment of a Historical Architectural Review Board (HARB) to give recommendations to the (City, Borough, Township, etc.) governing body regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of permits for the erection, alteration, restoration, reconstruction, demolition or razing of any building within the district and for appeals from such refusals and providing for the notification to the Pennsylvania Historical and Museum Commission (PHMC) of the adoption of this Ordinance and obtaining from the Commission a certificate as to the historical significance of the district(s).

Please note, the Pennsylvania Historical and Museum Commission (PHMC) certifies to the historical significance of the municipality's district not its historic district ordinance. To insure that the municipality's ordinance is in conformity with the Historic District Act, PHMC's Bureau for Historic Preservation will review and comment on the draft of said ordinance.

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ARTICLE I

Section 100 – Legal Authorization

Pursuant to authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended there is hereby created a historic district within the (City, Borough, Township, etc.).

This Ordinance shall be known and may be cited as the (City, Borough, Township, etc.) Historic Preservation Ordinance or Historic District Ordinance.

Section 101 – Purposes

This District is created for the following purposes:

1. Pursuant to Article I, Section 27 of the Pennsylvania Constitution which states that

> The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Now therefore it is the purpose and intent of the (City, Borough, Township, etc.) to promote, protect, enhance, perpetuate, and preserve historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures, and areas of historic interest or importance within the (City, Borough, Township, etc.); to safeguard the heritage of the (City, Borough, Township, etc.) by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the city's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the (City, Borough, Township, etc.) past; and to preserve and protect the cultural, historical and architectural assets of the (City, Borough, Township, etc.) for which the (City, Borough, Township, etc.) has been determined to be of local, state or national, historical and/or architectural significance.

ARTICLE II

Section 200 – Definitions – For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

Section 200 – Definitions

A. Alteration – Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which is visible from the public way.

Comment: The Bureau for Historic Preservation does not oppose but recommends against mandating the review of paint colors.

B. Building – Any enclosed or open structure which is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.

C. Building Permit – An approval statement signed by the Building Inspector or Codes Administrator authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building (within a historic district).

D. Building Permit Application – The request filed by any person with the Building Inspector or Codes Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure within a historic district that requires a certificate of appropriateness.

E. Building Inspector or Codes Administrator – A municipal employee of or individual retained by the (City, Borough, Township, etc.) designated by (City, Borough, Township, etc.) as the individual who enforces compliance of building and/or fire codes and issues the permit for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within a historic district.

F. Certificate of Appropriateness – The approval statement signed by the (City, Borough, Township, etc.) governing body which certifies to the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure

within a historic district and authorizes the issuance of a building permit for said request.

G. Completed Application – A completed permit or certificate of appropriateness application is an application which conforms to the submittal criteria for specific historic preservation projects, as determined by the Historical Architectural Review Board.

Comment: Many procedural and administrative complications occur because permit and/or certificate of appropriateness applications submitted to HARB are not properly completed. We therefore recommend the rejection for HARB review of any incomplete application.

H. Demolition – The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.

I. Demolition by neglect – The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

J. Erection – The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.

K. Reconstruction – The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.

L. Sign – Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.

M. Structure – Anything constructed or erected, having a permanent or semipermanent location on another structure or in the ground, including without limitation buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite sending or receiving dishes, vending machines, decks, and swimming pools.

N. (City, Borough, Township, etc.) Historical Architectural Review Board – (HARB) – The agency that advises the (City, Borough, Township, etc.) governing body [applicants for certificates of appropriateness] on any requests for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a historic district.

O. (City, Borough, Township, etc.) – governing body

ARTICLE III

Section 300 – Delineation of Historic Districts

The (City, Borough, Township, etc.) Historic District shall be described in writing in this section and delineated on a map designated as the Historic District map of the (City, Borough, Township, etc.).

The Historic District Map of the (City, Borough, Township, etc.) shall be located in the office of the Building Inspector and made available for public inspection.

The (City, Borough, Township, etc.) Historic District is described as follows: (This needs to be filled in)

_____
_____
_____
_____Etc…

ARTICLE IV

Section 400 – The Creation and Membership of the Historical Architectural Review Board

A. A Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of _____ members appointed by the (City, Borough, Township, etc.) governing body. The membership of HARB shall be as follows:

One (1) member shall be a registered architect;
One (1) member shall be a licensed real estate broker;
One (1) member shall be the building inspector;
One (1) member may be a planning commission member;
One (1) member may be an attorney;
and (X) member(s) shall be person(s) with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization who have interest in the preservation of the Historic District(s) and are property owners who reside in the district.

B. The initial terms of the first member shall be so fixed that no more than _____ members shall be replaced or reappointed during any one calendar year. Vacancies on the HARB shall be filled within one hundred and twenty days (120). However, every member shall continue in office after expiration of the term until a successor has been appointed. Their successors shall serve for a term of five (5) years. The position of any member of HARB appointed in his capacity such as a registered architect, a licensed real estate broker, building inspector, planning commission member, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

Comment: A typical problem regarding the appointment of board members is that new appointments are sometimes left to languish sometimes for months even years. Therefore, we suggest establishing a dead line in which appointments are to be made.

C. It shall be the duty of each HARB member to remain conscious of and sensitive to any possible conflict of interest (including but not limited to financial considerations) that may arise by virtue of his or her membership on the board. A member, promptly upon his determining he has a conflict himself relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such manner, including temporarily absenting himself from the room in which the discussion is being held.

*Comment: **Conflict of Interest**. We recommend that members disqualify themselves from voting in which their own or family financial interests is directly or indirectly involved, and prior to the vote being taken, publicly announce and disclose the nature of his or her interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken. In addition, the National Association of Preservation Commissions recommends that the HARB member who has a conflict of interest temporarily absent themselves from the room in which a meeting is taking place, until said item under review has been resolved or tabled to another meeting, unless any action on a matter before it makes the majority or other legally required vote of approval unattainable, then such member shall be permitted to vote if disclosures are made as otherwise provided above.*

<u>Section 401</u> – Powers and Duties of HARB

A. Advisory Role – HARB shall give recommendations to the (City, Borough, Township, etc.) governing body regarding the advisability of issuing any Certificate of Appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended and this ordinance.

B. Board Role Making Power – HARB may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth and all provisions of this ordinance.

C. Removal of Members – Any board member may be removed for misconduct or wrongdoing, unlawful execution of this Act, or failure to perform his or her responsibilities pursuant to this Act, or for other just cause by a majority vote of the governing body, but not before he or she has been given the opportunity of a hearing to defend to any alleged infractions of said Act.

D. Annual Reports – The members of HARB shall make an annual report to the (City, Borough, Township, etc.) governing body which shall include:

(1) any recommendations for changes in the ordinance;
(2) the number and types of cases reviewed;
(3) the number of cases for which a certificate of appropriateness was either approved or denied;
(4) number of HARB members which each member attended;
(5) historic preservation related training which each member attended;
(6) a narrative summary describing the state of preservation in the (City, Borough, Township) Historic District with recommendations in policy, goals, and objectives for (City, Borough, Township) governing body consideration.

E. Compensation – HARB may employ secretarial and professional assistance, and incur other necessary expenses with the approval of the (City, Borough, Township, etc.) governing body.

F. Meetings – HARB shall meet publicly at least once at regularly scheduled intervals. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this ordinance. Such meetings shall be opened to the public. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present.

G. Training – HARB members and HARB support staff shall be required to attend a minimum of eight (8) hours annually of seminars, conferences or workshops related to historic preservation and HARB administration.

Comment: Training requirements are not mandated by the Historic District Act, but strongly recommended by the Bureau for Historic Preservation to professionalize HARBs.

Section 402 – Additional Powers and Duties of HARB

In addition to the above, HARB shall have the following powers and duties:

A. To conduct a survey of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; action in coordination with the (City, Borough,

Township, etc.) Planning Commission, Zoning Hearing Board, and other appropriate groups and to maintain and periodically revise the detailed listings (resource inventories) of historic resources and data about them, appropriately classified with respect to national, state and local significance in accordance or consistent with the Pennsylvania Historical and Museum Commission's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys."

B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.

C. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings including proposals for the installation and care of such historic markers.

D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the (City, Borough, Township, etc.) historical and/or architectural sites and buildings.

E. To cooperate with and advise the (City, Borough, Township, etc.) governing body, the (City, Borough, Township, etc.) agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).

F. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission and other agencies, public and private, from time to time, concerned with the preservation of historic sites and buildings.

G. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.

H. To promote public interest in the purpose of this Ordinance by carrying on educational and public relations programs.

ARTICLE V

Section 500 – Design Guidelines

In determining the recommendations to be made to the (City, Borough, Township, etc.) governing body concerning the issuance of a Certificate of Appropriateness, HARB shall

consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, site, area, or district, certified to have historical significance, including the following:

A. Broad historical values representing the cultural, political, economic, or social history of the (City, Borough, Township, etc.).

B. The relationship of the building or structure to historic personages or events.

C. Significant architectural types representative of a certain historical period and a style of method of construction.

D. The effect of the proposed change upon the general historical and architectural nature of the District.

E. The appropriateness of the exterior architectural features which can be seen from a public street or way.

F. The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the District. Consideration shall be given but not limited to the following:

1. Proportion of Buildings Front Facades – Preserving the relationship between the width of the front of the building and the height of the front of the building.

2. Proportion of Openings within the Building – Preserving the relationship of width to height of windows and doors.

3. Rhythms of Solids to Voids in the Front Façade – Preserving the relationship between a recurrent alteration of strong and weak architectural elements thereby maintaining a rhythm of solids to voids.

4. Rhythm of Spacing of Buildings on Streets – Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.

5. Rhythm of Entrance and/or Porch Projections – Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.

6. Relationship of Materials – Preserving the predominant materials of the district such as brick, stone, stucco, wood siding, or other material.

7. Relationship of Textures – Preserving the predominant textures of the district which may be smooth, such as stucco or rough such as brick with tooled joints or horizontal wood siding or other textures.

8. Relationship of Architectural Details – Preserving character defining features of buildings, such as architectural details including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc…

9. Relationship of Roof Shapes – Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or kinds of roof shapes.

10. Walls of Continuity – Preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these which form visual continuity and cohesiveness along the street.

11. Directional Expression of Front Elevation – Preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical, or horizontal character to the building's façade.

12. Scale – Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass its relation to open space.

13. Variations – The HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or districts.

G. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by ten (10) percent. This requirement shall also apply to any proposed modifications to existing buildings or structures.

H. In such rare cases where there HARB recommends and the governing body approves demolition of a historic building or structure a good faith effort shall be made by the (City, Borough, Township, etc.) and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the (City, Borough, or Township).

Comment: This is not mandated by the Historic District Act, but recommended by the Bureau for Historic Preservation.

I. In addition to the above the (City, Borough, Township, etc.) zoning ordinance shall be so amended as to be compatible with the purpose of and objectives of the historic district ordinance.

J. All other (City, Borough, Township, etc.) laws and ordinances shall be complied with, including the zoning and subdivision ordinances.

K. Financial Feasibility –

The review board shall consider the financial feasibility of its recommendations in response to a request for a certificate of appropriateness or building permit for the erection, reconstruction, alteration, and restoration of a building or structure. Financial feasibility shall be determined by the HARB on the basis of an unreasonable cost for repair or replacement in-kind of whole or part of a building or structure.

The applicant shall submit a minimum of three (3) estimates from bona fide contractors and or vendors substantiating his or her claim that the financial feasibility of repair in-kind is unreasonable. The board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the building inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible, or is destructive or has the potential to be destructive to the original fabric of the building or structure.

No vinyl or aluminum siding or other material shall be allowed on the exterior of any masonry wall of a building or structure. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character defining features of a building or structure.

Section 501 – Signs

A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except for advertising informing the public or service, business, occupation or professional carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered notwithstanding zoning sign approval, until an application for permit to make such erection or alteration has been reviewed by HARB for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the district and a permit granted thereon.

B. All other requirements of any Borough Ordinance must be complied with. Historical markers may be authorized by HARB subject to the provisions stipulated and such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historic markers by HARB.

ARTICLE VI

Section 600 – Application Review Procedure

A. Upon receipt of a completed application for a building permit or a certificate of appropriateness for work to be done in the district, the Building Inspector shall act in accordance with the procedures being followed in that office, except those procedures that are modified by the following requirements:

1. The Building Inspector shall determine whether the work proposed needs to be forwarded to HARB staff for administrative approval review. If not, he shall forward copies of the completed application for a building permit together with copies of any plot plan and building plans and specifications filed by the applicant to HARB.

Comment: Staff administrative approval is intended to respond to the public's need for quick response time for work which consists of replacement in-kind or minor repairs which do not substantially alter the exterior appearance of a building or structure.

2. The Building Inspector shall not issue a building permit for any erection, alteration, reconstruction, repair, restoration or demolition of all or part of any building in the District until the (City, Borough, Township, etc.) governing body has issued a Certificate of Appropriateness. ***If the building inspector or his or her representative issues a building permit without a COA due to an administrative or clerical error said building permit shall be voided.***

Comment: A building permit issued for work in a historic district which would not be approved by the HARB should be considered void. This will prevent "mistakes" from becoming habitual.

3. The Building Inspector shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application for a building permit or certificate of appropriateness so that the information needed to make the determination set forth in Section 600 (G) 1-8 will be available.

4. The Building Inspector shall maintain in his office a record of all such applications and final dispositions of the same.

B. Board Review of Applications – Upon receipt of a completed building permit or certificate of appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting.

C. Notification of Application of HARB Meeting – The owner of record or his or her representative(s) applying for a certificate of appropriateness and/or a building permit shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons at least ten (10) days before the HARB meeting. HARB may invite such other persons as it desires to attend its meeting.

D. Design Guidelines – In determining *both oral and written* recommendations to be presented to the (City, Borough, Township, etc.) governing body concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration, demolition, or demolition by neglect of all or a part of any building within the Historic District, HARB shall consider the Design Guidelines set forth in Sections 500 and 501, and such design guidelines developed by the HARB pursuant to and congruent with the objectives of this ordinance.

E. Time Frame for Board Decision – HARB shall render a decision and recommendation on any application for a building permit under its review no later than (30 to 45) working days after the hearing/meeting provided for in Section 401 of the Ordinance and shall submit, in writing to the (City, Borough, Township, etc.) governing body recommendations concerning the issuance of a Certificate of Appropriateness.

F. Application Disapproval by HARB – If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall so indicate to the applicant for a building permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HARB shall withhold its report for five (5) days to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he or she will make the necessary changes, he or she shall so advise the HARB, which shall in turn advise the governing body accordingly.

G. Contents of Written Report – The written report to Borough Council concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the findings of fact that shall include but not be limited to the following matters:

1. The exact location of the area in which the work is to be done.

2. The exterior changes to be made or the exterior character of the structure to be erected.

3. A list of the surrounding structures with their general exterior characteristics.

4. The effect of the proposed change upon the general historic and architectural nature of the district.

5. The appropriateness of exterior architectural features of the building which can be seen from a public street or way.

6. The general design, arrangement, texture, and material of the building and the structure and the relation of such factors to similar features of building or structures in the district.

7. The opinion of HARB (including any dissent) as to the appropriateness of the work or project proposed as it will preserve or destroy the historic character and nature of the district.

8. The specific recommendations of HARB based on findings of fact as to the issuance by the (City, Borough, Township, etc.) governing body or its refusal to issue a Certificate of Appropriateness.

H. Notification of Applicant by the (City, Borough, Township, etc.) governing body of their Consideration Upon receipt of the written report from HARB as provided in G of this section, the (City, Borough, Township, etc.) governing body shall consider at the next regularly scheduled or special meeting, the question of issuing to the Building Inspector a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the (City, Borough, Township, etc.) Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be hear as to the reasons for filing this said application.

I. Design Guidelines – In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration or demolition, of all or a part of any building within the historic district, the (City, Borough, Township, etc.) governing body shall consider the same factors as HARB set forth in Sections 500 and 501 of this Ordinance and the report of the Board.

J. Approval by the (City, Borough, Township, etc.) governing body – If the (City, Borough, Township, etc.) governing body approves the application, it shall issue a Certificate of Appropriateness authorizing the Building Inspector to issue a (building) permit for the work covered.

K. Disapproval by the (City, Borough, Township, etc.) governing body – If the (City, Borough, Township, etc.) governing body disapproves, a written reason(s) shall be given to the Building Inspector, the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting

(1) the distinctive historical character of the district and (2) the architectural integrity of the building or structure.

Upon receipt of a written disapproval of the (City, Borough, Township, etc.) governing body the Building Inspector shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal this disapproval to the County Court of Common Pleas within the time specified by law.

L. Final Notification by (City, Borough, Township, etc.) governing body – In either case of approval or disapproval the (City, Borough, Township, etc.) shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.

ARTICLE VII

Section 700 – Unreasonable Economic Hardship

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of the review board's action, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB which shall include but not be limited to the following:

A. Date the property was acquired by its current owner.

B. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.

C. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.

D. Current market value of the property.

E. Equity in the property.

F. Past and current income and expense statements for the past two (2) years.

G. Past capital expenditures during ownership of current owner.

H. Appraisals of the property obtained within the previous two years.

I. Income and property tax factors affecting the property.

J. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.

K. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.

L. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness.

M. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

The review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

Should the review board determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The review board may choose to recommend to the (City, Borough, Township, etc.) that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

The review board may seek the assistance of appropriateness local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the review board chooses to explore such options, the review board may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

Should the applicant satisfy the review board that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the review board be unable to develop with the (City, Borough, Township, etc.) or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the review board must recommend a Certificate of Appropriateness for demolition.

ARTICLE VIII

Section 800 – Demolition by Neglect

All buildings and structures within the (City, Borough, Township, etc.) historic district shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of such deterioration include:

(a) Deterioration of exterior walls or other vertical supports.
(b) Deterioration of roofs or other horizontal members.
(c) Deterioration of exterior chimneys.
(d) Deterioration of crumbling of exterior stucco or mortar.
(e) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken window or doors.
(f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

ARTICLE IX

Section 900 – Notice of Violation

The Building Inspector shall serve a notice of violation on the person in violation of this ordinance which would result in but not be limited to (1) failure to apply for a certificate of appropriateness or a building permit required for the erection, reconstruction, alteration, restoration, demolition, demolition by neglect, or razing of any building or structure which can be seen from a public way, and (2) failure to comply with HARB approved work. Such notice shall direct the abatement of said violation.

Section 901 – Enforcement

The Building Inspector or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance.

Section 902 – Penalty

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of $300.00 for each day the violation is unabated.

Section 903 – Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 904 – Severability Clause

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 905 – Amendments

The provisions of the Ordinance may be amended in the future by the governing body of (City, Borough, Township, etc.) after notice and hearing as provided by law.

Section 906 – Effective Date/Certification by Pennsylvania Historical and Museum Commission

Immediately upon the adoption of this Ordinance, the (City, Borough, Township, etc.) Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until: (1) the said Commission has certified, by resolution, to the historical significance of the (City, Borough, Township, etc.) Historical District and, (2) it has been duly advertised once in the newspaper of general circulation in the (City, Borough, Township, etc.) as required by law.

Section 907 – Enactment

This Ordinance enacted and ordained on the _____ day of _____, 19_____.

_____
(Mayor, Chairman, President, Supervisor, Commissioner, etc.)

(City, Borough, Township, etc.)
_____
_____

Attest:

_____
(City, Borough, Township, etc.)

Approved this _____ day of _____, 19_____.

The Historic District Act

Act of the General Assembly No. 167, dated June 13, 1961, (P.L. 282) as amended by 1963 P.L. 27, No. 24 and 1980 P.L. ___, No. 74(53 P.S.8001 et seq.)

An Act
Authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The term "governing body," as used in this act, shall mean the board of commissioners of any county, the council of any city, except cities of the first or second class, the council of any borough or incorporated town, the board of commissioners of any township of the first class and the board of supervisors of any township of the second class.

The term "executive authority," as used in this act, shall mean the chairman of the board of commissioners of any county, the mayor of any city, except cities of the first and second class, the president of council of any borough or incorporated town, the president of the board of commissioners of any township of the first class and the chairman of the board of supervisors of any township of the second class. (As amended 1980 P.L.___, No.74.)

Section 2. For the purpose of protecting those historical areas within our great Commonwealth, which have a distinctive character recalling the rich architectural and historical heritage of Pennsylvania, and of making them a source of inspiration to our people by awakening interest in our historic past, and to promote the general welfare, education, and culture of the communities in which these distinctive historical areas are located, all counties, cities, except cities of the first and second class, boroughs, incorporated towns and townships, are hereby authorized to create and define by ordinance, a historical district or districts within the geographic limits of such political subdivisions. No such ordinance shall take effect until the Pennsylvania Historical and Museum Commission has been notified, in writing, of the ordinance and had certified, by resolution, to the historical significance of the district or districts within the limits defined in the ordinance, which resolution shall be transmitted to the executive authority of the political subdivision. (As amended 1980 P.L. ___, No. 74.)

Section 3. The governing body of the political subdivision is authorized to appoint a Board of Historical Architectural Review upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission. The board shall be composed of not less than five members. One member of the board shall be a registered architect, one

member shall be a licensed real estate broker, one member shall be a building inspector, and the remaining members shall be persons with knowledge of and interest in the preservation of historic districts. A majority of the board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the board. The board shall give counsel to the governing body of the county, city, borough, town, or township, regarding the advisability of issuing any certificate which the governing body may issue pursuant to this act. (As amended 1963 P.L. 27, No.24.)

Section 4. (a) Any governing body shall have the power and duty to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of any building, in whole or in part, within the historic district or districts within the political subdivision. Any agency charged by law or by local ordinance with the issuance of permits for the erection, demolition or alteration of buildings within the historic district shall issue no permit for any such building changes until a certificate of appropriateness has been received from the governing body.

(b) Any governing body in determining whether or not to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part, shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district. The governing body shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way, only, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district. The governing body shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district. Upon giving approval, the governing body shall issue a certificate of appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of a building in whole or in part. Disapproval of the governing body shall be in writing, giving reasons therefore, and a copy thereof shall be given to the applicant, to the agency issuing permits, and to the Pennsylvania Historical and Museum Commission.

(c) Any person applying for a building permit within a historic district shall be given notice of the meeting of the Board of Historical Architectural Review which is to counsel the governing body, and of the meeting of the governing body which is to consider the granting of a certificate of appropriateness for the said permit, and may appear before the said meetings to explain his reasons therefore. In the event of a failure to recommend, the board, and, in the event of its disapproval, the governing body shall also indicate what changes in his plans and specifications would meet its conditions for protecting the distinctive historical character of the historic district.

(d) Any person aggrieved by failure of the agency charged by law or by local ordinances to issue a permit for such building changes by reason of the disapproval of the governing body may appeal therefrom in the same manner as appeals from decisions of the agency charged by law or by local ordinance with the issuance of permits for such building changes.

Section 5. The agency charged by law or by local ordinance with the issuance of permits for the erection, demolition or alteration of buildings within the historic district shall have power to institute any proceedings, at law or in equity, necessary for the enforcement of this act or of any ordinance adopted pursuant thereto, in the same manner as in its enforcement of other building, zoning or planning legislation or regulations.

Section 6. The provisions of this act are severable and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act.

It is hereby declared to be the legislative intent this act would have been adopted had such unconstitutional provisions not been included herein. The provisions of this act shall not be construed to limit the powers and duties assigned to the Pennsylvania Historical and Museum Commission.

Section 7. This act shall take effect immediately.

Procedural Steps to Establishing A Historic District Ordinance

(a) Conduct a historical/architectural survey of the area you propose for designation (optional).

(b) Complete a Pennsylvania's Historic Resource Survey Form, available from the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (BHP).

(c) Submit the completed form to BHP staff to evaluate the district's significance using the National Register criteria.

(d) Schedule a site visit with the BHP staff to establish district boundaries.

(e) Consult with BHP concerning the development of local support for the proposed historic district ordinance.

(f) Request a review by the BHP of the draft ordinance before adoption by the local governing body. Review will note any discrepancies between the ordinance and the enabling legislation.

(g) Schedule a public hearing for public consideration of proposed historic district ordinance.

(h) The local governing body adopts the historic district ordinance.

(i) The chief elected official of the local government requests the Pennsylvania Historical and Museum Commission to certify the historical significance of the proposed historic district. The request must be accompanied by a certified (signed and dated) copy of the ordinance, and a map clearly showing the historic district(s) boundary(ies). (***Note:*** *Do not confuse Bureau review of documentation on the Historic Resource Survey Form with the official resolution by the Pennsylvania Historical and Museum Commission of the historical significance of the district).*

(j) The Pennsylvania Historical and Museum Commission notifies the local government of its official action. The ordinance takes effect on the date of certification by resolution of the Commission. (The Commission meets throughout the year and will consider the historical significance of the proposed district at a regular meeting. Completed substantiating documentation must be received at least 60 days before the meeting at which it will be considered).

Note: A model historic district ordinance, further information and technical assistance, including site visits, is available from the Pennsylvania Historical and

Museum Commission, Bureau for Historic Preservation, Commonwealth Keystone Building, 2nd Floor, 400 North Street, Harrisburg, PA 17120-0093. Telephone (717) 787-0771, Fax (717) 772-0920.