

UPPER AUGUSTA TOWNSHIP

ZONING ORDINANCE

March 29, 1973

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A R T I C L E S

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ARTICLE I

GENERAL PROVISIONS

SECTION 100 – TITLE

An ordinance regulating the use of land area, watercourses and water bodies; the size, height, bulk, location, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, yards, and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use. This ordinance may be cited as the “Upper Augusta Township Zoning Ordinance”.

SECTION 110 – JURISDICTION

111 – Grant of Power

Section 601 of the MPC provides that the governing body of Upper Augusta Township may implement a comprehensive plan or accomplish any of the purposes of the MPC by enacting a zoning ordinance within the municipality.

112 – Applicability

This Ordinance requires that, no land, body of water or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.

113 – County Authority

The Northumberland County Planning Commission is empowered under Section 304 of the MPC to submit its recommendations upon the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposals shall be submitted to the County Planning Commission at least forty five (45) days in advance of action by the applicable municipality.

SECTION 120 – PURPOSES

121 – General Purposes

The zoning regulations and districts herein set forth have been made in accordance with the Comprehensive Plan and are designed to:

- A. Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic,

commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

- B. Prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

122 – Community Development Objectives

This Ordinance provides a legal basis and framework for future community development. Its provisions are guided by the goals, objectives and proposals contained within the Upper Augusta Township Comprehensive Plan.

SECTION 130 – ENFORCEMENT

131 – Remedies

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

132 – Penalties

- A. Any person, partnership, corporation, or LLC who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the 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 the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation, or LLC violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

SECTION 140 – INTERPRETATION

141 – Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to, and compatible with, the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

142 – Conflict with Other Laws

The provisions of this Ordinance shall be held to the minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall not prevail unless applicable under higher law and by right of jurisdiction.

143 – Validity

Should any section, subsection 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 any other part thereof.

144 – Repealer

All other municipal ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance. The Zoning Ordinance of July 1, 1991, as amended, is hereby specifically repealed and replaced by this Ordinance.

ARTICLE II
DEFINITIONS

SECTION 200 – GENERAL

201 – Intent

Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meanings contained herein.

202 – Inclusion

As used in these regulations, words expressed in their singular include their plural meanings; and words expressed in the plural include their singular meanings. The word “person” includes a corporation, unincorporated association, limited liability company, and a partnership, as well as an individual. The words “building” and “street” are used generally and shall be construed as if followed by the phrase “or part thereof”. The word “may” is permissive; the words “shall” and “will” are mandatory.

203 – Organization

- A. Board – The word “Board” or the words “Zoning Hearing Board” always mean the Upper Augusta Township Zoning Hearing Board.
- B. Commission – The word “Commission” or the words “Planning Commission” shall always mean the Upper Augusta Township Planning Commission.
- C. Comprehensive Plan – The words “Comprehensive Plan” shall always mean the complete plan for the continuing development of Upper Augusta Township as recommended by the Planning Commission and currently adopted by the Board of Supervisors.
- D. County – The word “County” shall always mean Northumberland County.
- E. Governing Body – The words “Governing Body” shall always mean the Board of Supervisors.
- F. Municipality – The word “municipality” or “municipal” shall always mean Upper Augusta Township.

SECTION 210 – DEFINITIONS

The following words or phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be used with a meaning of standard usage.

AGENT – Any person, other than the developer, who, acting for the developer, submits to the Commission and Governing Body plans for the purpose of obtaining approval thereof.

ALLEY – A right-of-way providing secondary vehicular access to the side or rear of two or more properties.

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

APPLICANT – Agent or Land Owner.

AREA –

- A. Building Area – The aggregate taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
- B. Floor Area – The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment.
- C. Lot Area – The area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way.
- D. Lot Building Area – Total area / acres within a lot less easements, rights-of-way, and applicable setbacks.

BASEMENT – A story partly underground but having one-half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining floor area only if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

BUILDING – An erected or excavated structure intended for use and occupancy as a habitation or for some purpose of trade, manufacture, ornament or other use; any structure affording shelter to persons, animals or property. The word “building” shall include any part thereof.

- A. Accessory Building – A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- B. Principal Building – A building in which is conducted or intended to be conducted the principal use of the lot on which it is located.

BUILDING COVERAGE – That percentage of the plot or lot area covered by the building area.

BUILDING HEIGHT – A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING OFFICER – The duly appointed municipal officer designated by all governing bodies as the administrating and officer for enforcing the Uniform Construction Code (UCC).

BUILDING PERMIT – A written permit which gives evidence that the proposed building has met the defined UCC regulations.

BUILDING SETBACK LINE – A line within a property defining the required minimum distance between any structure and the adjacent property line or street right-of-way.

CARTWAY – The portion of a street or alley intended for vehicular use.

CELLAR – A story, partly underground and having more than one-half of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage but it may be used for dwelling purposes if specifically designed and finished for such purpose.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections defined by two street lines and by a line of sight between two points on the street lines at a given distance from the intersection.

CONDITIONAL USE – A use which may be allowed in one or more zoning districts by the Governing Body pursuant to public notice and after public hearing(s) and the recommendation of the Planning Commission pursuant to applicable standards and criteria expressed in this Ordinance, the Subdivision and Land Development Ordinance and other applicable regulations. Conditional uses may only be granted for uses expressly stated as conditional uses in Section 420, Table of Uses, or Section 141, Uses Not Provided for.

DEDICATION – The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEVELOPER – Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DISTRICT – A zoning district as laid out on the zoning map, along with the regulations pertaining thereto.

DOUBLE FRONTAGE LOT – A lot with front and rear street frontage.

DRIVEWAY – A minor vehicular right-of-way providing access between a street and a parking area or garage within a single lot or property.

DWELLING – A building containing one or more dwelling units.

- A. Dwelling Unit – Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

- B. Multiple Family Dwelling – A dwelling containing two or more dwelling units not having independent outside access and not having party walls forming a complete separation between individual dwelling units. Single family attached dwellings are specifically excluded from this definition.
- C. Single Family Attached Dwelling – A dwelling containing only one dwelling unit from ground to roof, independent outside access and a portion of one or two walls in common with adjoining dwellings.
- D. Single Family Detached Dwelling – A dwelling having only one dwelling unit from ground to roof, independent outside access and open space on all sides.

EASEMENT – A limited right of use granted in private land for public or quasi-public purposes.

FAMILY – One or more persons related by blood, marriage or adoption and any domestic servants or gratuitous guests thereof or a group of not more than five persons who need not be so related and any domestic servants or gratuitous guests thereof who are living together in a single nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM OR AGRICULTURAL UNIT – Any tract of land 10 acres or larger used for:

1. Growing of crops including raising, keeping and sale of truck, orchard, nursery, greenhouse, tree crops, etc.;
2. Raising and keeping of livestock including hooved animals, poultry, caged or stabled animals, etc., with the intent of producing capital gain or profit from the use or sale of the livestock or products, thereof;
3. Additional classification of farms by size, use, economics, etc., may be according to the United States Department of Agriculture Census Report.
4. Two-family related farm units (Section 232) and single-family farms (Section 233) are considered as single farm units as long as the farm unit maintains its agricultural use. Farm units with two-family ownership and/or operation but with unrelated family units shall also be considered single farm units when certified through special exception procedure by the Zoning Hearing Board as being true farm units for operation or in transitional or impending transitional ownership of the farm unit. (See also Section 428.)

FENCE – Any structure constructed of wood, vinyl, plastic or synthetic material, metal, wire mesh or masonry erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purpose of this Ordinance, a masonry wall is considered to be a fence; also, for the purpose of this Ordinance, when the term “lot line” is used in relation to fences, it shall be synonymous with “rear yard”, “side yard”

FUTURE RIGHT-OF-WAY – (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; (2) a right-of-way established to provide future access to or through undeveloped land.

LANDOWNER – The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this Ordinance.

LICENSED GROUP HOME – A group home is a residence occupied by five (5) or fewer persons (excluding staff) unrelated by blood, marriage, adoption or guardianship who live together as a group family household. Such homes shall include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped or challenged persons, battered children and women, and specialized treatment facilities providing less than primary health care. Group homes providing space for more than five (5) residents, excluding staff, shall be considered to be secured institutional residences.

LOT – A parcel of land used or set aside and available for use as the site of one or more buildings accessory thereto or for any other building or land development purpose, in one ownership and including any land within the limits of a public or private way upon which said lot abuts, but only when the ownership to such way is in the owner of the lot.

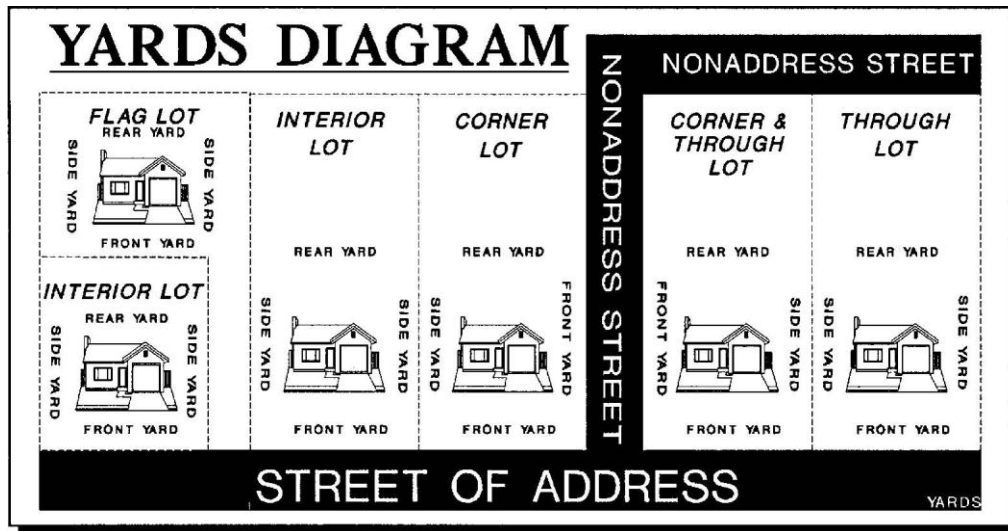
- A. Lot of Record – A lot which has been recorded in the Office of the Recorder of Deeds of Northumberland County, Pennsylvania.
- B. Corner Lot – A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersecting at an angle of less than 135 degrees.
- C. Through Lot – An interior lot having frontage on two parallel or approximately parallel streets.
- D. Lot Depth – The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- E. Lot Width – The distance measured between the side lot line at the required building setback line. In a case where there is only one side lot line, between such lot line and the opposite rear lot line or street line.
- F. Enclosed Lot – An existing lot as of the date of this Ordinance separated from a street by an intervening property or properties with no frontage abutting on a street except for an access driveway (deeded) connecting the lot to a street.
- G. Non-conventional Lot – An existing lot as of the date of this Ordinance meeting or exceeding minimum lot size (surface area) but because of unusual configuration necessitated by adjacent lots does not meet yard space (setback) requirements and/or width (frontage) requirements.
- H. Non-building Lot (or Parcel) – A lot or parcel of land not to be developed or used as a site for one or more buildings, but can be used for agriculture/forestry or buffering purposes if it conforms to the Zoning Ordinance for the area in which the lot or parcel is located. Deeds and

official survey maps of all such lots or parcels must be designated as non-building lots or parcels and must have non-building declaration and request for planning waiver language incorporated as specified by the Commonwealth of Pennsylvania Dept. of Environmental Protection.

- I. Lot Add-On – A parcel that is created to incorporate with an existing deed. A lot add-on parcel can be exempt from dimensional and access requirements of building lots as set forth in this Ordinance.

LOT LINES – Any boundary line of a lot.

- A. Rear Lot Line – Any lot line which is parallel to or within 45 degrees of being parallel to a street lie, except for a lot line that is itself a street line and, in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.
- B. Side Lot Line – Any lot line which is not a street line or a rear lot line.
- C. Street Line – See Section 250.



MARGINAL ACCESS STREET – Minor streets, parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.

MOBILE HOME – A vehicle in excess of 400 sq. ft. so constructed as to permit its being used as a conveyance upon the public streets or highways to its final destination and duly titled as such and constructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons; except where such a facility is placed on a permanent continuous foundation or used as a dwelling, it shall not be considered a mobile home; the said exception does not apply to mobile homes located or to be located in a flood prone area; they are subject to the requirements of a D-HUD-FIA rules and regulations.

MOBILE HOME COURT – Any lot, parcel or plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located for more than thirty (30) days.

MPC – The Pennsylvania Municipalities Planning Code , Act of 1968, P.L. 805, No. 247, as reenacted and amended.

MULTIPLE FRONTAGE LOT – A lot having more than two (2) street fronts.

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

OCCUPANCY PERMIT – A permit stating that all work indicated on a building permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with the Ordinance and the building or lot may be occupied.

REVERSE FRONTAGE LOT – A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

RIGHT-OF-WAY – Land set aside for use as a street, alley or other means of travel. This shall not apply to easement or right-of-way for a public or private utility such as a pipeline, electric wires, etc.

ROOMER, BOARDER OR LODGER – A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified, for purposes of this Ordinance, not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

SEWAGE FACILITY – Any sanitary sewer, sewage system, sewage treatment works or parts thereof designed, intended or constructed for the collection, treatment or satisfactory disposal of sanitary waste (including industrial waste).

SPECIAL EXCEPTION – A use that may be granted or denied a zoning permit on the basis of the standards and criteria specified in the table of use regulations for the use in question and upon the general standards included in Article XI. Special exceptions may not be granted for uses other than those expressly stated as subject to special exception by the Zoning Hearing Board. The term “special exception” includes uses by exception granted for special circumstances or needs and with conditions specified by the Zoning Hearing Board.

STORY – That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having 75 percent or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two opposite exterior walls is not more than two (2) feet above such story.

STREET – A strip of land, including the entire right-of-way, street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified as follows:

- A. Arterial Street – Streets serving large volumes of comparatively high speed traffic, including those facilities designated Class 1 or 2 highways by the Pennsylvania Department of Transportation.
- B. Collector Street – Streets which, in addition to giving access to abutting properties, intercept minor streets and provide routes to community facilities and major traffic streets.
- C. Local Streets – Streets primarily used for access to abutting properties and generally serving internally developed areas.
- D. Marginal Access Streets – See Section 239.

STREET LINE – The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way; provided that, where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

STRUCTURE – Any man-made object having an ascertaining stationary location above, on or in land or water, whether or not affixed to the land. A man made object such as a tent, canopy, boat, balloon, etc., temporarily affixed in place by stakes, boat anchor, tether, etc. and without a permanent foundation shall not be considered as a structure having a permanent ascertainable stationary location.

TRAILER –

- A. Trailer Travel – A towed wheeled vehicle less than 400 square feet in size designed for human habitation and not equipped with permanent externally connected running water, bath facilities, flush toilet or appropriate sanitary connections.
- B. Trailer Utility – A towed vehicle, open or enclosed, designed primarily for carrying cargo – not to include humans.

USE – Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

- A. Accessory Use – A use located on the same lot with a principal use and clearly incidental or subordinate to and customary in connection with the principal use.
- B. Principal Use – The main use on a lot.

VARIANCE – A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and Section 912 of the MPC.

WATER FACILITY – Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

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 a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

- A. Front Yard – A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.
- B. Rear Yard – A yard between a structure and a rear line and extending the entire length of the rear lot line.
- C. Side Yard – A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ZONING OFFICER – The duly appointed Municipal Officer designated by the Governing Body as the administrating and enforcing Zoning Officer for this Ordinance.

ZONING PERMIT – A written permit which gives evidence that all the requirements of the Zoning Ordinance have been met.

ARTICLE III

ZONING DISTRICTS

SECTION 300 – DISTRICTS ESTABLISHED

301 – Classification of Districts

Upper Augusta Township is hereby divided into districts of different types, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use deemed most suitable to carry out the objectives of this Ordinance.

The districts are established and designated as follows:

- C Conservation Districts
- A Agricultural Districts
- AH Agricultural Holding Districts
- SR Suburban Residential Districts
- VC Village Center Districts
- HC Highway Commercial Districts
- I Industrial Districts

302 – Zoning Map

The boundaries of the zoning districts are delineated on the map entitled “Upper Augusta Township Zoning Map” which accompanies and, with all explanatory matters thereon, is hereby made a part of this Ordinance.

303 – Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of a district as indicated on a zoning map, the following rules shall apply.

- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefrom as indicated on the zoning map.

SECTION 310 – STATEMENTS OF PURPOSE AND INTENT

311 – Conservation Districts (C)

In areas where major physiographic problems exist, accessibility is difficult or unique natural beauty exists, Conservation Districts are established to conserve the existing character of such areas by providing for low intensity residential, agricultural or recreational uses, thus guiding substantive land development into more appropriate zoning districts.

312 – Agricultural Districts (A)

In areas of highly productive soils and where agricultural activity remains strong, Agricultural Districts are established to protect and stabilize agriculture as an on-going economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support thereof.

313 – Agricultural Holding Districts (AH)

In areas of marginal agricultural potential and activity as yet too remote to expect any substantial urban or suburban development, Agricultural Holding Districts are established. It shall be the purpose of these districts to maintain a rural character and low residential density in anticipation of future development but, at the same time, provide alternative economic activities to farming during the holding period.

314 – Suburban Residential Districts (SR)

In areas where residential development has already begun, reasonable access to industrial, commercial and public activities is available and a reasonable potential for public sewerage exists, Suburban Residential Districts (SR) are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for residential and residential support land uses.

Suburban Residential Districts shall carry the same dimensional requirements as shown in SECTION 500 – TABLE OF DIMENSIONAL REQUIREMENTS.

315 – Village Center Districts (VC)

In established rural centers with reasonable expectation of continued vitality, Village Center Districts are established. It shall be the purpose of such districts to maintain themselves as centers by providing for higher density residential uses, commercial uses serving the immediate area and appropriate public activities.

316 – Highway Commercial Districts (HC)

Highway Commercial Districts are established to accommodate retail or wholesale business activities which either serve a regional market, offer merchandise oriented to the highway uses or function best on large individual land parcels and thus are not primarily part of an integrated shopping area or center.

317 – Industrial Districts (I)

Industrial Districts are established to contribute to the overall economy of the region. It shall be the purpose of such districts to encourage industrial development and secured institutions in areas of good

highway accessibility, with the existence or reasonable expectation of sanitary sewerage and within reasonable proximity to supporting commercial activities.

ARTICLE IV
USE REGULATIONS

SECTION 400 – APPLICABILITY

Except as provided by law or in this Ordinance, no building, structure, land, or watercourse or body of water in each district shall be used or occupied except for the purposes permitted in the district in the section of this Article applicable thereto.

SECTION 410 – PERMITTED USES

411 – Uses Permitted by Right

A use listed in Section 420 is allowed by right in any district under which it is denoted by the letter “P”, subject to all applicable requirements contained within this Ordinance and after a zoning permit has been properly issued.

412 – Conditional Use

A use listed in Section 420 is allowed in any district under which it is denoted by the letter “C”, provided the governing body, in accordance with Section 1014, authorizes the issuance of a zoning permit by the Zoning Officer and subject to all applicable requirements contained within this Ordinance and such further restrictions or conditions that the Governing Body may establish.

413 – Uses Permitted by Special Exception

A use listed in Section 420 may be allowed in any district under which it is denoted by the letter “S”, provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the specific requirements of Sections 420 and 1113, as well as all other applicable requirements of this Ordinance and such further restrictions or conditions that said Board may establish.

Any use existing on the effective date of this Ordinance which is classified as permitted by special exception in the district in which the land occupied by the use is located shall be deemed to have been granted a special exception subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedure specified in Articles IX and X.

414 – Uses Not Permitted

A use listed in Section 420 is not permitted in any district under which it is denoted by the letter “N”.

SECTION 420 – TABLE OF USE REGULATIONS

	<u>C</u>	<u>A</u>	<u>AH</u>	<u>SR</u>	<u>VC</u>	<u>HC</u>	<u>I</u>
421 – <u>Agricultural Uses</u>							
A. Animal Husbandry –	P	P	P	S	N	N	S
<p>The raising and keeping of livestock and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry. The minimum lot shall not be less than ten (10) acres.</p> <ol style="list-style-type: none"> 1. No new concentrated animal or concentrated animal feeding operations will be allowed outside designated Agricultural Security Areas and must conform to all Dept’s. of Environmental Protection and Agriculture regulations and permit procedures. 2. No barns, animal shelters, feed yards or other agricultural accessory building shall be located closer than one hundred (100) feet from any lot line. Agricultural accessory buildings, barns, animal shelters, etc. shall not be restricted as to location in front, side or rear yards of the farmstead. 3. The construction of new buildings, which, by their size or nature, will inhibit future residential or industrial developments, should not be permitted outside designated Agricultural Security Areas or agricultural easement areas. 							
B. Kennel or Stable –	P	P	P	N	N	N	N
<p>Any lot on which animals are kept, boarded or trained, whether in special buildings or runways or not, including, but not limited to, dog and cat kennels, horse stables or riding academies; providing no animal shelters or runs shall be located closer than one hundred (100) feet from any lot line.</p>							
C. Crop Farming –	P	P	P	P	P	P	P
<p>The raising, keeping and sale of field, truck and tree crops.</p>							
D. Greenhouse –	P	P	P	P	P	P	P
<p>Provided any goods sold in connection with such greenhouse in C, A, AH, and SR Districts be subject to the provisions of Section 428 C. (See also Section 800 – Parking.)</p>							
E. Agricultural Security Areas –	P	P	P	N	N	N	N
<p>As provided for by Commonwealth of Pennsylvania law, agricultural use of land shall be protected when designated in accordance with provisions of the law. Lands designated as Agricultural Security Area lands shall not be utilized and/or converted to uses that are not compatible with normal farming operations as defined by the Agricultural Security Area law.</p>							

C A AH SR VC HC I

F. Pets – (in the following categories)

P P P S N N **N**

1. Farm animals raised as pets (not as animal husbandry).

a. No barns, animal shelters, feed lots or farm animal livery stables/accessory buildings housing farm animals shall be located closer than one hundred (100) feet from any lot line or fifty (50) feet from a stream. Pasture areas must be fenced and shall not be located closer than fifty (50) feet from a stream.

2. Dogs in excess of two (2) kept in outdoor runs, shelters, or runways.

a. Animal shelters or runs shall be located according to the set backs of the zoned area. (Page 37)

G. Agricultural Related Uses –

S P P N S S S

1. Sales of supplies, materials, and equipment for raising crops and livestock (ex. seeds, fertilizer, feed, and farm machinery/equipment) (see also Section 801 for required parking spaces).

2. Services supporting agriculture (ex. Farm machinery repair, crop spraying) (see also Section 801 for required parking spaces).

3. Agricultural products processing and/or storage facilities (ex. Dairy, feed mill, grain elevator) (see also Section 801 for required parking spaces).

422 – Residential Uses

A. Single Family Detached Dwelling –

P P P P P N N

B. Single Family Attached Dwelling –

N N C C P N N

Providing:

1. Access to an approved sewage facility is immediately available.

2. No more than six (6) dwelling units are attached in a single building.

3. Minimum lot area per dwelling unit shall not be less than four thousand (4,000) square feet for end units and two thousand (2,000) square feet for interior units.

4. One family attached dwellings are permitted in SR Districts only as a conditional use and as part of a cluster development under the provisions of Section 422 G.

5. A parked mobile home used as a dwelling shall not be considered a mobile home (see Section 240) nor as a single family attached dwelling.

C A AH SR VC HC I
 S S S S S S N

C. Conversion –

One family dwellings converted for occupancy by not more than two families, subject to the following conditions.

1. The lot area per family should not be reduced thereby to less than that required for the district in which such lot is situated.
2. The yard, building area and other applicable requirements for the district shall not be reduced thereby.
3. No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.
4. Such conversions shall be authorized only for large buildings that have little economic usefulness as single family dwellings or for other conforming uses (i.e., barns erected prior to the adoption of this Ordinance).
5. See also Section 800 – Parking.

D. Multi-Family Dwelling –

N N N C C N N

Multiple family dwellings, providing the following requirements are met.

1. Access to an approved sewage facility is immediately available.
2. The maximum number of dwelling units per acre shall not exceed twelve (12).
3. A maximum of 0.25 square feet of floor area shall be permitted for each square foot of lot area.
4. Open Space –
 - A. At least 3 square feet of lot area per one foot of floor area shall be open space.
 - B. Open space is the total horizontal area of all uncovered open space. Covered open space is exterior space open on its sides to weather but not open above to the sky and weather; it includes roofed porches, roofed carports and covered balconies.
5. Multiple family dwellings shall in all cases be considered “Land Development” and be subject to the applicable provisions of the Subdivisions and Land Development Ordinance.

E. Rooming House –

N P P P P N N

A single family dwelling designed or modified to accommodate a single roomer.

C A AH SR VC HC I
 N C N C P N N

F. Lodging House –

A building specifically designed or modified for the accommodation of roomers, providing:

1. Such use shall be accessory to and located on the same lot with a parent agricultural, religious, educational, charitable or philanthropic institution.
2. The lot on which such building is located has a lot area, in addition to other area requirements of this Ordinance, of not less than fifteen hundred (1,500) square feet for each person for whom accommodation is provided therein.
3. Necessary health permits regarding water supply and waste disposal are obtained.

G. Cluster Development –

N N C P P N N

Planned development of single family dwellings on lots with modified dimensional requirements, providing:

1. The tract of land to be developed shall be five (5) acres or more in size.
2. Minimum lot sizes shall not be less than two thousand (2,000) square feet.
3. The maximum overall density shall not exceed eight (8) dwelling units per acre.
4. Access to an approved sewage facility is immediately available.
5. An amount of land shall be set aside as permanent usable open space. Such open space shall:
 - A. Be suitable for use as a park, playground, pedestrian access way, school or other similar public purpose or, because of its topography, vegetation or other natural character, be left open with no particular use assigned to it.
 - B. Be suitable for the construction of single family homes under normal subdivision procedures. If a portion of such development is unusable either because of periodic flooding or for any other reason, then the portion of such development declared to be unusable shall be excluded from any calculations for permissible density but included as usable open space.
 - C. Comprise at least 25 percent of the total development.
 - D. Be subject to the open space management provisions of the Subdivision and Land Development Ordinance.

C A AH SR VC HC I

H. Mobile Home Court –

N N C P P N N

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes occupied for dwelling of sleeping purposes and for non-transient use, providing the mobile home court development provisions contained in the Subdivision and Land Development Ordinance are met.

I. Recreational Vehicle Park –

P N P N N P N

A lot or part thereof occupied or designed for occupancy by one or more travel trailers or other travel trailers or other travel units for more than thirty (30) days, providing:

1. Sections 562 A, C, D, and E of the Subdivision and Land Development Ordinance are met and appropriate Pennsylvania Department of Health and D.E.P. regulations.
2. Spaces for use of travel trailers shall be rented by the day, week or month only; and the occupant of such space shall remain in the same trailer park not more than one hundred eighty (180) days per year.
3. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be ten (10).
4. The use complies with the Upper Augusta Township Campground Ordinance.
5. Specific uses normally associated with travel trailer camps, which include, but not limited to, camp store, laundry, bathhouse, and propane fill station.

423 – Institutional Uses

A. Cemeteries –

P P P P P N N

B. Church –

C P P P P P N

The term “church” shall include synagogue, mosque, temple or other permanent inhabitable structure used for religious purposes including convents, parish houses and other housing for religious personnel, subject to the following provisions. (See also Section 428 B in reference Section 800.)

1. Minimum lot size shall be not less than the District in which the Church is proposed.
2. Housing shall be subject to the regulations contained in this Ordinance applicable to the type of housing proposed.

- | | | | | | | | | |
|--|--|----------|----------|-----------|-----------|-----------|-----------|----------|
| | | <u>C</u> | <u>A</u> | <u>AH</u> | <u>SR</u> | <u>VC</u> | <u>HC</u> | <u>I</u> |
|--|--|----------|----------|-----------|-----------|-----------|-----------|----------|
- C. School – N N P P P N N
- Including religious and non-sectarian, denominational, private or public school not conducted as a private gainful business, subject to a minimum lot size of two (2) acres. (See also Section 423.C & D in reference Section 800 of this Ordinance.)
- D. Day Nursery – N S S C P S N
- Nursery school, pre-school or other agency giving day-care to children, subject to the following provisions.
1. The use shall be conducted in a building designed for residential occupancy.
 2. Outdoor play areas shall be sufficiently fenced so as to protect the children.
- E. Cultural Facilities – N S S P P S N
- Including art galleries, auditoriums, libraries, museums, community centers, adult education centers or other similar facility open to the public or connected with a permitted educational, philanthropic or religious use.
- F. Public Building – P P P P P P P
- Owned or operated by the municipality.
- G. Public Recreational Facility – P P P P P P P
- Owned and/or operated by an agency of the municipality or other government.
- H. Golf Course – P N P P N N N
- Not including a driving range or miniature golf course, providing:
1. The minimum lot size shall be forty (40) acres.
 2. All buildings shall be not less than one hundred (100) feet from any lot line.
- I. Private Recreation Facility – P S P P N N N
- Including, but not limited to, sportsmen clubs, camps, parks and facilities operated in conjunction with a private club or lodge, or private foundation/philanthropic organization or trust, providing:
1. The minimum lot size shall be five (5) acres.
 2. All buildings shall be not less than one hundred (100) feet from any lot line.

3. Any range facilities must meet approved standards.

J. Private Club – N N N S P P N

Operated for members only and not for profit. (See also Section 423.J in reference Section 800 of this Ordinance.)

K. Licensed Hospital – N N S C C N N

Providing:

1. A lot area of not less than five (5) acres shall be required.
2. Direct access to a collector road shall be available.
3. Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than one thousand (1,000) square feet per bed in use for such long term care.
4. No building shall be located closer than one hundred (100) feet to any lot line.

L. Nursing Home / Adult Day Care – N N C C P N N

A nursing home (also commonly known as a convalescent home) is a licensed establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital or psychiatric facility shall not be construed to be included in this definition. Providing, a lot area of not less than one (1) acre or two thousand (2,000) square feet per patient, whichever is greater, is provided. (See also Section 423.L in reference Section 800 of this Ordinance.)

M. Outpatient Treatment Facility * – N N S C C C C
* (not part of Licensed Hospitals)
(See also reference Section 800 of this Ordinance.)

N. Secured Institutions – N N N N N N C

Including, but not limited to, that class of uses involving prisons, detention facilities, jails, or pre-release and post-release facilities and programs, providing:

1. Off Street Parking – Provide one (1) space for each permanent staff member, for each visiting doctor or staff, plus one (1) space for each employee on the two (2) major shifts, parking for fleet, and one (1) space for every three (3) “residents”.

2. Buffering / Screening shall be twenty-five (25) feet in depth along each yard. (See also Section 620, specifically Section 623. See also Section 553 Buffering of the Subdivision / Land Development Ordinance.)
3. Minimum lot size is five (5) acres.
4. Building setbacks shall be thirty-five (35) feet from edge of buffer or 85 feet total all yards for both primary and accessory structure.
5. Public sewer and water are provided.
6. Traffic generated by the use shall not exceed that which would be generated by the maximum generated by other permitted by-right uses.
7. Applicant shall demonstrate that all applicable State, Federal, and County requirements or certifications have been met or obtained.
8. All applicable Upper Augusta Township Ordinance requirements have been met.

424 – Office Uses

- A. Business Services – N N N S P P N

A place where the primary use is conducting the affairs of a business, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products, which are physically located on the premises. Office supplies used in the office may be stored as an incidental use. Limited to offices for real estate, stock and bond brokers, adjusters, appraisers, utility companies, including other wholesale business services predominantly office-oriented. (See also Section 424 A, B, C in reference Section 800 of this Ordinance.)

- B. Professional Services – N N S C P P N

Limited to offices of physicians, lawyers, clergymen, teachers, accountants, dentists, architects, engineers, insurance agents, opticians and medical and related offices which do not involve the actual storage, exchange or delivery of merchandise on the premises. Professional services refers to services provided by licensed and/or certified professionals having college level baccalaureate or higher degrees in their respective profession or type of office-based services. (See also Section 424 A, B, C in reference Section 800 of this Ordinance.)

- C. Public Services – P P P P P P P

Limited to governmental offices.

		<u>C</u>	<u>A</u>	<u>AH</u>	<u>SR</u>	<u>VC</u>	<u>HC</u>	<u>I</u>
D.	Bank or Other Financial Institution –	N	N	N	S	P	P	C

E.	Health Services –	N	N	N	C	P	P	N
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Limited to medical or dental offices, laboratories and clinics.

F.	Veterinary Office or Animal Hospital –	N	P	P	N	P	P	N
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Defined herein as any building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl, providing:

1. If only small animals are to be treated (dogs, cats, birds and the like), such hospital or office shall have a minimum lot area as specified in Section 500 in the district in which it is located.
2. If large animals are to be treated (cows, horses, pigs and the like), such office or hospital may be located only in an A or AH District and shall have a minimum lot size of five (5) acres.

425 – Commercial Uses

A.	Shops and Stores –	N	N	N	N	P	P	N
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For the sale of and/or distribution of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, pets (small animals only), stationery, tobacco, paint, apparel and similar items.

Open air markets (seasonal and all seasons) are limited to the VC and HC Districts by special exception – this does not apply to agricultural products sold at agricultural units where the products are grown or raised.

B.	Personal Services –	N	N	N	S	P	P	N
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Including laundry or cleaning agency, self-service laundry and similar uses. Special exception uses in Non-commercial or Village Centers require showing of need for services in the area.

C.	Repair Services –	N	N	N	N	P	P	N
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For appliances, watches, guns, bicycles, locks and similar items.

D.	Restaurant – (Without Drive-In or Counter Service)	N	N	N	N	P	P	N
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Or other place for the sale and consumption of food and beverages but without drive-in or counter service (service at table or counter facilities only).

	<u>C</u>	<u>A</u>	<u>AH</u>	<u>SR</u>	<u>VC</u>	<u>HC</u>	<u>I</u>
E. Restaurant – (With Drive-In or Counter Service)	N	N	N	N	N	P	N

Or other place for the sale and consumption of food and beverages with drive-in or counter service.

F. Trade or Professional School –	N	N	C	N	P	P	N
G. Mortuary or Funeral Home –	N	N	N	C	P	S	N
H. Public Entertainment Facilities –	N	N	N	N	C	P	N

An activity operated as a gainful business, open to the public, for the purpose of public entertainment or recreation, including, but not limited to, motion picture theatres, health clubs, miniature golf courses, etc., but specifically excepting bowling alleys in the VC Districts, providing:

1. All outdoor facilities shall be limited to HC Districts.
2. In VC Districts, adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken.

I. Motel / Hotel –	N	N	N	N	N	P	N
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A building or group of buildings for the accommodation of transient guests (chiefly motorists) containing rooms for rent, except for designated Rural Bed & Breakfast or Farm Vacation Home in subsections P and Q.

J. Gasoline Service Station –	N	N	N	N	P	P	C
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Where gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail and normal mechanical repairs are performed, but not including body work, painting, spraying or welding or storage of automobiles not in operating condition, providing:

1. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
2. Fuel pumps may be located within the front yard but shall be at least twenty (20) feet from any street line.
3. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.

K. Automobile Washing Facility –	N	N	N	N	N	P	P
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C A AH SR VC HC I

L. Automotive Repair Garage –

N N S N C P N

Providing:

1. Such use shall not include the storage of automobiles and other vehicles not having a current registration.
2. In AH District, the conditions applicable to industrial uses permitted as special exception uses shall apply as well to automotive repair garages.
3. Storage of automobiles and other vehicles not in operating condition must meet the requirements of Section 426 and 427 J.
4. Business signage requirements are delineated in Section 720.

M. Automotive Sales –

N C C N C P N

Including sale and rental of automobiles, trucks, farm equipment, trailers and boats. Conditional uses are limited to predominately agricultural related equipment and vehicles (i.e. non-recreational) in agricultural zones.

N. Combined Commercial Development –

N N N N N P N

Planned commercial development in the planning and developing of a tract of land under single ownership or agreement whereby various combinations of commercial uses utilize a reasonable degree of flexibility in the placement and inter-relationship of commercial uses and parking and loading facilities, providing permitted uses are limited to those permitted by this Ordinance in the district where such development is proposed.

O. Adult Book Stores –

N N N N N N C

Sale and or distribution of pornographic material.

P. Rural Bed and Breakfast or Farm Vacation Home –

C C C N S N N

Q. Bed and Breakfast –

N N C P P N N

Ancillary food and entertainment services are limited to registered guests only.

R. Licensed Occupations – Home Based –

C C C C C P N

Home-based businesses engaging individuals (limit 2) in occupations licensed by the Commonwealth of Pennsylvania other than those specified under Section 424B and which deliver personal services and sales of goods incidental to their occupation within the premises such as barbers and beauticians, must also meet off-street parking requirements of three (3)

spaces per occupational licensee (1 per licensee and 2 for each licensee’s customers) (see also Section 801).

- S. Licensed Occupations – Non Home-based – N N N N C P N

Non home-based Businesses engaging individuals in occupations licensed by the Commonwealth of Pennsylvania other than those specified under Section 424B and which deliver personal services and sales of goods incidental to their occupation such as barbers and beauticians, (must also meet off-street parking requirements of three (3) spaces per occupational licensee (1 per licensee and 2 for each licensee’s customers) (see also Section 801).

426 – Utilities

- A. Fire Station – P P P P P P P

- B. Communication Facilities – P P P S S P P

A principal use that employs a device incorporating a mast or reflective surface design that is used to transmit and/or receive radio or electromagnetic waves between land or orbitally-based uses, except that this use shall expressly exclude antennas associated with accessory uses that also comply with the height requirements of its respective Zone.

1. In SR and VC Districts, such uses should be permitted only if essential to service such district.
2. In C, A, AH, SR and VC Districts, no public business office nor any storage yard or storage building shall be operated in connection with such use.
3. Screening and buffering requirements shall be customized to effectively retain the natural settings and surrounding use of the area.

- C. Supply Utilities – S S S S S S S

Including water supply works and storage, electric, gas or oil sub-stations, plus necessary rights-of-way and transmission lines, providing:

1. Except in VC and HC Districts, no public business office shall be operated in connection with such use.
2. Storage yard or storage buildings may be operated in connection with such use only when such storage facility is essential to service customers in the district in which it is located.
3. Unless sufficient cause is shown to the contrary, all transmission lines shall be underground.
4. A seventy-five (75) foot buffer yard shall be provided along all property lines.

C A AH SR VC HC I

D. Sanitary Utilities – P P P P P P P

Including sewerage works, sewage pumping station, plus associated collection lines and rights-of-way, but not including refuse dumps, incinerators or sanitary landfills, providing such facilities are intended to serve primarily residents of the Upper Augusta Township area.

E. Bus, Taxi, and Railroad Terminal – N N N N P P C

F. Parking Lot – P P P P P P P

When used as a primary use of the land, providing:

1. Such area will be used for the parking of cars of employees, customers or guests of existing establishments in the same district where the subject parking area is proposed.
2. No charge shall be made for parking.
3. No sales or service operation shall be performed.
4. Such area shall meet the design standards of the Subdivision and Land Development Ordinance.

G. Alternative Energy Sources Uses – P P P C C C P

Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone

427 – Industrial Uses

A. Manufacturing – N N S* N N P P

Including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and other products.

B. Warehousing – N S* S* N N N P

Including wholesale business and commercial storage facilities (mini-warehousing).

	<u>C</u>	<u>A</u>	<u>AH</u>	<u>SR</u>	<u>VC</u>	<u>HC</u>	<u>I</u>
C. Research, Testing or Experimental Lab –	N	N	S*	N	N	N	P
D. Printing, Publishing and Binding –	N	N	S*	N	N	N	P
E. Truck Terminal –	N	N	S*	N	N	S	P
F. Contractor’s Office and Storage –	N	N	S*	N	N	P	P
Such as building, cement, electrical, heating, plumbing, masonry, painting and roofing.							
G. Lumber Yard –	N	N	S*	N	N	P	P
H. Upholsterer or Cabinetmaker –	N	S	S*	N	S	P	P

* When located in A Districts, industrial use B may only be warehousing of agricultural products.

* When located in AH Districts, industrial uses A through H may be permitted by special exception but shall be subject to the following conditions:

1. The owner or other person having primary interest in the proposed industrial use shall reside on the same parcel of land therewith.
2. Unless cause is shown to the contrary and specific limits are established, the operation of any such proposed industrial use shall be contained within buildings in existence.
3. No property adjacent to the proposed use shall be adversely affected.

I. Mill –	N	P	P	N	N	N	C
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Where grain, lumber and similar products are stored or processed.

J. Junk Yard –	C	N	C	N	N	N	N
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Any land, structure or land and structure in combination used for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material or materials which are used, salvaged, scrapped or reclaimed but are capable of being reused in some form, including, but not limited to, metals, bones, rags, fibers, paper, cloth, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe, pipe fittings, tires, motor vehicles and motor vehicle parts. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any junk yard. Junk yards shall be subject to the following conditions.

1. No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other natural cause.
2. The boundaries of any junk yard shall at all times be clearly delineated.

3. All paper, rags, cloth and other fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
4. All junk yard materials and activities not within fully enclosed buildings shall be surrounded by a fence at least eight (8) feet in height and maintained in good condition. Any gate in such fence shall be similarly constructed and maintained and kept locked at all times when the junk yard is not in operation. Additionally, screening shall be required in accordance with Section 623; and the yard requirements included in Article V for buildings shall be met. Also, no materials stored in such junk yard shall be visible from a public street.
5. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising materials above the ground, separating types of materials, preventing collection of stagnant water, extermination procedures or other means.
6. No burning shall be carried on in any junk yard except in suitable containers at appropriate locations and times. Fire hazards shall be prevented by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary, the provision of adequate aisles for escape and fire-fighting and other necessary measures. All burning must comply with the Upper Augusta Township Burning Ordinance.
7. Must comply with the Upper Augusta Township Junk Yard Ordinance.

K. Sanitary Landfill or Incinerator – C N C N N N N

Subject to the following requirements:

1. Such facility shall be established and operated in accordance with the applicable requirements of all regulating bodies such as the Pennsylvania Department of Health and D.E.P.
2. A lot area of not less than Commonwealth of Pennsylvania specified acres shall be provided.
3. No sanitary landfilling operation or incineration shall take place within two hundred (200) feet of any street or property line.
4. The lot shall have direct access to either an arterial or collector highway as shown on the Zoning Map.
5. It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect upon the health, safety and welfare of the Upper Augusta Township area.
6. Such facility is part of a solid waste plan approved by the applicable governing body.

C A AH SR VC HC I

L. Quarry –

C N C N N N N

1. Operations – Extractive operations shall meet all development and performance standards of Article VI, excepting buffering as required in Section 620, as well as all federal and state regulations and permitting requirements.
2. Setbacks – No excavation, quarry wall, storage or area in which processing is conducted shall be located within fifty (50) feet of any lot line, one hundred (100) feet of any street line not two hundred (200) feet of any SR or VC District boundary line.
3. Grading – All excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
4. Access – Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
5. Stone Quarries – Stone quarries whose ultimate depth shall be more than twenty-five (25) feet shall provide the following:
 - A. A screen planting within the setback area required in Paragraph 2 above shall be required. Such screen shall be no less than twenty-five (25) feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
 - B. A chain link (or equal) fence at least ten (10) feet high and with an extra slanted section on top strung with barbed wire shall be placed at either the inner or outer edge of planting.
 - C. Warning signs shall be placed on the fence at intervals of not less than one hundred (100) feet completely surrounding the area.

428 – Accessory Uses

A. One Family Detached Dwelling –

N P P C C N N

1. Or mobile home for use as a residence by relatives, tenant farmer or employees of a farm or estate, provided:
 - A. Such detached dwelling or mobile home meets all requirements of this Ordinance and other applicable ordinances or regulations except location on a separate lot.
 - B. Only one of either an additional dwelling or mobile home is permitted unless permission is specifically granted by the Zoning Hearing Board by special exception.

C A AH SR VC HC I
 N P P P P N N

2. ECHO Housing

- A. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area, or it shall be provided as a separate unit within a dwelling or accessory building, existing on the effective date of this Ordinance;
- B. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
- C. The elder cottage shall be occupied by:
 - i. one person who is at least 50 years of age, handicapped and/or disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or
 - ii. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling;
- D. The elder cottage shall be occupied by a maximum of two (2) people;

Utilities:

- i. for sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by the PA DEP. All connections shall meet the applicable utility company standards; and,
- ii. if on-site sewer or water systems are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;
- E. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
- F. Unless provided within an existing building, the elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
- G. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,

C A AH SR VC HC I

H. Upon the proper installation of the elder cottage, the Zoning Officer Upper Augusta Township Zoning Ordinance 40 Article 2 shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

B. Home Occupation – S S S S S S S

Activities customarily carried on in a dwelling unit and the dwelling for residential purposes, providing:

1. The home occupation shall be carried on wholly indoors and within the principal building.
2. There shall be no maintenance of a stock in trade, no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Article VII; and there shall be no exterior storage of materials.
3. No alterations, additions or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
4. No articles shall be sold or offered for sales except as may be produced on the premises.
5. No repetitive servicing by truck for supplies and materials shall be required.
6. The home occupation shall be carried on only by members of the immediate family residing in the structure.

C. No-Impact Home-Based Business P P P P P P P
(See also Section 425R Licensed Home Based Occupation.)

D. Drive-In Stand – P P P P P P P

Not exceeding five hundred (500) square feet or gross floor area for the sale of farm, nursery or greenhouse products produced on the premises or similar imported farm, nursery, and greenhouse products, where offered for sale, provided:

1. The stand shall not be nearer than fifty (50) feet of any intersection nor within ten (10) feet of any right-of-way.
2. The stand shall be of temporary construction but maintained in good condition.

E. Principal Use as an Accessory Use – S S S S S S S

If any principal use listed in this table is proposed as an accessory use to another permitted principal use, permission to establish such proposed accessory use shall be granted only by special exception and providing clear demonstration that such use is related to, supporting of, yet clearly incidental to the principal use.

F. Accessory Use – P P P P P P P

Including, but not limited to, non-commercial greenhouses, tool sheds, private garages, swimming pools, every outdoor swimming pool below ground shall be completely surrounded by a fence or wall no less than four (4) feet in height, which shall be constructed as not to have openings, holes or gaps, larger than six (6) inches in any dimension. If a picket fence is erected or maintained, the horizontal or vertical dimension of space between pickets shall not exceed six (6) inches.

A dwelling or an accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except any door of any dwelling which forms a part of the enclosure need not be so equipped.

The pool or structure accessory therein may not be closer than ten (10) feet to any property line of the parcel upon which it is located. Walls and paved areas may be included in this buffer strip. Above ground pools ladders must be kept up when not in use.

Similar accessory structures and other necessary uses customarily incidental to a permitted use and not normally conducted as an independent principal use; provided that any use accessory to a use permitted only by special exception shall be established only if provided in such permit.

G. Temporary Structure or Use – P P P P P P P

A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions.

1. The life of such permit shall not exceed six (6) months, renewable at three (3) month intervals.
2. Temporary nonconforming uses shall be subject to authorization by the Zoning Hearing Board.
3. Such structure or use shall be removed completely upon expiration of the permit without cost to the municipality.

H. Outside Storage or Display – N P P N N P P

C A AH SR VC HC I

Other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use; provided, no part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required front yard shall be occupied by outside storage or display. In C, HC and I Districts only:

1. Outside storage and display areas shall occupy an area less than one-half the existing building coverage.
2. Outside storage and display areas shall be shielded from view from the public streets and adjacent residential districts.
3. Outside storage and display areas shall contain only items incident to the primary use. No sales or services shall be permitted in outside storage and display areas. Items in outside storage and display areas shall be under the direct control or ownership of the owners and/or operators of the primary use.

I. Motor Home or Travel Trailer – P P P P P P P

Storage of, subject to the following conditions:

1. One unoccupied motor home or travel trailer may be stored on a lot occupied by the owner of the vehicle, provided such vehicle shall be placed in such a position as to meet all dimensional requirements for the district within which it is located. The motor home or travel trailer must be maintained in operating condition.
2. In addition, one motor home or travel trailer may be occupied temporarily by the owner of the land upon which it is to be placed during the construction of a permanent dwelling thereon. The permit for each placement of a trailer shall be for a period of not more than ninety (90) days and shall be renewable for not more than two additional periods of ninety (90) days each.

J. Off-Street Parking – P P P P P P P

Subject to the provisions and requirements of Article VI and VIII.

K. Signs – P P P P P P P

Subject to the provisions and requirements of Article VII.

L. Nuisances – N N N N N N N

The application of this Ordinance is as under Pennsylvania Code, Section 702; XII with included time limit and fine.

ARTICLE V

DIMENSIONAL REQUIREMENTS

SECTION 500 – COMPLIANCE

The regulations for each district pertaining to minimum lot size, minimum lot width, maximum lot coverage, maximum height and minimum yard space shall be as specified in the “Table of Dimensional Requirements” included in this section. All uses and activities established after the effective date of this Ordinance shall provide for the minimum and not exceed the maximum dimensions specified. In cases where provisions of Article IV, Article XI or other sections of this Article provide dimensions differing from the general regulations specified in the table, such provisions shall take precedence.

Regulations applying to lots, buildings, and uses in existence prior to the effective date of this Ordinance shall be governed by Article IX.

SECTION 510 – SPECIAL PROVISIONS

511 – Height Exceptions

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, monuments, barns for agricultural purposes, silos and domes not used for human occupancy not to chimneys, ventilators, skylights, water tanks, bulkheads, similar features and necessary mechanical appurtenances normally built above the roof level. Such features, however, shall be erected only to such height as necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20 percent of the ground floor area of the building.

512 – Special Front Yard Requirements

- A. Exceptions – If the alignment of two or more abutting buildings on each side of a lot within a distance of fifty (50) feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the average of such existing alignment within that distance shall be the required front yard.
- B. Additional Setbacks – For those properties fronting on arterial and collector highways identified in the Comprehensive Plan, minimum front yards shall be fifty (50) feet in all districts, measured from the future right-of-way. Future rights-of-way shall be one hundred twenty (120) feet for arterial highways and eighty (80) feet for collector highways, measured equally from the centerline of the existing right-of-way.

SECTION 500 – TABLE OF DIMENSIONAL REQUIREMENTS

District	Min.	Min. Lot	Max. Building	Max. Building	Min. Yard Space (Ft.)		
	Lot Size	Width (Ft.)	Coverage (%)	Height (Ft.)	Front ³	Side	Rear
Conservation (C)	5 Acres	300	5	25	100	100	50
Agricultural (A)	5 Acres	300	10	---	35	35	35
Agricultural Holding (AH)	3 Acres	200	10	---	35	35	35
Suburban Residential (SR)	1.5 Acres	150	15	25	35	15	40
	20,000 Sq.Ft. ¹	150	25				
	20,000 Sq.Ft. ⁴	150	25				
Village Center (VC)	1.5 Acres	150	25	35	15	8	40
	6,000 Sq.Ft. ¹	60	50				
Highway Commercial (HC)	1 Acre ²	150	25	25	35	10	10
Industrial (I)	1 Acre ²	150	---	35	35	35	35

- 1 With access to a sewage facility.
- 2 Access to a sewage facility.
- 3 Subject to additional requirements of Section 512 B.
- 4 Subject to additional requirements of Sections 512 and 517.
- 5 For information only.

513 – Traffic Visibility Across Corners

In all districts, no structure, fence, planting or other structure shall be maintained between a plane two (2) feet above curb level and a plane ten (10) feet above curb level so as to interfere with traffic visibility across the corner within the part of the required front or side yard which is within a triangle bounded by the front and side right-of-way lines and a straight line drawn between points on each such right-of-way line fifty (50) feet from the intersection of said right-of-way lines or extension thereof.

514 – Permitted Uses in Yards

- A. Projections – Ground story terraces and unenclosed porches may project into any required yard not more than one-half its required dimension and not more than ten (10) feet in any case. Chimneys, flues, columns, sills and ornamental features may project not more than two (2) feet into a required yard.
- B. Fences – Subject to Section 513, yard provisions shall not apply to fences, hedges or walls less than six (6) feet high above the natural grade. Any fence, hedge or wall greater than six (6) feet high shall comply with the setback requirements.
Note: The setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. No zoning permit shall be required for the erection of agricultural fences.
- C. Accessory Buildings – Except for farms, completely detached accessory buildings may in no case occupy required front yard space, directly adjacent to the principal building; but in the case of rear yards, completely detached accessory building in the rear yard may not be placed closer than one-half (1/2) the normal setback required from side or rear lot lines.
- D. Off-Street Parking – Off-street parking may project into any side or rear yard a distance of not more than one-half (1/2) its required dimension.

515 – Multiple Frontage Lots

On corner or double frontage lots, each side of a lot having a street frontage shall meet the required front yard setback for that lot.

516 – Spacing of Non-Residential Buildings

Where two or more main buildings for non-residential uses are proposed to be built on a property in one ownership, front, side and rear yards are required only at lot lines abutting other properties.

517 – Special Lot Size Requirements

In Suburban Residential Districts where connection to a public sewage facility is not yet available and in cases of proposed residential developments of two or more single family detached dwellings, the minimum lot size may be reduced to the minimum square feet designated under SR as appropriate, provided only one-half the number of approved lots in such developments may be sold and/or built on prior to the availability of connection to such public sewage facility. The lots approved for construction prior to availability of such sewage connections shall be specifically designated on all approved final subdivision plans.

ARTICLE VI

PERFORMANCE STANDARDS

SECTION 600 – COMPLIANCE

All uses and activities established after the effective date of this Ordinance shall comply with the following standards.

SECTION 610 – ABATEMENT OF NOXIOUS INFLUENCES

611 – Noise

The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm or time signals and farming operations) shall not exceed the decibel levels in the designated octave band stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to the specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3 – 1944, American Standards Association, Inc., New York, New York; and the American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z 24.10 – 1953, American Standards Association, Inc., New York, New York shall be used.)

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

<u>Frequency Band</u> <u>(Cycles per Second)</u>		<u>Maximum Permitted</u> <u>Sound-Pressure Level</u> <u>(Decibels)</u>
0	- 150	67
150	- 300	59
300	- 600	52
600	- 1,200	46
1,200	- 2,400	40
2,400	- 4,800	34
Above	4,800	32

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections hereafter shall be added to or subtracted from each of the decibel levels given herein.

<u>Type of Operation or Character of Noise</u>	<u>Corrections In Decibels</u>
Noise occurs between the hours of 10:00 P.M. and 7:00 A.M.	- 3
Noise occurs less than 5 percent of any one-hour period	+ 5
Noise is of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse; and impulse peaks shall not exceed the basic standards given above.)	- 5

612 – Smoke and Gases

The emission of dust, dirt, fly ash, fumes, vapors or gases from any combustion process which can cause any damage to human health, animals, vegetation or property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

613 – Odor

No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the most restrictive provision of Table III (odor thresholds) in Chapter 5. “Air Pollution Abatement Manual”, copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

614 – Heat

No use shall produce heat perceptible beyond its lot lines.

615 – Glare

Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways.

- A. All on-site lighting shall be provided within the following ranges for periods when the use is in operation and shall be, except as noted in Section 318.2.2, otherwise extinguished between the hours of 10 p.m. and 6 a.m.:

On-Site Area	Range of Required Illumination
Roadside sidewalks and bikeways (without stairways and/or tunnels)	0.2 to 0.9 footcandles
Freestanding sidewalks, paths and bikeways (without stairways and/or tunnels)	0.5 to 0.8 footcandles
Sidewalk, path and bikeway stairways and/or tunnels	20 to 50 footcandles

Playgrounds, parks and athletic courts/fields where on-site lighting is required	5.0 to 30 footcandles
Off-street loading areas	2.0 to 20 footcandles
Off-street parking areas	0.5 to 2.0 footcandles
Building facades, monuments, fountains, signs, architectural features, and similar objects	0 to 15 footcandles
Building entries for public, quasi-public, commercial, and industrial uses.	1.0 to 5.0 footcandles

- B. In all Zones, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed one (1) footcandle. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed five (5) footcandles; and,
- C. In all Zoning Districts, all exterior lighting provided in conjunction with any nonresidential or non-farm use shall be hooded and/or screened so as not to permit the source of illumination nor lenses to be seen from off of the premises.

616 – Vibrations

No use shall cause earth vibrations or concussions detectable beyond its lot lines, without the aid of instruments, with the exception of vibration produced as a result of construction activity.

617 – Burning Ordinance

The use shall comply with the Upper Augusta Township Burning Ordinance.

SECTION 620 – BUFFERING

621 – When Required

In general, buffering, either in the form of yard space or screening, is required in commercial and industrial districts along district boundaries between themselves and residential districts.

- A. Buffer yards shall be required in HC and I Districts when abutting all Districts.
- B. Where rivers serve as district boundaries, no buffering is required along such boundary.
- C. Where streams or other bodies of water serve as district boundaries, such stream of river may serve to meet the buffering requirements, providing approved by special exception.

622 – Buffer Yards

A buffer yard is yard space as defined in Section 553 of the Subdivision and Land Development Ordinance, but whose dimension normally exceeds the normal building setback requirement.

- A. Buffer yards shall be at least fifty (50) feet in width, measured from the applicable district boundary line. Buffer yards may be conterminous with required front, side or rear yards but in no case shall be combined width be less than fifty (50) feet.
- B. In all buffer yards, the exterior twenty-five (25) foot width shall be planted with grass seed, sod or ground cover and maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
- C. No structure, manufacturing or processing activity or stoppage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior twenty-five (25) foot width.
- D. Within the exterior twenty-five (25) feet, screening in accordance with Section 623 shall be included.

623 – Screening

Screening is the provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties composed entirely of trees, shrubs, or other plant materials.

- A. Plant materials used in the screen planting shall be at least four (4) feet in height when planted and of such species as will produce, within two years, a complete visual screen of at least eight (8) feet in height.
- B. The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
- C. The screen planting shall be so placed that, at maturity, it will be not closer than three (3) feet from any street or property line.
- D. In accordance with the provisions of Section 513, a clear-sight triangle shall be maintained at all street intersections and where private access ways intersect public streets.
- E. The screen planting shall be broken only at points of vehicular or pedestrian access.

SECTION 630 – FLOODPLAIN MANAGEMENT REGULATIONS

631 – Purpose

To comply with the Rules and Regulations of the Department of Housing and Urban Development, Federal Register, Tuesday, October 26, 1976, Part II, entitled “National Flood Insurance Program”, and the State Regulations adopted by the Township, Ordinance #2008-1, May 19, 2008, (Ordinance #2008-1 on file in office in its entirety).

ARTICLE VII

SIGNS

SECTION 700 – DEFINITIONS

701 – Signs

Any permanent or temporary structure or part thereof or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public. Signs on mailboxes or on driveways with name of resident and/or address with less than one (1) square foot area are not subject to the restrictions or conditions of this Section (700), but must be non-illuminated.

702 – Area of Signs

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- B. Where the sign consists of individual letters or symbols attached to a building wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
- C. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

703 – Illumination of Signs

- A. Directly Illuminated Sign – A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including, but not limited to, neon and exposed lamp signs. Festoon lighting is a directly illuminated sign comprised of either.
 - 1. A group of incandescent light bulbs hung or strung overhead or on a building or structure, or;
 - 2. Light bulbs not shaded, hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.
- B. Indirectly Illuminated Sign – A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

- C. Flashing Sign – An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- D. Non-Illuminated Sign – A sign not illuminated whether directly or indirectly.

704 – Location of Signs

- A. On-Premises Sign – A sign which directs attention to an activity conducted on the same lot.
- B. Off-Premises Sign – A sign which directs attention to an activity not conducted on the same lot.
- C. Advertising Sign – An off-premise sign which advertises or otherwise directs attention to a commodity, business, industry, home occupation or other similar activity sold, offered or conducted elsewhere than on the lot upon which such sign is located.
- D. Business Sign – An on-premise sign which directs attention to a business, commodity, service, industry or other activity sold, offered or conducted other than incidentally on the premises upon which such sign is located or to which it is affixed.

705 – Types of Signs

- A. Free-Standing Sign – A self-supporting sign resting on or supported by means of poles or standards either on the ground or roof of a building. The height of free-standing signs shall be measured from the curb level.
- B. Parallel Sign – A sign mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted not project more than eight (8) inches from its surface.
- C. Projecting Sign – Any sign mounted to a wall or other vertical building surface other than a parallel sign. Projecting signs shall not project more than two (2) feet from the wall or surface to which they are mounted nor in any way interfere with normal pedestrian or vehicular traffic.

SECTION 710 – GENERAL SIGN REGULATIONS

711 – Prohibition

Flashing signs, festoon lighting, and free-standing roof signs shall not be permitted in any district.

712 – Obstruction

No sign shall be erected or maintained within a distance of fifty (50) feet from the center of intersection of any street lines or the center of intersection of a street line and the edge of a private access way.

713 – Maintenance

All signs permitted in this Article must be constructed of durable materials and kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the property owner.

714 – Non-Conforming Signs

Signs existing at the time of passage of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered non-conforming signs and, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repaired, provided such repainted or repaired sign does not exceed the dimensions of the existing sign.

715 – Separate Frontage

If an establishment has walls fronting on two or more streets, the sign area for each street may be computed separately.

716 – Official Signs

No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines. This provision may be waived for parallel and projecting signs in areas where no yard setback is required.

717 – Yard Requirements

No portion of any free-standing sign shall be located closer to any lot line than one-half the required yard for the district in which it is located. If this requirement cannot be met, then free-standing signs shall be prohibited on such properties.

718 – Traffic Study

No sign shall be permitted which interferes with highway safety (such as direct beams or excessive intensity which may impair highway visibility) or any light or sign which may be interpreted as a traffic control signal or emergency vehicle. (See also Section 615 – Glare.)

719 – Permits Required

All on-premises signs over six (6) square feet in area and all off-street premises signs regardless of size shall require the issuance of a zoning permit before erection or replacement. All signs must comply with all of the regulations contained herein, regardless of whether or not a permit is required.

SECTION 720 – SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

721 – On-Premises Signs

In C, A, AH, and SR Districts, no on-premises sign shall be permitted except as follows:

- A. One non-illuminated sign advertising for sale agricultural produce raised on the premises where such sale is permitted, not to exceed twelve (12) square feet in area.
- B. Non-illuminated signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, telephone booths, parking area entrances or exits, freight entrances or the like, provided the area of any such sign shall not exceed two (2) square feet.
- C. Flags representing governmental, educational or religious organizations.
- D. One non-illuminated sign posted in conjunction with door bells or mailboxes, provided that the area of any such sign shall not exceed thirty-six (36) square inches.
- E. One non-illuminated sign or indirectly illuminated sign displaying only the name and address of the occupant of a premises, provided that the area of any such sign shall not exceed two hundred (200) square inches. The provisions of Section 721 H do not apply to this type of sign.
- F. One non-illuminated or indirectly illuminated bulletin or announcement board or identification sign for a permitted non-residential building or use, provided that the area of any such sign shall not exceed twenty-five (25) square feet.
- G. One non-illuminated or indirectly illuminated sign in connection with a lawfully maintained non-conforming use, provided that the area of any such sign shall not exceed twelve (12) square feet.
- H. One non-illuminated sign advertising the sale or rental of the premises upon which said sign has been erected or one sign indicating that said premises have been sold or rented, provided that the area of any such sign shall not exceed six (6) square feet and shall be removed within twenty (20) days after an agreement of sale or rental has been entered into.
- I. One temporary non-illuminated sign erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other persons interested in such sale or development, provided that the area of any such sign shall not exceed twenty-five (25) square feet and shall be removed within twenty (20) days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner.
- J. Temporary non-illuminated sign of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises upon which such signs are erected, provided that such signs shall be removed upon completion of work by the mechanic or artisan and the total area of all such signs shall not exceed twenty-five (25) square feet.
- K. Signs announcing no trespassing; signs indicating the private nature of a road, driveway or premises; and signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.

- L. Non-illuminated or directly illuminated memorial signs or historical signs or tables.

722 – Off-Premises Signs

Off-premises signs are not permitted except as follows: (Signs permitted within this Section may also be on-premises signs.)

- A. Signs necessary for the direction, regulation and control of traffic; street name signs; legal notices; warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body.
- B. Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained, provided that:
 - 1. The size of any such sign is not in excess of four (4) square feet.
 - 2. The signs shall not be erected or displayed earlier than seventy (70) days prior to the election to which they pertain. All signs will be removed promptly within twenty (20) days after the date of the election to which such signs relate.
- C. Temporary non-illuminated signs directing persons to temporary exhibits, shows, events or proposed development located in the area may be erected, subject to the following requirements.
 - 1. Signs shall not exceed thirty-two (32) square feet in area.
 - 2. Signs shall not be posted earlier than two (2) weeks before the occurrence of the event to which it relates and must be removed within one week after the date of the exhibit, show or event. When related to a proposed development, such sign must be removed immediately upon sale or rental of the final unit in such development.
- D. Non-illuminated signs used for directing patrons, members or an audience to serve clubs, churches or other non-profit organizations, provided the signs shall indicate only the name of the facility and the direction to the facility and shall not exceed four (4) square feet in area.

723 – Types of Signs in Residential Districts

- A. Free-standing ground signs may not exceed six (6) feet in height.
- B. Parallel and projecting signs or portions of such signs shall not be located above the ceiling of the ground floor of any building or more than twelve (12) feet above the upper surface of the nearest curb, whichever is less.

SECTION 730 – SIGNS IN VILLAGE CENTER DISTRICTS

731 – On-Premises Signs

In VC Districts, no on-premises signs shall be permitted except as follows:

- A. All signs permitted in Section 721 at the standards prescribed therein, except as otherwise provided in this section.
- B. Parallel and projecting business signs, providing:
 - 1. The total area of all parallel and projecting signs for each establishment shall not exceed four (4) square feet of length of the front building wall or length of that portion of such wall devoted to such establishment.
 - 2. If such establishment does not occupy any floor area on the ground level of the building other than an entryway, the maximum area per foot of length of the front building wall (or portion) shall be only one (1) square foot.
 - 3. Signs painted on or affixed to the inside or outside of windows shall be included in this computation if their combined area exceeds 50 percent of the area of the window which they occupy.
 - 4. In no case, however, may the total area of parallel and projecting signs exceed 25 percent of the area of the wall (including windows, door area and cornices) to which they are attached.
- C. Free-Standing business signs, provided:
 - 1. Only one such sign shall be permitted on each property, except as provided in Section 715.
 - 2. The area of any such sign shall not exceed one (1) square foot for each two (2) feet of lot frontage or sixty (60) square feet, whichever is smaller.
 - 3. Free-standing signs mounted or otherwise affixed to the roof of a building are not permitted.
 - 4. The maximum height of free-standing business signs shall not exceed fourteen (14) feet.
- D. Non-illuminated, indirectly illuminated or directly illuminated business signs.

732 – Off-Premises Signs

All off-premises signs permitted in Section 722 at the standards prescribed therein are permitted in VC Districts.

SECTION 740 – SIGNS IN HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS

741 – On-Premises Signs

No on-premises signs shall be permitted in HC and I Districts except as follows:

- A. All signs permitted in Section 721 at the standards prescribed therein.
- B. Parallel business signs, subject to the following provisions:

1. The total area of any parallel sign shall not exceed two (2) square feet for each foot of length of the front building wall or length of that portion of such wall devoted to such establishment or one hundred fifty (150) square feet, whichever is smaller.
2. No parallel sign shall be painted on or affixed to the inside or outside of windows in such districts.

C. Free-standing business signs, provided:

1. The area of all such signs shall not exceed one (1) square foot for each two (2) feet of lot frontage or one hundred fifty (150) square feet, whichever is smaller.
2. Signs mounted or otherwise affixed to the roof of a building are permitted on one story buildings, provided such sign does not extend more than four (4) feet above the roof line.
3. The maximum height of free-standing business signs shall not exceed fourteen (14) feet.

D. Non-illuminated, indirectly illuminated or directly illuminated business signs.

742 – Off-Premises Signs

All off-premises signs permitted in Section 722 to the standards prescribed therein are permitted in HC and I Districts.

ARTICLE VIII

OFF-STREET PARKING AND LOADING

SECTION 800 – OFF-STREET PARKING

801 – Required Spaces

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building which, after the effective date of this Ordinance, is erected, enlarged or altered for use for any of the following purposes in any district.

Reference

<u>Section</u>	<u>Use</u>
421 A, B, C, D, G	Agriculture – One (1) off-street parking space for each employee, plus sufficient number of off-street parking spaces to accommodate patrons’ vehicles to the maximum number expected at one time. Plus one (1) space for every 400 sq.ft. gross floor area. Restrictions not to apply to animal husbandry and crop farming. 422/428 A Residential uses – Two (2) off-street parking spaces for each dwelling unit, plus one (1) for each bed in an authorized rooming or lodging house. Open (unenclosed) parking of commercial class trucks, tractors or buses requiring a commercial drivers license to operate will be permitted with at limit of two (2) at residences in Suburban Residential Districts. (See also 428 H)
423 B.	Churches – One (1) off-street parking space for each four (4) seats provided for patron use or at lease one (1) parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to patrons, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.
423 C, D.	Schools – One (1) off-street parking space for each facility member and employee, plus one (1) space per two (2) classrooms and offices, plus one (1) space per ten (10) students of projected building capacity for elementary, high school or post high school education.
423 E.	Cultural Facilities – One (1) off-street parking space per five (5) seats or one (1) space per two hundred fifty (250) square feet of gross floor area where no seats are provided.
423 F.	Municipal Building – As required by the governing body.
423 G, H, I.	Recreational Facilities and Golf Courses – One (1) off-street parking space for each five (5) persons of total capacity plus one (1) additional space for every two (2) full-time employee.

<u>Reference Section</u>	<u>Use</u>
423 J.	Private Club or Lodge (not operated as a private gainful business) – One (1) off-street parking space for every five (5) members of total capacity or at least one (1) space for each fifty (50) square feet of gross floor area used to intended to be used for service to customers, patrons, clients, guests or spaces, plus one (1) additional space for each full-time employee.
423 K.	Licensed Hospital – One (1) off-street parking space for each patient or inmate bed, plus at least one (1) additional space for each staff and visiting doctor, plus one (1) additional space for each employee (including nurses) on the two major shifts.
423 L.	Nursing Home – One (1) off-street parking space for every three (3) patients or inmate beds, plus at least one (1) additional space for each employee (including nurses) on the two major shifts.
424 A, B, C.	Business, Professional or Governmental Offices – One (1) off-street parking space for each two hundred (200) square feet of gross floor area, plus one (1) additional space for every two (2) full-time employees.
424 E, F.	Medical or Veterinary Office – Four (4) off-street parking spaces per doctor, plus one (1) for each employee.
424 D.	Banks; Retail, Personal and Repair Services – One (1) off-street parking space for each one hundred (100) square feet of gross floor area used or intended to be used for servicing customers, plus one (1) additional space for every two (2) full-time employees.
425 A, B, C, R, S	Shops and Stores, Personal Services, Repair Services, Licensed Occupations – One (1) off-street parking space for each one hundred (100) square feet of gross floor area used or intended to be used for servicing customers, plus one (1) additional space for every two (2) full-time employees.
425 D.	Eating Place (for the sale and consumption of food and beverages without drive-in and counter service) – One (1) off-street parking space for each one hundred (100) square feet of total floor area, plus one (1) additional space for each full-time employee.
425 E.	Eating Place (for the sale and consumption of food and beverages with some drive-in and counter service) – One (1) off-street parking space for every two (2) seats or one (1) space for every one hundred (100) square feet of gross floor area, whichever is larger, plus no less than five (5) spaces for every one hundred (100) square feet of gross floor area.
	Eating Place (for the sale and consumption of food and beverages with only drive-in or counter service) – No less than six (6) off-street parking spaces for each one hundred (100) square feet of gross floor area.

<u>Reference Section</u>	<u>Use</u>
425 G, H.	Mortuary; Public Entertainment Facility – One (1) off-street parking space for each four (4) seats provided for patron use or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used in the operation of the establishment, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.
425 I.	Motel; Hotel; Bed and Breakfast; Rural Bed and Breakfast; Farm Vacation Home – One (1) off-street parking space for each rental room or suite, plus one (1) additional space for each full-time employee.
425 J, K, L.	Automotive Service – One (1) off-street parking space for every three hundred (300) square feet of gross floor area or two (2) spaces for each service bay, whichever is larger, plus one (1) additional space for each full-time employee. Said off-street parking spaces are not to be a part of nor interfere with service accessways.
425 M.	Automotive Sales or Rental – One (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) additional space for each full-time employee.
425 N; 428 D.	As required by individual uses involved.
426 A.	Fire Station – Four (4) off-street parking spaces for each fire truck where no community room is a part of the building; where a community room is provided, two (2) spaces for each fire truck, plus one (1) space for each one hundred (100) square feet of gross floor area.
426 B, C, D.	Utility Station – One (1) off-street parking space for each vehicle normally required to service such facility.
426 E.	As required by the governing body.
427	Industrial Uses – Three (3) off-street parking spaces for every four (4) employees on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.
428 B.	Home Occupation – Two (2) off-street parking spaces in addition to spaces otherwise required or one (1) space for each one hundred (100) square feet of floor space devoted to such use, whichever is greater.
428 C.	Drive-In Stand – A sufficient number of off-street parking spaces to accommodate the maximum number of vehicles stopping at any one time but in no case fewer than three (3) such spaces.
422 I; 423 A; 426 F. 428 E, F, G, H, I, J.	None required.

802 – Existing Parking

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

803 – Change in Requirements

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Section 801, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.

804 – Conflict With Other Uses

No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

805 – Continuing Obligation

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the supervisors or agents to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

806 – Joint Use

Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total only as a special exception under Article XI if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

807 – Fractional Spaces

Where the computation of required parking space results in a fractional number, any fraction of the next highest number shall be counted as one.

809 – Design Standards

Design standards included in Section 520 of the Subdivision and Land Development Ordinance shall be considered minimum requirements for the purpose of this Ordinance.

SECTION 810 – OFF-STREET LOADING

811 – Required Berths

Off-street loading berths shall be provided on any lot upon which a building exceeding six thousand (6,000) square feet of gross floor area for business or industry is hereafter erected. Spaces shall be provided according to the following table.

<u>Gross Floor Area</u>	<u>Berths Required</u>
6,000 – 20,000	One (1)
20,000 – 80,000	Two (2)
80,000 and Over	Two (2) plus one (1) additional berth in each additional 60,000 square feet.

812 – Specifications

Off-street loading facilities shall be designed to conform to the following specifications.

- A. Each required space shall be no less than twelve (12) feet in width, forty (40) feet in length and fourteen (14) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
- B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
- C. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.
- D. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the supervisors or agents to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways.

ARTICLE IX
NON-CONFORMITIES

SECTION 900 – DEFINITIONS

901 – Non-Conforming Structure or Lot

A structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for signs, off-street parking or accessory buildings but which structure or lot was in existence at the time it was established.

902 – Non-Conforming Use

A use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the district in which it is located but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

SECTION 910 – NON-CONFORMING STRUCTURES

911 – Continuation

Any lawful structure existing on the effective date of this Ordinance may remain although such structure does not conform to the dimensional requirements of this Ordinance.

912 – Restoration

A non-conforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon or legally condemned may be reconstructed, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned, shall be carried on without interruption and shall be completed within two (2) years.

913 – Extension or Alteration

A structure that does not conform with the setback, yard, building height or other dimensional requirements of the district in which it is located may be extended, provided the extension conforms with all dimensional requirements of this Ordinance and all other applicable regulations of this Ordinance.

SECTION 920 – NON-CONFORMING LOTS

921 – Continuation

Any lawfully created lot existing on the effective date of this Ordinance may be continued although such lot requirements for the district in which it is located.

922 – Construction

The provisions of this Ordinance shall not prevent the construction of a structure, providing the yard, height and other applicable dimensional requirements are met, or the establishment of a use on any non-conforming lot. However, this provision shall not apply to any two or more contiguous lots in single ownership as of or subsequent to the effective date of this Ordinance where reparceling or replatting could create one or more conforming lots.

SECTION 930 – NON-CONFORMING USES

931 – Continuation

Any lawful use of a building or land existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance.

932 – Extension

A use that does not conform to the use regulations of the district in which it is located may be extended, provided that:

- A. The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became non-conforming. Permission to extend a non-conforming use as described in this Article shall not be construed to mean that new or similar uses may be established which, in fact, would become either commercial or planned industrial development as defined in Section 425 N.
- B. The proposed extension shall conform with the area, building height, parking, sign and other requirements of the district in which said extension is located as contained in Articles V, VI, and VII.

933 – Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only after all of the following conditions are met:

- A. Such change shall be permitted only as a special exception under the provisions of Article XI.
- B. The applicant shall show that a non-conforming use cannot reasonably be changed to a permitted use.
- C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use with respect to:
 - 1. Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
 - 2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;

3. Storage and waste disposal;
4. Appearance.

934 – Abandonment

If a non-conforming use of a building or land ceases (i.e., cease maintaining, using, etc.) for a continuous period of one (1) year or more, the use shall be presumed to be abandoned and subsequent use of such building or land shall be in conformity with the provisions of this Ordinance. For the purposes of this Ordinance, abandonment shall commence when reasonable efforts to re-establish (such as lease, rental, or sale) a non-conforming use have ceased.

935 – Nonconformities

It shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all nonconforming uses and structures within the Township. The Zoning Officer shall identify and register nonconforming uses, structures and lots, together with the reason(s) why the Zoning Officer identified them as nonconformities.

ARTICLE X

ADMINISTRATION

SECTION 1000 – ZONING OFFICER

1001 – Duties

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the governing body and who shall hold no other elective position in the Township. The Zoning Officers powers and duties shall include but are not limited to the following:

- A. Receive all applications for zoning permits and sign permits as permitted by the terms of this Ordinance; issue permits where there is compliance with the provisions of this Ordinance, other municipal ordinances, Federal and State Rules and Regulations, and the laws of the Commonwealth of Pennsylvania.
- B. Receive applications for special exceptions and refer these applications to the Zoning Hearing Board for action thereon.
- C. Following refusal of a permit, receive applications for variance and appeals of the Zoning Officer decisions and forward these applications to the Zoning Hearing Board for action thereon.
- D. Conduct investigations to determine compliance or non-compliance with the terms of this Ordinance, including reviewing all permit applications to determine whether proposed building sites will be reasonable safe from flooding. If proposed building sit is in a flood prone area, all construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be designed in accordance with Section 634 and Ordinance 2008-1.
- E. Order, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance.
- F. Institute, with the approval of the governing body, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance.
- G. Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to conditional uses attached thereto.
- H. Maintain a map or maps showing the current zoning classification of all land in the area.
- I. Upon the request of the Planning Commission, Zoning Hearing Board or governing body, present to such body facts, records or any similar information to assist such body in reaching a decision.
- J. Issue permits for special exception uses, conditional uses and/or variances only after such and/or buildings have been approved in writing by either the Zoning Hearing Board, in the case of special exceptions and/or variances, or the Governing body in the case of conditional uses.

K. Any other such duties as directed by Governing body.

1002 – Limits of Authority

A. The Zoning Officer shall have the authority to issue permits only for uses and the Building Code Officer shall have the authority to issue permits only for construction which is in accordance with the requirements of this Ordinance. Construction and uses which require special exception variance, or conditional uses shall be issued building permits or zoning permits only upon order of the governing body or Zoning Board, as appropriate.

B. The Building Codes Officer and the Zoning Officer shall issue no permits for the construction or use of any land and/or buildings unless it conforms to all municipal ordinances and the laws of the Commonwealth of Pennsylvania

1003 – Enforcement Procedures

A. The Zoning Officer shall serve written notice of violation upon any person, firm, corporation or partnership deemed responsible for violating any of the provisions of the Ordinance. Such written notice shall be served personally or by certified mail, to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. Such notice shall contain, at a minimum, the following information:

1. The name of the owner of record and any other person against whom the municipality intends to take action.
2. The location of the property in violation.
3. The specific violation with description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time and in accordance with the procedures set forth in this Ordinance.
6. That the failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
7. The signature of the Zoning Officer.

B. The Board shall have initial jurisdiction over any appeal filed from an enforcement notice. The failure to appeal the enforcement notice to the Board constitutes a conclusive determination that the landowner is in violation of this Ordinance.

- C. In any appeal of an enforcement notice to the Zoning Hearing Board, the Governing body shall have the responsibility of presenting its evidence first.
- D. Any filing fee paid by the parties to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.
- E. Should such notice of violation not be complied with within the time period set forth in said Notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation. The Zoning Officer shall also file a report of said noncompliance with the Governing body, and upon authorization from the Governing body, shall institute legal action, in accordance with the following provisions:
 - 1. Causes of Action In case of any building, structure, landscaping or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Governing body shall have the power to authorize the Zoning Officer or Township Solicitor to initiate any appropriate action or proceeding to prevent, restrain, correct or abate such violation.
 - 2. When such action is instituted by the Governing body, written notice shall be served by the municipality in which the violation exists upon the owner or tenant of said property or use in violation.
- F. The District Judge shall have initial jurisdiction to impose enforcement remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorneys fees incurred by the Township as a result hereof.
 - 1. Each day that a violation continues shall constitute a separate violation, unless the District Judge determines that there was a good faith basis for the continuance of the violation, in which case there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.
 - 2. All judgments, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township.
 - 3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Governing body the right to commence an action pursuant to this section.

SECTION 1010 – ZONING PERMITS

1011 – Permits Required

Hereafter, structures larger than 200 cubic feet. shall not be erected, constructed, reconstructed, extended, moved or razed until a zoning permit has been secured and the permit that the work and use have been inspected and approved as being in conformity with the provisions of this Ordinance.

1012 – Permit Approval

If the specifications set forth by the applicant in his application are in conformity with the provisions of this Ordinance, the Zoning Officer shall issue a permit. If a zoning permit is refused, the Zoning Officer shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application.

The Zoning Officer shall grant or deny the permit not later than thirty (30) days following the application, except in cases of special exceptions or conditional usage where proceedings are necessary.

Except upon written order of the Zoning Hearing Board authorizing a variance, no zoning permit shall be issued for any structure where said erection, construction, reconstruction, extension, moving, razing or use thereof would be in violation of any of the provisions of this Ordinance. Moreover, any permit issued in error shall in no case be construed as waiving any provisions of this Ordinance.

1013 – Application Requirements

A. Zoning –

All application for zoning permits shall be made in writing by the owner or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The Application shall include:

1. A statement as to the proposed use of the building or land.
2. A site layout showing the location, dimensions and height of proposed structures or uses and any existing buildings and driveways in relation to property and street lines. The applicant shall furnish with his application a copy of the deed of conveyance for the proposed building site, where a new structure is proposed. If in Floodway Fringe, provide the elevation (in relation to Mean Sea Level) of the lowest floor (including basement) and whether or not proposed structure contains a basement, if structure has floodproofing proposed, and provide the elevation to which the structure will be floodproofed.

B. Building:

All applications for building permits shall be made in writing by the owner or authorized agent on a form supplied by the Building Code Officer and shall be filed with the Building Code Officer.

1014 – Life of a Permit

Any construction requiring a zoning permit under this Article shall be completed within one (1) year from date of issuance of the permit. However, the right to proceed with construction may be extended annually without payment of additional fees for an aggregate period of not more than one (1) year, provided that the construction or change pursuant to said permit has commenced within the first one-year period.

SECTION 1020 – OCCUPANCY PERMIT

Not Applicable.

SECTION 1030 – CONDITIONAL USE PERMITS

1031 – Procedures

Applications for conditional uses shall be made in writing to the Zoning Officer by the owner or authorized agent on a form supplied by the Township. The Zoning Officer shall refer the application to the Planning Commission and to the Governing Body. The Planning Commission shall review the application at its next regular meeting and submit its recommendation to the Governing Body within 45 days of receipt thereof.

The Governing Body shall hold a public hearing on the application pursuant to the requirements of the MPC and in Sections 1122 through 1124 of the Upper Augusta Township Zoning Ordinance. All references to Board in Sections 1122 through 1124 shall be deemed to include Governing body for the purpose of this section.

Where the Governing Body, this zoning ordinance, has stated conditional uses to be granted or denied by the governing body pursuant to express standards and criteria, the governing body shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the governing body or the governing body may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the governing body. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the governing body and accept the decision or findings of the hearing officer as final. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.

The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion deemed appropriate in the light of the facts found.

Where the governing body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in section 908 (1.2) of the MPC or 1122 (a) (3), 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 governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body 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. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

1032 – Criteria

The recommendations of the Planning Commission and the decision of the governing body shall be based on, but not limited to, the following standards and criteria.

- A. Compatibility – The proposed use will be reviewed as to its relationship to and effect upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; illumination and glare; restrictions to natural light and circulation of air. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties. The proposed use will not effect a change in the character of the subject property’s neighborhood.
- B. Purpose – Review the intended purpose of the proposed use as it relates to the area’s development objectives established in the Comprehensive Plan.
- C. Suitability – The nature of activity and population served, numbers of participating population, frequency of use, adequacy of space and spatial requirements, potential generation and impact of congestion will be reviewed as suitably related to the proposed location of potential use.
- D. Accessibility – Ingress and egress to the site of the proposed use, circulation and movement of pedestrian and vehicular traffic, parking requirements and accessibility to the existing and proposed area highway system will be reviewed.
- E. Serviceability – Review will be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, and schools, fire, police and ambulance protection (to which copies of the application may be made available), and the ability of the area to supply such services.
- F. Conditions – The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone.
- G. Site Plan Approval – Any site 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 will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment or another conditional use approval.

SECTION 1040 – FEES

The applicant for a zoning permit shall, at the time of making application, pay the Township, a fee in accordance with a fee schedule adopted by resolution of the governing body upon the enactment of this Ordinance or as such schedule may be amended.

- A. The Governing body shall establish a schedule of fees, charges, and expenses and the collection procedures for zoning permits, special exceptions, conditional uses, variances, appeals and any other matter pertaining to this Ordinance.
- B. The schedule of fees shall be available for public inspection at the Municipal building and may be altered or amended, by resolution, by the Governing body.
- C. No action shall be taken on any application or appeal until such time as all fees, charges, expenses have been paid in full.

ARTICLE XI

ZONING HEARING BOARD

SECTION 1100 – GENERAL PROVISIONS

1101 – Establishment of Board

A Zoning Hearing Board is established in order that the objectives of this Ordinance may be fully and equitably achieved and a means for competent interpretation of this Ordinance provided.

1102 – Membership of Board and Election of Officers

The Zoning Hearing Board shall consist of five (5) members appointed by the governing body for overlapping five (5) year terms. Members of the Board shall hold no other elected or appointed or employee office in the municipality.

The Board shall elect a chairman, vice-chairman and secretary from its membership who shall serve annual terms and may succeed themselves. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

1103 – Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1110 – POWERS AND DUTIES

1111 – Interpretation Appeals

Any person aggrieved by any decision of the Zoning Officer shall have the right to appeal to the Zoning Hearing Board within thirty (30) days by filing with the Township the appropriate application available at the Township office, as the case may be, specifying the grounds thereof and including the following:

- A. The name and address of the applicant or appellant;
- B. The name and address of the owner of the lot to be affected by such proposed change or appeal;
- C. A brief description and location of the lot to be affected by such proposed change or appeal;
- D. A statement of the present zoning classification of the lot in question, the improvements thereon and the present use thereof.

- E. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and
- F. A reasonably accurate description of the present improvements and the addition or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon.
- G. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1112 – Variance Appeals

Upon appeal from a decision by the Zoning Officer, the Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer, as the case may be. The Board may grant a variance, provided the following findings are made where relevant in a given case.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size of shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship had not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible for the regulation in issue;
- F. Additional Conditions for Consideration of Variances in the 100-Year Flood Plain:
 - 1. Variances shall not be issued for any construction in the Regulatory Floodway. Any variances issued for land development in the Regulatory Floodway must meet the requirements as set forth in Upper Augusta Township Ordinance #2008-1 – in particular

Sections 4.01 and 7.01. No variances shall be issued for any proposed land development or construction that would impede the flow of floodwaters, cause change in direction of flow of floodwaters, or enhance erosion by floodwaters in the 100-Year Flood Plain.

2. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structure constructed below the base flood level, provided the new construction or substantial improvements complies with other provisions of this section, other requirements of this Ordinance, the Subdivision Ordinances, other local ordinances, and State laws, rules and regulations as promulgated by their respective regulatory agencies.
 3. Variances shall only be issued upon:
 - (a) The applicant showing good and sufficient cause as elsewhere defined in this section.
 - (b) A determination that failure to grant a variance would result in exceptional hardship to the applicant.
 - (c) A determination that granting a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing State and Local laws.
 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. Prior to consideration of issuing a variance, the Zoning Hearing Board shall notify the applicant in writing and under the signature of the designated "Board" member that:
 - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
 - (b) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variances actions as required in Subsection 5.
 6. The "Board" shall maintain a record of all variances such actions, including justification for their issuance, and report variances issued in an annual report to the Administration, Department of Housing and Urban Development, Federal Flood Insurance Program.
- G. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

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.

1113 – Special Exception Applications

In this Ordinance, special exceptions may be granted or denied by the Board pursuant to express standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board shall pursue the following procedure.

- A. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
- B. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the area and, where appropriate, with reference to the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the site plan. The Planning Commission shall have forty-five (45) days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within such forty-five (45) days, such application shall be deemed to have been approved by said Planning Commission.
- C. The Board shall hold a hearing pursuant to the procedures set forth in Sections 1122 through 1124 of the Upper Augusta Township Zoning Ordinance.

The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgment, the use meets all specific provisions and criteria contained in this Ordinance and the following general provisions.

- 1. In accordance with the Comprehensive Plan and consistent with the spirit, purposes and intent of this Ordinance;
- 2. In the best interest of the community, the public welfare and a substantial improvement to the property in the immediate vicinity;
- 3. Suitable for the property in question and designed, construction, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
- 4. In conformance with all applicable requirements of this Ordinance;

5. Suitable in terms of effects on highway traffic and safety, with adequate access arrangements to protect streets from undue congestion and hazard; and

6. In accordance with Township standards of subdivision practice.

C. The Board shall hold a hearing pursuant to the procedures set forth in Sections 1122 through 1124 of the Upper Augusta Township Zoning Ordinance

The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance.

1114 – Challenge to Validity of Ordinance

Except as provided for in Section 1112 relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the governing body. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and interpretation which may lie within the special competence of the Board and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or interpretation not hitherto properly determined at a hearing before another competent agency or body and shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and make findings on all relevant issues of fact, which shall become part of the record on appeals to court.

SECTION 1120 – RULES AND REGULATIONS

1121 – Parties Appellant Before Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the ordinance may be filed with the Board, in writing, by any officer or agency of the municipality or any person aggrieved. Requests for a variance or special exception, however, must be filed with the Board by any landowner or any tenant with the permission of such landowner.

1122 – Hearings Required and Notice of Hearings

The Board shall conduct hearings on any interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action.

Upon the filing with the Zoning Hearing Board of an appeal or application, the Board shall fix a reasonable time and place for a public hearing thereon and give notice as follows:

A. At least fifteen (15) days prior to the date fixed for the public hearing, publish a notice describing the location of the public hearing, publish a notice describing the location of the building or lot, the general nature of the question involved and the time and place for the public hearing in a newspaper of general circulation in the area. Public Notice shall be given and written notice shall be given to the applicant, the Zoning Officer, abutting or adjoining owners and such other persons as the Governing body may designate, and to any person who has made a timely request

for the same. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

1. Public notice shall consist of publication once each week for two (2) successive weeks in a newspaper of general circulation in the Township, the first shall not be more than thirty (30) days and the second publication cannot be less than seven (7) days from the date of the hearing
 2. Written notice shall be provided a minimum of fifteen (15) days prior to the hearing.
 3. The first hearing before the Board or Hearing Officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing, or on the record. An applicant shall complete the presentation of his case in chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearing within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case in chief. An applicant may, upon request, be granted additional hearings to complete his case in chief provided the person opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- B. Give written notice to parties in interest who shall be at least those persons whose property adjoin or are across public roads from the property in question.

1123 – Conduct of Meetings

The Board shall prescribe rules for the conduct of its meetings, such rules to be in conformance with the Pennsylvania Municipalities Planning Code and this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may specify in its rules of procedure. Meetings shall be open to the public, and a quorum of three (3) members shall be required for the Board to take action.

- A. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer.
- B. The parties to the hearing shall be the 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 organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. The Chairman or Acting Chairman of the Board or Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.
- D. 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.
- E. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- F. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or a Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- G. The Board or Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearing with any party or his representative unless all parties are given an opportunity to be present.
- H. The Board shall have the authority to adopt additional rules and regulations from time to time by Resolution that are in conformance with the Pennsylvania Municipalities Planning Code and this Ordinance.

1124 – Records and Decisions

The Board shall keep full public records of its business and shall submit a report of its activities to the Governing body once a year.

The Board or the Hearing Officer, as the case may be shall render a written decision or, when no decision is called for, make written findings on the application within 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 facts and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. At the conclusion of the hearing and after issuing an oral decision, the Zoning Hearing Board may authorize any Board Member to sign off on a decision that is consistent with the findings of the Zoning Hearing Board. In situations where there are complicated issues involved, the Zoning Hearing Board may hold a separate hearing for the purposes of adopting and rendering a written decision.

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him/her not later than the day following its date. To all other persons who have filed their name and addresses with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision of findings may be examined.

1125 – Appeals to Court

Any person aggrieved by any final written decision of the Zoning Hearing Board may, within thirty (30) days after such decision of the Board, appeal to the Court of Common Pleas of Northumberland County strictly in accordance with the provisions of Article X of the Pennsylvania Municipalities Planning Code (Act 247), and as it may be further amended.

ARTICLE XII

AMENDMENTS

SECTION 1200 – AMENDMENT PROCEDURES

1201 – Power of Amendment

The governing body may, from time to time, amend supplement, change, modify or repeal this Ordinance, including the official Zoning Map. When doing so, the governing body shall proceed in the manner prescribed in this section and the Municipalities Planning Code. The provisions of this Ordinance and the boundaries of the zoning districts as set forth on the official zoning map, may from time to time, be amended or changed by the governing body, in accordance with the provisions of Section 609 of Act 247, as amended by Act 170 of 1988 (The Pennsylvania Municipalities Code), and as may be further amended.

1202 – Initiation of Amendments

Proposals for amendment, supplement, change or modification or repeal may be initiated by the governing body on its own motion, the Planning Commission or petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. **Proposals Originated by Governing Body** – The governing body shall refer any proposed amendment, supplement, change, modification or repeal originated by said body to the Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the governing body a report containing the Commission's recommendations, including any additions or modifications to the original proposal.
- B. **The Planning Commission may request that a public meeting or public hearing be held to gather public input for consideration in its development of recommendations for amending, supplementing, changing, modifying or repealing of the Ordinance.** (See Section 1203 for procedure of public notice).
- C. **Proposals Originated by a Citizen's Petition** – Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change or modification shall be submitted in writing to the Secretary of the governing body, together with a fee of \$1,000.00 to cover costs, no part of which shall be returnable to a petitioner. On receipt of said petition, the governing body shall transmit a copy of the petition to the Planning Commission. Within thirty (30) days of this submission to the Planning Commission, the Commission shall submit to the governing body a report containing the Commission's recommendations, including any additions, modifications, or rejection of the original proposal.

1203 – Public Hearings

Upon receipt of the Planning Commission's recommendation and before voting on any proposed amendment to the Ordinance, the governing body shall hold a public hearing thereon pursuant to public notice.

Public notice shall be given not more than thirty (30) days and not less than fourteen (14) days in advance of any hearing. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

1204 – Procedure for Enactment

Enactment of any proposed amendment shall be by the favorable vote of the governing body. It is the clear intention of this Ordinance to coordinate plans, standards and procedures of the municipality. Before voting on the enactment of an amendment, the Township shall hold at least on (1) public hearing thereon, pursuant to the public notice in a newspaper of general circulation.

- A. If the proposed amendment involves a zoning map change:
1. Notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected at least seven (7) days prior to the date of the hearing.
 2. Additionally, written notice of said public hearing shall be mailed by the Township at least thirty (30) days prior to the hearing to the addresses to which real estate bills are sent for all real property located within the area being rezoned, as evidenced by the tax records in possession of the Township. The notice shall include the location, date and time of the public hearing.

If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include any land not previously affected by it, the Governing body shall hold another public hearing before proceeding to vote on the amendment.

All proposed amendments shall be submitted by the Governing body to the Northumberland County Planning Commission at least thirty (30) days prior to the public hearing, for recommendations.

Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Northumberland County Planning Commission.

1205 – Challenges to Ordinance

A landowner who desires to challenge on a substantive grounds the validity of this Ordinance or Zoning map, or any provision thereof, which prohibits or restricts the use of development of land in which he/she has an interest may submit the challenge either to:

1. The Zoning Hearing Board under Section 909.1(a) of Act 247 as may be amended, (The Pennsylvania Municipalities Planning Code); or
2. The Governing body, pursuant to the provisions of Section 909.1(b)(4), together with a request for a curative amendment under Sections 609.1 and 916.1 of Act 247, as may be amended, (The Pennsylvania Municipalities Planning Code).

SECTION 1206- EFFECTIVE DATE

The effective date of this Ordinance shall be August 16, 2010.

Enacted and Ordained the 16th day of August, 2010

Attest:

UPPER AUGUSTA TOWNSHIP
BOARD OF SUPERVISORS

Amy A. Horne, Secretary

Todd Wetzel

Ed Markowski, Jr.

Rebecca A. Ray