

BEECH CREEK TOWNSHIP

ZONING ORDINANCE

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**ARTICLE I
GENERAL PROVISIONS**

SECTION 1.00 SHORT TITLE

This Ordinance shall be known and may be cited as the Beech Creek Township Zoning Ordinance.

SECTION 1.01 EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

SECTION 1.02 PURPOSE

This Ordinance is designed, adopted and enacted:

1. To provide the minimum conditions necessary to achieve the community development and planning objectives for Beech Creek Township.
2. To promote the public's health, safety, morals, and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property, provide adequate open spaces for light and air, prevent undue concentration of population, and lessen congestion on streets and highways.

SECTION 1.03 COMMUNITY DEVELOPMENT OBJECTIVES

The Beech Creek Township Board of Supervisors states the following legislative finding with respect to land use, density of population, location and function of roads, and other community facilities and utilities, and other factors which the Board believes relevant in establishing community goals or development objectives for the future development of the community. It is the purpose of the Ordinance to reflect the goals and objectives of the Township, to establish such other goals and objectives as may be deemed necessary, and to provide the means and regulations whereby these goals and objectives may be attained.

1. Encourage the protection of the Township's extensive woodland and open space areas through sound conservation techniques and practice.

2. Develop conservation approaches that will protect the natural ecosystem in order to promote the health and welfare of Township residents.
3. Develop zoning and subdivision approaches that recognize the natural and ecological importance of wooded and open space areas and encourage the preservation of open space for both public and private use.
4. Encourage seasonal use of woodland and open space areas in order to eliminate the need for permanent infrastructure, community services and other improvements that would create an undue economic burden on Township residents and change the character of the natural environment.
5. Encourage the formation of landowner and other type of associations and land conservation entities that will maintain woodland and open space areas.
6. Maintain the habitat for game and other animal and wildlife upon which residents of the Township depend for recreation and in some cases their livelihood.
7. Promote conservation measures and regulations along all streams and waterways in the Township as a means of protecting water quality and insuring a healthy aquatic environment for fish and plant life.
8. Give special protection to wilderness streams which are classified by the Pennsylvania Fish Commission as Exceptional Value and High Quality water ways.
9. Discourage the placement of hazardous and/or low-level radioactive waste sites that could adversely compromise the natural environment and/or the health and safety of Township residents.

10. Preserve the wooded and natural character of the Township in order to provide outdoor recreational opportunities for sportsmen, hikers and other outdoor type persons who live in and visit the Township.
11. Discourage the use of mechanized vehicles such as snowmobiles, trail bikes and three-wheelers which would negatively affect the natural ecosystem and create erosion.
12. Control development, clear cutting and other activity on hillsides that could result in soil erosion and increased run-off and as a result, increase sediment flow and choke streams, fill up wetlands, and increase stream turbidity, making these water systems unsuitable for drinking water and supporting many species of plants and animals.
13. Encourage more flexible land development which will respect and conserve natural resources such as streams, floodplains, ground water, wooded areas, steeply-sloping areas of unusual attractiveness in the natural environment.
14. Encourage the planning, design, and development of building sites in such a fashion as to provide for maximum safety and human enjoyment while adapting development to, and taking advantage of, the best use of the natural terrain.
15. Preserve and enhance the beauty of the landscape by encouraging maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, and trees.
16. Design roads so that they follow natural topography, wherever possible, to minimize cutting and grading.
17. Encourage imaginative and innovative building techniques in order to create buildings suited to natural hillside surroundings.
18. Minimize grading and cut-and-fill operations consistent with the retention of the natural character of hill areas.

19. Encourage and facilitate modest levels of population growth that will help the Township sustain a strong tax base, maintain and improve Township roads, and increase the services available to Township residents.
20. Provide additional housing opportunities for Township residents, including young families and the elderly who need affordable housing as well as new residents moving to the Township.
21. Encourage small and moderate-sized housing developments, including planned residential developments that will facilitate the sensible development of larger parcels served by sewer and/or water.
22. Discourage strip-type development along Township roads that would preclude more intensive cluster and neighborhood type developments and thus limit access to interior lots that could be used for future development.
23. Encourage alternate housing types that will permit greater density along sewer and water lines, including townhouse, condominium, and garden apartment units.
24. Maintain the agricultural productivity of prime soils and assure the continuance of farming as an important commercial operation and life style.
25. Minimize the impact of residential development on agriculture and ensure that normal farm practices will not be affected by such development.
26. Extend sewer and water services whenever practicable to existing population centers that are experiencing water or septic problems and to areas where growth is both anticipated and recommended based on the most appropriate land use.
27. Develop appropriate signage controls that will permit appropriate onsite advertising of Township businesses but not result in the

proliferation of large signs and billboards on the rural roads of the Township.

SECTION 1.04 INTERPRETATION

For the purpose of the interpretation and application of this Ordinance, the provisions contained herein shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

1. Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.
2. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Ordinance, the provisions of such statute shall govern.
3. Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning District or generally required under this Ordinance, the greater or higher standards shall govern.

SECTION 1.05 SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of these provisions shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this

Ordinance would have been adopted had such unconstitutional provisions not been included herein.

SECTION 1.06 REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the Beech Creek Township Zoning Ordinance, enacted in June, 1970. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action occurred or existing under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 1.07 AUTHORITY

The Board of Supervisors of Beech Creek Township, under authority granted by Articles VI through X, inclusive, of Act 247 of 1968, "The Pennsylvania Municipalities Planning Code," as amended by Act 170 of 1988, does hereby ordain that this Ordinance is to promote public health, safety, morals, and the general welfare of Township residents.

**ARTICLE II
ZONING DEFINITIONS**

SECTION 2.00 INTERPRETATIONS

The following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional.

SECTION 2.01 DEFINITIONS

ABANDONED: The apparent discontinuance of a non-conforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of a non-conforming use without its replacement or the replacement of the non-conforming use or structure.

ACCESS DRIVE: A durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADULT ENTERTAINMENT: A store or shop with more than fifteen (15) square feet of floor area devoted to the display and selling of pornographic materials consisting of pictures, drawings, photographs or other depictions, or printed matter and paraphernalia, which, if sold knowingly to a child under eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect the same time thereof.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

ALTERATION: Any major change in or addition to a structure.

AMENDMENT: A change in use in a District which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

AMUSEMENT USES: Activities operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of establishments, but excluding adult entertainment facilities.

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

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

APPOINTING AUTHORITY: The Board of Supervisors.

AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945."

AUTOMOBILE FILLING STATION: A building on a lot or part thereof, that is used for the retail sale of gasoline, oil, other fuel, and which may include facilities used for polishing, greasing, washing, cleaning, or servicing and minor repairs of vehicles.

AUTOMOBILE GARAGE, MINOR: An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein, no space therein for more than one automobile is leased to a non-occupant of the premises.

AUTOMOBILE GARAGE, MAJOR: A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles.

AUTOMOBILE REPAIR BODY SHOP: A building on a lot that is used for the repair or painting of bodies, chasses, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for convenience.

AUTOMOBILE AND/OR TRAILER SALES LOT: An open lot, used for the outdoor display or sales of new or used automobiles or trailers, and where minor and incidental repair work (other than body and fender) may be done.

AUTOMOBILE WASHING (CAR WASH): A building on a lot used primarily for the washing and polishing of automobiles and accessory services.

BED AND BREAKFAST: A residence or commercial structure used to provide sleeping accommodations and breakfast for overnight guests.

BOARD: The Zoning Hearing Board of Beech Creek Township.

BUFFER: A buffer, or screen, is an open space of vegetation and/or fencing which acts as a transition area and partial barrier between differing land uses, as specified in Article VIII of this Ordinance.

BUILDABLE AREA: That portion of a lot bounded by the required front, side, and rear yards.

BUILDING: Any structure having a roof supported by columns or walls, which is used for the housing or sheltering of persons, animals or property.

BUILDING COVERAGE: That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports, and breeze-ways, but excluding open patios, parking or loading areas.)

BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys, towers, or similar projections.

BUILDING LINE: The required setback (front, side or rear) of a building from a property or street line.

BUILDING SETBACK LINE: A line parallel to the street line located at a distance which is equal to the front yard requirement for the District in which the lot is located, i.e. front yard setback.

CAMPGROUND, COMMERCIAL: A tract of ground used for camping purposes, with a fee charged for renting or occupying such space.

CAMPGROUND, PRIVATE: (or Cottage Development): A campground consisting of two (2) or more cottage and related buildings designed for seasonal use as a private camp for boys or girls.

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

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONDITIONAL USE: A use permitted in certain districts, as provided for in Article III, which may only be authorized by the Township Supervisors as set forth in Article XIV of this Ordinance.

CONVERSION APARTMENTS: Dwelling units created by the conversion of a large building (such as single-family homes or barns) into a residential structure.

COVENANT, RESTRICTIVE: A contract between two (2) or more parties usually specifying limitations or obligations relating to the use of property.

DAY CARE CENTER: A private facility enrolling more than six (6) children between the ages 2 and 6 years of age and where tuition, fees, or other compensation is charged and which is licensed and approved to operate as a child day care center by the Pennsylvania Department of Public Welfare.

DENSITY, GROSS: The total number of dwelling units per acre in a development divided by the total site area in acres.

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.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, or excavation.

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

DWELLING: Any building or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as:

1. **Dwelling, Single-Family Attached.** A building designed and occupied exclusively as a residence for one family and having a party wall on each side in common with an adjacent dwelling; i.e. a townhouse.
2. **Dwelling, Single-Family Detached.** A detached building designed for or occupied exclusively by one family.
3. **Dwelling, Multi-family.** A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.
4. **Dwelling, Seasonal.** A dwelling intended for occupancy only occasionally during the year, including dwellings intended for summer or winter recreational use such as cottages, hunting cabins, and mobile homes.

DWELLING UNIT: One or more rooms containing a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by one family for living and sleeping purposes. Travel trailers, recreation vehicles, and similar facilities for transient lodging shall not be considered as dwelling units.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

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

ENCROACHMENT: Any development within fifty (50) feet of waterways or wetlands, and requiring a permit from DER and the US Army Corps of Engineers.

FAMILY: One person, or two or more persons related by blood, foster relationship, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof. A roomer or boarder shall not be considered a member of the family.

FAMILY DAY CARE HOME: A family residence where care is provided for no more than five (5) different young children by an occupant of the home and which is registered by the Pennsylvania Department of Public Welfare. Such facility may be permitted by the Township as a home occupation.

FARM: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Ordinance, a farm shall not include a raising of fur-bearing animals, riding academy, livery or boarding stables, or dog kennels.

FARM BUILDING: Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products.

FENCE: Any facility constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e. a hedgerow), erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Ordinance, a fence shall not be considered a structure.

FILTER STRIP: An existing or new buffer of vegetation along a stream, pond, lake or sinkhole, which serves to remove sediment and other pollutants from runoff thereby protecting water quality. It can take the form of an existing hedgerow, uncultivated field or newly established grass.

FIREPROOF PARTY WALL: A common wall shared by two tenants or property owners that is designed and constructed of material which is capable of withstanding fire or preventing damage caused by fire.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the 100 flood plain and the special and risk premium zones applicable to the community.

FLOOD FRINGE: That portion of the 100 year floodplain outside the floodway.

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

FLOODPLAIN: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage. (See Beech Creek Floodplain Ordinance.)

FLOODWAY: The designated area of a floodplain required to carry and discharge the flood waters of a 100 year flood without cumulatively raising the flood elevation more than one (1) foot at any point.

FLOOR AREA: For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising, or service type uses, shall mean the gross floor area used by tenants, or for service to the

public or clients, including areas occupied by fixtures or equipment used for display or sales of merchandise. (See also HABITABLE FLOOR AREA.)

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

GARAGE, PRIVATE RESIDENTIAL: An accessory building designed or used for the parking or storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory and which is not a separate commercial enterprise available to the general public.

GARAGE, REPAIR: A building used primarily for making major repairs to motor vehicles, including overhauling, body work, refinishing, and upholstering and incidental servicing.

GOVERNING BODY: Beech Creek Township Board of Supervisors.

GROUP CARE FACILITY: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household, including but not limited to half-way houses, recovery homes, homes for orphans, foster children, the elderly, battered children and women, and specialized treatment facilities providing less than primary health care.

GROUP HOME: A residential facility for mentally retarded or mentally ill individuals not related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit and licensed by the County or State.

GROUP QUARTERS: A dwelling that houses unrelated individuals.

HABITABLE FLOOR AREA: Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic, or unimproved basement space shall not be considered habitable floor area.

HEAVY MANUFACTURING: A manufacturing or industrial operation that produces a substantial amount of noise, smoke, odor, dust, vibration, or glare.

HEIGHT OF BUILDING: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys or similar projections.

HIGH DENSITY DEVELOPMENT: The establishment of five (5) or more permanent dwelling units per acre.

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (See Section 6.17.)

HUD CODE: Manufactured Home Construction and Safety Standards enacted by the U.S. Department of Housing and Urban Development in 1976. A uniform construction code which classifies mobile homes as manufactured homes. The HUD Code preempts State and local building regulations.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards, and covenants controlling the architecture and uses.

INTERSTATE HIGHWAY SYSTEM: That portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or Federal Departments of Transportation.

JUNK: Any used or discarded material, including but not limited to waste paper, rags, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

JUNK YARD: An area of land, with or without buildings, used for storage, collection, and/or sale of used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage, sale or other use or disposition. Storage of two or more abandoned motor vehicles, or the major parts

thereof, for a period exceeding one hundred twenty (120) days, shall be deemed a junk yard and must be licensed by the Township.

JUNKED OR ABANDONED VEHICLE: Any motor vehicle which does not bear a current registration and is not currently inspected.

KENNEL: Any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.

LAND DEVELOPMENT: Any of the following activities:

1. The improvement of one or more contiguous lots or tracts of land for any purpose involving:
 - a. Two or more residential or nonresidential buildings (whether proposed initially or cumulatively) or a single nonresidential building on a lot regardless of the number of occupants or tenure; or
 - b. The allocation of land or space (whether initially or cumulatively) among two or more existing or prospective occupants for streets, common areas, leaseholds, condominiums, buildings, mobile homes, or other features.
2. A subdivision of land.

LAND DEVELOPMENT EXCLUSIONS:

1. The conversion of an existing single-family detached dwelling into not more than three residential units, unless they are intended to be a condominium; or
2. The addition of any accessory building, including farm buildings, subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within an amusement park. An amusement park is defined as a permanent area used principally for amusement structures or rides.

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

LIGHT MANUFACTURING: A manufacturing or industrial operation that produces a negligible amount of noise, smoke, odor, dust, vibration, or glare as a result of operation of the activity.

LOGGING: The act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than one (1) acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.

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

1. **Lot area.** The computed area contained within the lot lines, excluding any street right-of-way.
2. **Lot Line.** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
3. **Lot Depth.** The distance measured from the front lot line to the rear lot line.
4. **Lot Frontage.** The length of the front lot line measured at the street right-of-way.

LOT OF RECORD: Any lot which individually or as part of a subdivision has been recorded in the office of the Clinton County Recorder of Deeds.

MANUFACTURED AND MOBILE HOME SALES: An area, including a building, used primarily for the display or sale of manufactured and/or mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

MANUFACTURED HOME: A factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

MANUFACTURING: The act of producing, preparing, or assembling finished products or goods from raw materials or components parts through the repetitious use of an established or set process.

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

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

MINERAL EXTRACTION OR SURFACE MINING OPERATIONS: The extraction of minerals from the earth or waste or stock piles, or from pits or banks, including but not limited to: strip, drift, auger and open pit mining, dredging, quarrying, leaching, mountaintop removal, box cutting, and activities related thereto.

MINOR LAND DEVELOPMENT: Development involving no new streets and no extension of public water or sewer and which consists of either a single non-residential building of less than 2,000 square feet or the placement of two (2) single family dwellings on a single lot.

MINOR SUBDIVISION: A subdivision of land of three (3) or fewer new lots involving no new street and no extension of sewer and water facilities.

MINIWAREHOUSE: A building or series of buildings used for the storage of goods and materials and leased to the general public.

MOBILE HOME: A single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976. (See HUD Code)

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances for a single mobile home.

MOBILE HOME PARK: A parcel of land which has been so designated and improved that it contains two or more mobile home lots. A mobile home park is the same as a Manufactured Home Park if the units were built after 1976, were certified by the HUD Code, and lot parcels are rented.

MODULAR HOUSING: Housing units designed and manufactured in two (2) or more standard sections, which are shipped and joined into one (1) integral unit on the site.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 ((P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Township engineer.

MUNICIPALITY: Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location, or relocation of a building (including mobile homes), structure, and/or improvements (such as street utilities, etc.)

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but which fails to

conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure not in compliance with the Zoning Ordinance; but where such structure lawfully existed prior to the enactment of the Ordinance. Such nonconforming structures include nonconforming signs.

NONCONFORMING USE: A use which does not comply with the provisions in the Zoning Ordinance but was lawfully in existence prior to the enactment of such ordinance.

NURSING HOME: Any premises with sleeping rooms where persons are lodged and furnished with meals and/or nursing care.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

OFFICIAL MAP: A map adopted by ordinance.

OPEN SPACE: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces.

PERSONAL SERVICE ESTABLISHMENT: A small business such as a barber or beauty shop.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one Residential District created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION: The Planning Commission of Beech Creek Township.

PLAT: A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

PREMISES: Any lot, parcel, or tracts of land and any building constructed thereon.

PRINCIPAL BUILDING: A structure in which the principal use of the site is conducted.

PRINCIPAL USE: The primary purpose(s) for which a lot is occupied.

PRINCIPALLY ABOVE GROUND: At least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

PRIVATE PARK: A park which provides outdoor recreational enjoyment and activity for the members of the organization which owns the facility or to the general public, usually on a fee basis. A private park may also include buildings and accessory structures.

PRIVATE ROAD: A right-of-way which provides vehicular access to a maximum of five (5) lots and which is not dedicated or maintained by the Township or State.

PROFESSIONAL OFFICE: The office of a member of a recognized profession. A professional office shall be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

PUBLIC: Owned, operated or controlled by a government agency (federal, state, or local, including the Board of Public Education.)

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action.

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

PUBLIC NOTICE: Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the date, time, and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the hearing date.

PUBLIC SEWAGE SYSTEM: A system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT, TOP SOIL STRIPPING: A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATIONAL VEHICLE: A vehicle less than thirty-eight (38) feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes, and forms of camping accommodation. Such vehicles are permitted only in campgrounds or on private individual parcels.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes remains relatively constant, including geothermal energy, solar and wind energy and hydroelectric energy.

RETIREMENT COMMUNITY: A residential area for people of retirement age which may feature a variety of housing types.

RURAL SHOPPING CENTER: A grouping of retail business on a single site with common parking.

SALE PARCEL : In planned residential development, that portion of a tract's gross acreage which may be sold for land development, while the remaining acreage is left undisturbed for common open space.

SEASONAL HOME, DWELLING: A dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages and cabins built on a permanent foundation. Such uses shall be limited to hunting and fishing seasons, vacation time, weekends, retreats and other periodic visits for a period not to exceed one hundred eighty (180) days per year.

SCHOOL, NURSERY: Any place designed and operated to provide regular instruction and daytime care for two (2) or more children under the age of elementary school.

SCHOOL, VOCATIONAL: Same as elementary and secondary school except that the primary activity is training in a trade or vocation.

SCREENING: A barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs. (See Article VIII)

SIGN: Any object, surface, display, device or structure bearing lettering, pictorial or sculptured matter, designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of a government. (See Article VII for Sign Regulations.)

SIGN AREA: The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGN, BILLBOARD: A sign which advertises a commodity, business, industry, or activity which is sold, offered or conducted at a location other than on the lot upon which such sign is located. For the purposes of this Ordinance, billboards shall be freestanding structures.

SIGN, GROUND: A freestanding sign supported vertically by one or more up-rights placed in or on the ground which may be designed to be moveable. Such signs may advertise products or items offered for sale or that are directly

related to the premises on which they are located, (e.g. business identification signs) or may advertise products or events located elsewhere, (e.g. billboards).

SIGN, WALL: A sign attached to a wall of a building directly related to the premises on which it is located.

SHOPPING CENTER : A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SPECIAL EXCEPTION: A use permitted in a particular Zoning District pursuant to the provisions of Article XIII.

SPECIAL PERMIT: A special approval needed for specific types of development being proposed in any portion of the floodplain.

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

STREET: Includes 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.

STREAM: See "Watercourse."

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

STREET LINE: The dividing line between the street and lot, also known as right-of-way line.

STRUCTURE : Any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpole, stadiums, platforms, towers, sheds, storage bins, fences exceeding four (4) feet in height, signs, sign posts, lights and light standards for other than residential use but excepting patios, driveways, walks, and parking areas at yard grade.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land including changes in

existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. However, the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED : Where in the judgment of the municipal engineer, at least ninety (90) percent (Based on the cost of the required improvements for which financial security was posted pursuant to Section 3.04 of the Subdivision and Land Development Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSURFACE DRAINAGE: Construction associated with the removal of ground water from under roadway or other surfaces designed to maintain firm, stable subgrades and structure foundations.

TAVERN: An establishment whose primary function is the serving of alcoholic beverages for on-site consumption and which is licensed by the State Liquor Control Board.

TOWNSHIP SUPERVISORS: The governing body of Beech Creek Township.

TRANSFERABLE DEVELOPMENT RIGHTS : The attaching of development rights to specified lands which are desired by a municipality to be kept underdeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

TRIANGLE, SIGHT: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

TRUCK TERMINAL OR FREIGHT STATION: A structure or group of structures owned and/or operated by a trucking firm(s) intended to be used for loading, unloading, storage and/or transfer of truck-transported goods, including truck maintenance and fueling facilities.

USE: The specific purpose or activity for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use.

VARIANCE: A modification of the literal provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

WATERCOURSE: A channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

WATER SURVEY: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

WETLANDS: Land that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamps, bogs, marshes, and marine meadows.

YARD: An open space which lies between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

1. **Yard, Front.** An open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
2. **Yard, Rear.** An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
3. **Yard, Side.** An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING HEARING BOARD: The Zoning Hearing Board of Beech Creek Township.

ZONING MAP: The official Zoning Map of Beech Creek Township, together with all notations, references and amendments which may subsequently be adopted. The Zoning map shall be considered a part of this Ordinance.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the District in which it is located.

**ARTICLE III
ZONING DISTRICTS**

SECTION 3.00 ESTABLISHMENT OF DISTRICTS

For the purpose of implementing the objectives of this Ordinance, the Township of Beech Creek is hereby divided into the following Zoning Districts:

- R-1 Rural Residential District
- R-2 Moderate Density Residential District
- RU Rural District
- MU-1 Rural Mixed Use Development District
- MU-2 Highway Mixed Use Development District
- LI Light Industrial District
- RI Rural Industrial District
- A Agricultural District
- FC Forest Conservation District

SECTION 3.01 PURPOSE OF DISTRICTS

1. R-1 -- Rural Residential District

This District is intended to encourage low density development in rural area. In order to maintain the community's rural character, minimum lot sizes, building setbacks, and buffer requirements have been established. And to foster an appropriate residential environment, compatible public and semi-public uses such as churches and recreational facilities are permitted in this District while industrial and commercial activities, with the exception of home occupations, are discouraged.

2. R-2 -- Moderate Density Residential District

This District applies to areas within the Township that are either close to or connected to public water and sewer and where higher density residential development already exists or could be located in the future without conflicting with other land uses. Densities may vary throughout this District.

3. RU -- Rural District

This District is intended to permit a variety of low density and principally residential uses that are in keeping with the hilly and wooded non-developed areas of the Township that are not productive farmland. Commercial activities that relate to forest and outdoor uses are permitted in this District, including home occupations.

4. MU-1 -- Rural Mixed Use Development District

The purpose of this District is to set aside an area in the vicinity of Beech Creek Borough that can support a mixture of commercial, government, and residential uses including small commercial shops, contractor warehouse and service operations, and municipal buildings. Such uses are intended to encourage new small business activity that is compatible with the rural character of the Township and the small villages that characterize western Clinton County.

5. MU-2 -- Highway Mixed Use Development District

The intent of this District is to provide space for commercial operations serving both Township residents and a broader regional market and to protect the character of residential and agricultural areas from large scale commercial development. Standards within this District are intended to minimize the interference of commercial operations with other uses in the vicinity, to minimize traffic hazards caused by poor access or inadequate carrying capacity of public roads, and to provide for off-street parking and loading.

6. LI -- Light Industrial District

This District is intended to encourage construction and continued use of areas in the Township for general or light industrial and manufacturing purposes, including industrial parks. Regulations in this District prohibit uses or activities which would substantially interfere with industrial purposes. However, reasonable standards are applied to minimize unenclosed storage areas and to ensure adequate buffer between this District and all other adjoining Districts.

7. RI -- Rural Industrial District

The intent of this District is to provide for commercial and light industrial opportunities along the rail line which traverses the southern part of the Township. Future development of this type would be limited to the relatively level areas near the railroad and not on the forested steep slope areas that are protected as a Forest Conservation District.

8. A -- Agricultural District

The purpose of this District is to preserve and protect the practice of farming, emphasize the economic importance of farming, to the community and the nation, and ensure the preservation of prime soils for future generations to farm. Limited residential and agricultural-related activities are permitted in this District; uses which would substantially interfere with the principle use are discouraged.

9. FC -- Forest Conservation District

This District is intended to encourage the conservation of land in those areas where the terrain, environmentally sensitive lands and other important natural features would not be feasible for development or in the public interest. These areas are limited to seasonal uses, recreational, forestry, mining and similar type of activities that will not change the character or natural balance of this environment.

SECTION 3.02 ZONING MAP

1. The boundaries of each District are established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references, and amendments. The Zoning Map, contained in the attached folder, shall be considered a part of this Ordinance.
2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, be properly attested to by the Township Secretary, and shall bear the municipal seal.
3. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Article . The final authority as to the current status of Zoning Districts in the Township shall be the Official Zoning Map. Any changes made to the Zoning Districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors.

SECTION 3.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

1. Designation of District Boundaries

The District boundary lines, except for the delineation of the floodplain, are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, major streams, or municipal boundary lines as shown on the Official Zoning Map.

2. Determination of Location of Boundaries

In case of uncertainty as to the true location of a District boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination provided, however, that no boundary shall be changed by the Zoning Hearing Board.

3. Extension of District Boundaries

Where a District boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a Special Exception, the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the District line into the remaining portion of the lot.

SECTION 3.04 FLOODPLAIN DISTRICT BOUNDARY CHANGES

The delineation of the floodplain may be revised by the governing body where natural or man-made changes have occurred and where more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the Township has obtained approval from the Federal Emergency Management Agency.

**ARTICLE IV
DISTRICT REGULATIONS**

SECTION 4.00 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Article for each District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the District in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. To exceed height or bulk requirements.
 - b. To occupy a greater percentage of lot area.
 - c. To accommodate or house a greater number of families, except as permitted in a Residential Conversion.
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required, or in any other manner be contrary to this Ordinance.

SECTION 4.01 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each District are contained on the District Regulation Charts that follow.

SECTION 4.02 DISTRICT REGULATION CHARTS

See attached charts.

RURAL RESIDENTIAL (R-1) DISTRICT

USE (See Article VI for applicable supplemental regulations for a specific use)	Minimum Lot Size		Maximum Density	Minimum Lot Width at		Maximum Impervious Coverage (%)	Maximum Building Coverage (%)	Setbacks in Feet			Maximum Height in Feet				
	With Public Sever	Without Public Sever		Bldg. Line (feet)	Street Line (feet)			Front Yard Prin. Bldg.	Side Yard Prin. Bldg.	Rear Yard Prin. Bldg.	Use* (feet)	Prin. Bldg.	Acc. Bldg.		
PERMITTED USE Single family detached dwelling Residential conversion Family day care Planned Residential Development	1/2 acre	1 acre	---	100	100	40	20	30	15	10	20	35	15		
	1 acre	1 acre						30	10	10	20	30	10	20	35
SEE ARTICLE X															
SPECIAL EXCEPTION (See Article XIII) Government and non-profit serving the public including: library, museum, fire or police station, post office, municipal building, community center, recreation group home Place of worship	1 acre	2 acres	---	100	100	40	20	30	15	10	20	35	15		
	1 acre	1 acre						30	20	20	15	50	15	50	15
	1 acre	2 acres						30	40	30	20	50	20	50	15
CONDITIONAL USE (See Article XIV)															
Commercial day care	1 acre	1 acre	---	100	100	15	10	100	50	100	50	15	40	15	

ACCESSORY
Structures and uses customarily incidental to a single-family residence, including but not limited to: carport, garage, shed, private swimming pool, non-commercial greenhouse, antenna, and gardening
Private swimming pool or pond (See Section 6.33)
Home occupation (See Section 6.16)
Signs (See Article VII)
Off-street parking (See Article IX)

*Applies to all yard setbacks for space occupied or actively used by the principal use(s), outside of buildings, for the following:

- Display and/or storage of products, raw materials and waste materials.
- Parking and storage of business vehicles and equipment.
- Refuse storage, excluding that for single family and two-family dwellings
- Off street parking, loading and unloading area, including aisles but excluding that for single family and two family dwellings.
- Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
- Mechanical equipment not customarily incidental to a building.
- Animal enclosures, excluding those incidental and accessory to dwelling units.
- Organized recreational area and facilities, excluding those of single family and two family dwellings.

Abbreviations:
acc. = accessory
bldg. = building
prin. = principal

This setback excludes necessary driveways to a public street, and walkways; and excludes agricultural use of land, livestock pastures, and orchards.

RURAL (RU) DISTRICT

USE (See Article VI for applicable supplemental regulations for a specific use)	Minimum Lot Size	Minimum Lot Width at Street Line (feet)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in feet						Maximum Height in Feet		
					Front Yard		Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.
					Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.			
PERMITTED USE													
Single-family detached dwelling Residential conversion (See Section 6.26)	2 acres	100	5	10	50	30	50	30	50	30	25	35	15
Agriculture	5 acres	200	2	5									
Public or private hunting preserve	2 acres	100	10	15	50	50	100	50	100	50	20	30	15
Seasonal dwelling, individual													
Planned Residential Development													
SPECIAL EXCEPTION (See Article XIII)													
Animal hospital; veterinary clinic	2 acres	100	5	10	50	30	50	30	50	30	25	40	15
Kennel													
Family day care	5 acres	200	—	—	100	100	100	100	50	50	50	20	15
Cemetery													
Municipal government and non-profit uses serving the public, including: library, fire or police station, municipal building, community or nature center	3 acres	100	10	15	50	75	50	75	50	75	25	35	15
CONDITIONAL USE (See Article XIV)													
Outdoor recreation such as archery range, golf course and riding stables	15 acres	300	5	75	150	100	100	100	150	100	50	40	15
Commercial campground													
School	4 acres	200	10	20	100	100	100	50	100	50	20	35	15
Communication tower	1 acre	—	5	—	30	30	15	15	30	10	50	—	15
Planting mill, sawmill	5 acres	100	5	10	150	75	75	50	150	75	50	30	15
Cottage Development/Private Camp													
Recycling collection point	2,000 s.f.	100	—	20	30	30	30	30	20	20	10	15	10
Retirement Community	5 acres	300	10	15	100	50	100	50	100	50	75	35	15
Church related educational/day care	2 acres	100											
ACCESSORY													
Garage, carport													
Home occupation (See Section 6.16)													
Private swimming pool or pond (See Section 6.33)													
Signs (See Article VII)													
Other uses and structures customarily incidental to the principal use													

*Applies to all yard setbacks for space occupied or actively used by the principal use(s), outside of buildings, for the following:

- Display and/or storage of products, raw materials and waste materials.
- Parking and storage of business vehicles and equipment.
- Refuse storage, excluding that for single family and two-family dwellings.
- Off street parking, loading and unloading area, including aisles but excluding that for single family and two family dwellings.
- Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
- Mechanical equipment not customarily incidental to a building.
- Animal enclosures, excluding those incidental and accessory to dwelling units.
- Organized recreational area and facilities, excluding those of single family and two family dwellings.

This setback excludes necessary driveways to a public street, and walkways; and excludes agricultural use of land, livestock pastures, and orchards.

** Seasonal dwellings in this District are not subject to the requirements of Section 6.31 of the Elementary Regulations.

Abbreviations:

- acc. = accessory
- s.f. = square feet
- bldg. = building
- d.u. = dwelling units
- prin. = principal

HIGHWAY MIXED USE DEVELOPMENT (MU-2) DISTRICT

USE (See Article VI for applicable supplemental regulations for a specific use)	Minimum Lot Size		Maximum Density	Minimum Lot Width		Maximum Impervious Coverage (%)	Setbacks in Feet			Maximum Height in feet				
	With Public Sewer	Without Public Sewer		Building Line (feet)	Street Line (feet)		Front Yard Prin. Bldg.	Side Yard Prin. Bldg.	Rear Yard Prin. Bldg.	Use* (feet)	Prin. Bldg.	Acc. Bldg.		
													Maximum Coverage (%)	Maximum Building Coverage (%)
PERMITTED USE														
Any use permitted by right in the MU-1 District Club, lodge, or fraternal organization Indoor recreation such as bowling, billiards, theaters Medical clinic Luncheonette	1 acre	1 acre	4 d.u./acre	100	100	40	30	30	10 ft. min. one side, 30 ft. total	20	20	10	35	15
Laundromat	15,000 s.f.	not permitted	—	—	—	—	—	—	—	—	—	—	—	—
Planned Residential Development See Article X														
SPECIAL EXCEPTION (see Article XIII)														
Automobile filling station Automobile repair and body work Animal hospital/veterinary facility Tavern/drinking establishment Eating establishment	1 acre	1 acre	—	200	200	40	30	30	15	10	30	10	35	15
CONDITIONAL USE (see Article XIV)														
Car wash	1 acre	not permitted	—	100	100	30	80	80	60	40	60	40	25	15
Automotive sales, service and repair Hotel, motel, or similar transient lodging Agricultural equipment sales, service and repair Mobile and modular home display and sale Light manufacturing Rural retail shopping center Specialty cultural shopping center	3 acres	3 acres	—	200	200	50	50	50	50	50	50	50	35	15
ACCESSORY														
Garage, carport Home occupation (See Section 6.16) Private swimming pool or pond (See Section 6.33) Signs (See Article VII) Other uses and structures customarily incidental to the principal use														

*Applies to all yard setbacks for space occupied or actively used by the principal use(s), outside of buildings, for the following:

- Display and/or storage of products, raw materials and waste materials.
- Parking and storage of business vehicles and equipment.
- Refuse storage, excluding that for single family and two-family dwellings.
- Off street parking, loading and unloading area, including aisles but excluding that for single family and two family dwellings.
- Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
- Mechanical equipment not customarily incidental to a building.
- Animal enclosures, excluding those incidental and accessory to dwelling units.
- Organized recreational area and facilities, excluding those of single family and two family dwellings.

Abbreviations:
acc. = accessory
s.f. = square feet
bldg. = building
d.u. = dwelling units
prin. = principal

This setback excludes necessary driveways to a public street, and walkways; and excludes agricultural use of land, livestock pastures, and orchards.

RURAL INDUSTRIAL (RI) ZONING DISTRICT

USE (See Article VI for applicable supplemental regulations for a specific use)	Minimum Lot Size		Maximum Density	Minimum Lot Width at		Maximum Building Coverage (% of Lot)	Maximum Impervious Coverage (% of Lot)	Front Yard All Bldg.	Setbacks in Feet			Maximum Height in Feet		
	With Public Sewer	Without Public Sewer		Building Line (feet)	Street Line (feet)				Side Yard Prin. Bldg.	Rear Yard Prin. Bldg.	Use* (feet)	Prin. Bldg.	Acc. Bldg.	
PERMITTED USE														
Any use permitted by right in the Industrial District														
Commercial Greenhouse Contractor/craftsman/auto mechanic office and shop	2 acres			200	150	10	15	50	100	25	100	25	50	35
Planing mill/sawmill (See Section 6.26)														
Agriculture	10 acres	10 acres	--	300	200	5	10	50	50	30	50	20	20	25
Single family detached dwelling	1 acre	1 acre	1 d.u./ac.	100	100	10	20	50	25	10	50	10	20	35
SPECIAL EXCEPTION (See Article XIII)														
Recycling Collection Point	2,000 s.f.	2,000 s.f.	--	100	100	--	20	30	30	30	20	20	10	15
Min. warehouse (See Section 6.22)	2 acres	2 acres	--	300	200	15	20	100	100	100	50	50	40	20
CONDITIONAL USE (See Article XIV)														
Adult entertainment														
Municipal government use	1 acre	1 acre	--	100	150	20	50	40	100	50	100	50	20	30
Bed and Breakfast														
Seasonal dwelling, individual**	2 acres	2 acres	--	150	100	10	15	50	100	50	100	50	20	30
Junk yard, scrap yard (See Section 6.17)	5 acres	5 acres	--	200	100	5	20	100	100	50	100	50	20	30
ACCESSORY														
Any accessory use permitted in the R-1, I, and A Zoning Districts														

*Applies to all yard setbacks for space occupied or actively used by the principal use(s), outside of buildings, for the following:

- Display and/or storage of products, raw materials and waste materials.
- Parking and storage of business vehicles and equipment.
- Refuse storage, excluding that for single family and two-family dwellings.
- Off street parking, loading and unloading area, including aisles but excluding that for single family and two family dwellings.
- Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
- Mechanical equipment not customarily incidental to a building.
- Animal enclosures, excluding those incidental and accessory to dwelling units.
- Organized recreational area and facilities, excluding those of single family and two family dwellings.

Abbreviations:
 ac. = acre
 acc. = accessory
 s.f. = square feet
 bldg. = building
 d.u. = dwelling units
 prin. = principal

This setback excludes necessary driveways to a public street, and walkways; and excludes agricultural use of land, livestock pastures, and orchards.

** Seasonal dwellings in this District are not subject to the requirements of Section 6.31 of the Supplementary Regulations.

AGRICULTURE (A) DISTRICT

USE (See Article VI for applicable supplemental regulations for a specific use)	Minimum Lot Size		Maximum Density	Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Heights in Feet	
	With Public Sewer	Without Public Sewer		Building Line (feet)	Street Line (feet)			Front Yard Prin. Bldg.	Side Yard Prin. Bldg.	Rear Yard Prin. Bldg.	Front Yard Prin. Bldg.	Side Yard Prin. Bldg.	Rear Yard Prin. Bldg.	Use* (feet)	Prin. Bldg.
PERMITTED USE															
Single-family dwellings	SEE SECTION 6.19		6.19	100	100	10	20	50	25	10	50	20	30	35	20
Family day care (existing dwelling)	1	1	--	--	--	--	--	100	100	100	100	100	50	20	50
Agriculture	10 acres	10 acres	--	300	300	--	5	100	100	100	100	100	100	50	50
Residential conversion	--	--	1 acre/d.u.	60	60	--	--	--	--	--	--	--	--	--	--
SPECIAL EXCEPTION (See Article XIII)															
Animal hospital/veterinary facility	2	2	--	200	200	5	10	100	75	50	75	50	30	25	15
Kennel, stable	5 acres	5 acres	--	200	200	--	--	100	100	100	100	100	50	20	20
Cemetery	2000 s.f.	2000 s.f.	--	100	100	--	20	30	30	30	20	20	20	20	--
Recycling collection point	6 acres	6 acres	--	300	200	10	15	100	100	100	100	100	100	35	20
CONDITIONAL USE (See Article XIV)															
Commercial sales or repair of agricultural equipment	1 acre	1 acre	--	100	100	10	20	50	50	25	10	50	20	35	20
Bed and breakfast (existing dwelling)	10 acres	10 acres	--	200	200	5	10	100	125	100	50	100	50	30	20
Non-commercial outdoor recreation	10 acres	10 acres	--	--	200	--	--	--	--	--	--	--	--	--	--
ACCESSORY															
Roadside farm stand (See Section 6.29)															
Garage, carport															
Home occupation (See Section 6.16)															
Signs (See Article VII)															
Private swimming pool or pond (See Section 6.33)															
Uses and structures customarily residential to the principal use															

*Applies to all-yard setbacks for space occupationally used by the principal use(s), outside of buildings, for the following:

- Display and/or storage of products, raw materials and waste materials.
- Parking and storage of business vehicles and equipment.
- Refuse storage, excluding that for single family and two-family dwellings.
- Off street parking, loading and unloading area, including aisles but excluding that for single family and two family dwellings.
- Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
- Mechanical equipment not customarily incidental to a building.
- Animal enclosures, excluding those incidental and accessory to dwelling units.
- Organized recreational area and facilities, excluding the single family and two family dwellings.

This setback excludes necessary driveways to a public street, and walkways; and excludes agricultural use of land, livestock pastures, and orchards.

** Single family dwelling density in the Agriculture District is regulated under Section 6.27 of the Supplementary Regulations.

Abbreviations:
 acc. = accessory
 s.f. = square feet
 bldg. = building
 d.u. = dwelling units
 prin. = principal

FOREST CONSERVATION (FC) DISTRICT

USE (See Article VI for applicable supplemental regulations for a specific use)	Minimum Lot Size		Maximum Density	Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Front Yard All Bldg.	Setbacks in Feet						Maximum Height in Feet		
	With Public Sewer	Without Public Sewer		Building Line (feet)	Street Line (feet)				Side Yard Prin. Bldg.	Rear Yard Prin. Bldg.	Use* (feet)	Prin. Bldg.	Acc. Bldg.				
PERMITTED USE																	
Agriculture Public or private non-commercial conservation purpose, such as natural area, wildlife preserve or hunting area	20 acres	20 acres	—	—	—	—	—	100	—	—	—	—	—	—	—	—	—
Seasonal dwelling, individual Communication tower	1 acre	1 acre	—	—	—	—	—	100	—	—	—	—	—	—	—	—	—
CONDITIONAL USE (See Article XIV)																	
Mining and extractive operation																	
Commercial campground																	
Cottage development, private camp																	
Planned Residential Development for Seasonal Dwellings																	

*Applies to all yard setbacks for space occupied or actively used by the principal use(s), outside of buildings, for the following:

- Display and/or storage of products, raw materials and waste materials.
- Parking and storage of business vehicles and equipment.
- Refuse storage, excluding that for single family and two-family dwellings.
- Off street parking, loading and unloading area, including aisles but excluding that for L single family and two family dwellings.
- Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
- Mechanical equipment not customarily incidental to a building.
- Animal enclosures, excluding those incidental and accessory to dwelling units.
- Organized recreational area and facilities, excluding those of single family and two family dwellings.

This setback excludes necessary driveways to a public street, and walkways; and excludes agricultural use of land, livestock pastures, and orchards.

Abbreviations:
acc. = accessory
s.f. = square feet
bldg. = building
d.u. = dwelling units
prin. = principal

ARTICLE V
SPECIAL REGULATIONS

SECTION 5.00 INTENT

This Article lists specific controls over general aspects of land utilization which are not included elsewhere in this Ordinance. The following regulations shall apply to all Zoning Districts and uses as applicable.

SECTION 5.01 PUBLIC UTILITY CORPORATION EXEMPTION

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

SECTION 5.02 ENVIRONMENTAL PERFORMANCE STANDARDS

The Board of Supervisors may require safeguards to assure compliance with the certain environmental standards. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements related to this Section.

Upon request of the Township, the owner shall furnish or obtain proof at his own expense that he is in compliance with the following environmental standards:

1. Air Management
 - A. The burning of tires, plastic, or any toxic substance is not permitted.
 - B. No gasses, vapors or fumes shall be emitted which are harmful to persons, property, animals, or vegetation.
 - C. No radioactive vapors or gasses shall be emitted.
 - D. No objectionable odors shall be detectable beyond the property boundaries.

2. Solid Waste Management

No storage of waste materials on the lot shall be permitted in excess of thirty (30) days. All waste materials awaiting transport shall be kept in enclosed containers and be screened from view.

3. Noise and Vibration

- A. The noise limit at lot lines shall be sixty-five (65) decibels.
- B. No physical vibration shall be perceptible without use of an instrument at the lot boundaries.

4. Lighting and Heat

- A. All lighting shall be shielded and not cause a glare beyond the lot boundary.
- B. Any operation producing heat shall prevent any effect from the heat beyond the property lines.

5. Electromagnetic

All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission (FCC).

6. Ground Water Supplies

No use shall endanger ground water levels and quality nor adversely affect ground water supplies of nearby properties.

SECTION 5.03 STREAM CORRIDORS AND SINKHOLES

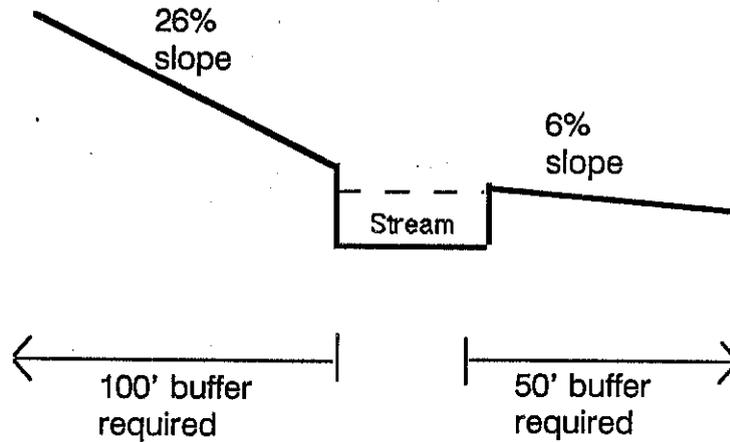
Land uses, including agricultural land uses, which occur adjacent to streams and/or sinkholes shall require an undisturbed buffer or filter strip along the stream or sinkhole. The requirement for a buffer applies to all streams and watercourses which are defined as a channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

1. The purpose of the buffer is to intercept sediment and pollutants from project runoff occurring overland before they reach the stream, and/or sinkhole, thereby protecting local water resources and the environment.
2. The buffer width shall be a minimum of fifty (50) feet measured from the stream bank or sinkhole to the area of the proposed soil disturbance. This buffer width shall apply to each side of the watercourse where soil disturbance is proposed. If the watercourse marks the project boundary, the buffer requirement shall apply to only one side of the stream.
3. Where the subdivision and land development has a slope in excess of eight (8) percent, the following buffer widths shall apply to each applicable side of the watercourse:

<u>% Slope</u>	<u>Buffer Width</u>
0-8%	50'
8-15%	65'
15-25%	80'
25% +	100'

4. For calculation of slope, the site may not be averaged over its gross acreage. Only the area within one hundred (100) feet of the watercourse shall be considered for the purpose of slope calculation.
5. If the land on each side of the stream bank has different slope characteristics (as shown by the diagram) a different buffer width would be required on each side of the stream.

BUFFER WIDTH EXAMPLE



6. The buffer shall consist of existing or new vegetation or a combination thereof, as in the following order of preference:
 - A. Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.
 - B. A combination of existing vegetation (such as above) and newly-established vegetation.
 - C. A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.
7. Streams classified as Exceptional Value by the Pennsylvania Fish Commission shall have a one hundred (100) foot buffer regardless of slope and shall comply with Section 4.13 of the Subdivision and Land Development Ordinance.
8. Stream encroachment work or any development within fifty (50) feet of a stream bank would require a permit from DER and the US Army Corps of Engineers. The Applicant shall provide written determination from the applicable regulatory body or a copy of the required permit prior to Final Plan approval.
9. For logging operations, this Section shall be superceded by Section 6.19 of this Ordinance.

SECTION 5.04 BUILDING HEIGHT EXCEPTIONS

Height regulations shall not apply to agricultural structures, silos, water towers, church spires, belfries, antennas, chimneys, architectural ornament, or appurtenances placed above the roof level not intended for human occupancy.

SECTION 5.05 BUILDING SETBACK EXCEPTIONS

The required building setback for a proposed building may be decreased to the average setback of existing buildings within one hundred (100) feet on each side of the proposed building. Setback reduction may occur when adjacent buildings have less than the front yard requirement for the applicable District, but in no case shall the reduction encroach upon the street right-of-way. The granting of an exception shall be the authority of the Zoning Hearing Board.

SECTION 5.06 REQUIRED YARD EXCEPTIONS

No structure or part of a structure shall be erected within or shall project into any required yard setback except:

1. Overhanging eaves, gutters, cornices or solar energy collector not exceeding two (2) feet in width.
2. Arbors, trellises, garden sheds, flagpoles, unroofed steps, unroofed terraces, awnings, movable canopies, walls, fences and other similar uninhabitable structures shall be permitted, provided they are not more than eight (8) feet in height.
3. Unenclosed fire escapes which extend no more than six (6) feet into any required yard area.

SECTION 5.07 TEMPORARY STRUCTURE OR USE

A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction of a permanent building, or for special circumstances of a nonrecurring nature subject to the following additional provisions:

1. The permit period shall not exceed six (6) months, renewable for an aggregate period of not more than eighteen (18) months.
2. Such temporary structure or use shall be removed completely upon expiration of the permit without cost to the Township.

SECTION 5.08 OBSTRUCTIONS

1. On a corner lot, no structure shall be erected or enlarged, and no vegetation shall be planted or maintained which may cause visual obstruction to motorists on any public road.
2. Clear sight triangles shall be provided at all street intersections. Within such triangles, no object shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet, measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of fifty (50) feet from the point of intersection of the center lines of local and collector streets. Triangles shall be established from a distance of one hundred-fifty (150) feet for all intersections with arterial streets.

SECTION 5.09 SITE PLANNING REQUIREMENTS IN THE FOREST CONSERVATION (FC) ZONING DISTRICT

This Section is applicable to all subdivision and land development activity in the Forest Conservation (FC) Zoning District involving ninety-nine (99) acres or less. If such activity involves one hundred (100) acres or more, the provisions of Article XI shall apply.

1. All applications for a zoning permit in the Forest Conservation (FC) District shall include a site plan, copy of proposed deed restrictions in the form of covenants and a model deed which references the covenants. Both the approved site plan and covenants shall be recorded by the applicant at the Clinton County Recorder's Office before issuance of a zoning permit.
2. The site plan shall locate and identify:

- A. Existing and proposed man-made features, including the following: buildings, accessory structures, parking areas, roads normally passable by motor vehicles, sewage disposal facilities, water supply sources, and utilities.
 - B. Natural features including the following:
 - 1) Wetlands, as shown on the National Wetlands Inventory map of the project area;
 - 2) Lakes and ponds and watercourses;
 - 3) High Quality and Exceptional Value streams as classified by the Pennsylvania Fish Commission;
 - 4) Areas of slope in excess of twenty-five (25) percent or greater;
 - 5) Soils characterized as unsuitable for building sites or susceptible to septic tank infiltration as classified in Interpretation of Engineering Properties of Soils found in the Clinton County Soil Survey.
3. No construction shall be carried out within one hundred (100) feet of the features identified above. In all cases, proposed land development shall be located so that there is the least impact on these features as possible. Applicable State and Federal permits shall be obtained by the applicant before a zoning permit is issued.
4. Restrictions and Covenants shall address the following:
- A. Any required permits and their conditions;
 - B. Statement regarding the protection of the natural features listed above and that the owner/applicant shall not disturb the natural environment within a one hundred (100) foot setback of such features;

- C. Statement that the owner/applicant will be responsible for the private maintenance of driveways, access roads, sewage disposal facilities, water supply, storm drainage facilities and utilities.
- D. Statement that the lot owners shall be responsible for any greater level of service or maintenance than currently exists on the public roads which for purposes of this Ordinance shall only include snow/ice removal, clearing of fallen trees and power lines, stabilization of a mud condition, and repair of drainage washouts.
- E. Statement that the lot owners recognize the risks involved in developing in a remote area and that the Township, the Commonwealth of Pennsylvania, and emergency organizations such as fire, medical, and police services shall not be liable to provide the same level of services that would otherwise be expected in a more accessible region.

ARTICLE VII
SUPPLEMENTAL REGULATIONS

SECTION ⁷ 6.00 APPLICABILITY OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Where the regulations identified in this section apply to land development activities, they shall be subject to the provisions of the Township Subdivision and Land Development Ordinance. Plan and procedural requirements for land development are presented in Articles II and III of said Ordinance. Developers must meet the requirements of said ordinance in all land development activity.

In addition to the lot size, setback, and other requirements that may be required for each of the land uses listed below, all land uses shall meet the requirements of the District in which they are located. In the event of a conflict, the more restrictive provisions shall apply.

SECTION ⁷ 6.01 ADULT ENTERTAINMENT (COMMERCIAL STORES)

Within the (RI) District, adult commercial stores are permitted as a conditional use subject to the following requirements:

1. The building or structure of such use shall be located not less than five hundred (500) feet from any residential use or district, public or private school, church, day care centers, recreation facility or any other religious, institutional, or educational use.
2. No such use shall be located within two thousand (2,000) feet of a similar use.
3. No materials sold within shall be visible from any window, door, or exterior of the building.
4. No person under the age of eighteen (18) years of age shall be permitted within an adult commercial store or sold any pornographic material.
5. Signage shall be limited to one attached sign no larger than twenty (20) square feet. Signage may be lighted by a covered and recessed fixture located at the top or base of the sign.

SECTION 6.02 ANIMAL HOSPITALS, KENNELS AND VETERINARY FACILITIES

Within the (MU-2, A, and RU) Districts, animal hospitals and veterinary facilities are permitted by special exception, subject to the following requirements:

1. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, or runways shall be located within the rear yard.
2. Any animal boarding building that is not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.
3. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be setback a minimum of ten (10) feet from all property lines.

SECTION 6.03 AUTOMOBILE FILLING STATION (INCLUDING MINOR REPAIR)

Within the (MU-2) District, automobile filling stations, (including minor incidental repair) are permitted by special exception, subject to the following conditions:

1. The subject property shall front on an arterial or collector road as defined in the Definition section of this Ordinance.
2. The subject property shall be setback at least three hundred (300) feet from any lot containing a school, day care facility, playground, library, hospital or nursing, rest or retirement home.
3. The storage of motor vehicles (whether capable of movement or not) for more than one (1) month period is prohibited.
4. Any parts removed from repaired vehicles shall not remain on the site longer than forty-eight (48) hours.
5. The outdoor storage of auto parts shall not be permitted.

6. Access driveways shall be a minimum of thirty (30) feet wide.
7. All ventilation equipment associated with fuel storage tanks shall be setback one hundred (100) feet and screened from any adjoining residential properties in accordance with Article VIII of this Ordinance.

SECTION 6.04 AUTOMOBILE REPAIR OR BODY WORK FACILITY

Automobile repair garage, including paint spraying and body and fender work shall be permitted as a special exception in the (MU-1 and MU-2) Districts, subject to the following requirements:

1. All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area.
2. All repair and paint work shall be performed within an enclosed building.
3. No junk vehicles may be stored in the open for a period of longer than 180 days. No more than three (3) such vehicles may be stored in the open.
4. Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one free standing sign no larger than twelve (12) square feet set back at least twenty (20) feet from the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two (2) such signs shall be permitted.
5. Minimum lot width of not less than two hundred fifty (250) feet shall be provided along each street on which the lot abuts.
6. Access to roads shall be at least one hundred (100) feet from the intersection of any streets.

SECTION 6.05 AUTOMOBILE SALES

Sale of automobiles by a duly franchised new car dealership, used car sales, truck, trailer, cycle and boat rental shall be permitted as a conditional use within the (MU-2) District, subject to the following requirements:

1. Minimum lot width of not less than two hundred fifty (250) feet shall be provided along each street on which the lot abuts.
2. Access to roads shall be at least one hundred (100) feet from the intersection of any streets.
3. All automobile parts and similar articles shall be stored within a building.
4. All fuel shall be stored within a building or enclosed area.
5. Lubrication, oil changes, tire changes, and minor repairs must be performed within a building.
6. Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one free standing sign no larger than twelve (12) square feet set back at least twenty (20) feet from the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two (2) such signs shall be permitted.

SECTION 6.06 BED AND BREAKFAST/GUEST HOUSE

The use and occupancy of a detached dwelling for the accommodation of transient guests is permitted in any district which permits single-family dwelling units, subject to the following requirements:

1. No more than six (6) guest rooms may be provided. No more than four (4) adults and three (3) children may occupy one guest room.
2. There shall be no advertising visible outside the premises to attract guests other than a single, non-illuminated sign which shall not

exceed twelve (12) square feet. No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry.

3. The use shall be carried on primarily by members of the immediate family which must reside on the premises. Non-resident employees shall be limited to two (2) in addition to the resident members of the family.
4. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon refreshments only.
5. The maximum, uninterrupted length of stay at a guest house shall be fourteen (14) days.
6. The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to the guests.
7. The use may not be established until there is compliance with all Township rules and regulations. In addition to original compliance the guest house will be periodically inspected by the fire marshall for compliance with all Township safety standards.

SECTION 6.07 CAMPGROUND, COMMERCIAL AND PRIVATE

Commercial campgrounds (including recreational vehicle parks) and private campgrounds (including cottage development) shall be permitted as a conditional use in the (RU and FC) Zoning Districts, subject to the following requirements:

1. All campgrounds are subject to the provisions for land development as found in the Subdivision and Land Development Ordinance and are subject to the plan submittal procedures of Articles II and III of that Ordinance.

2. All campgrounds are subject to Township permitting procedures and requirements as found in Section 5.05 of the Subdivision and Land Development Ordinance.
3. All campgrounds must secure a Campground Permit from the Pennsylvania Department of Environmental Resources.
4. Minimum tracts sizes are as follows:
 - A. All Campgrounds in the FC District: 20 acres
 - B. Commercial campgrounds in the RU District: 15 acres
 - C. Private campgrounds in RU District: 10 acres
5. The following tract requirements shall apply to all campgrounds in the FCDistrict:
 - A. One (1) campsite per acre maximum.
 - B. Twenty-five (25) percent maximum of the tract shall be developed for the principal use, including campsites, parking, accessory buildings, sewage disposal, swimming pools and other play areas.
 - C. Open space:
 - 1) Seventy-five (75) percent minimum of the tract shall remain as one contiguous area of common open space. The limit of open space shall be delineated on the development site plan as the outside edge of the clustered developed features listed in paragraph B above, including areas necessary for tree cutting to develop those features. Necessary access roads and utility corridors may be located in the open space and do not count as a developed features.
 - 2) Common open space shall remain in an undisturbed natural state, except it may be altered for accessory

uses to the campground, such as access drives and trails.

- 3) Forest clear cutting and land regrading for an accessory use in common open space shall not exceed a swath of one hundred (100) feet.
 - 4) The minimum dimension of open space shall be seven hundred fifty (750) feet in any direction.
- D. Only one (1) single family detached dwelling per campground is permitted for the use of the operator of the campground.
6. The following requirements apply to all private camps and cottage development:
- A. Permitted use shall be seasonal only, not exceeding one hundred twenty (120) days during any calendar year.
 - B. No mobile homes or recreational vehicles shall be permitted.
 - C. Cottage shall be clustered, but the maximum overall density shall not exceed one (1) cottage for every two (2) acres.
7. The following standards apply to all commercial campgrounds:
- A. There shall be a minimum of two thousand (2000) square feet of area provided each campsite.
 - B. Campsites shall abut internal driveways for vehicular ingress and egress, except for tent campsites which shall be two hundred fifty (250) feet maximum from an internal driveway.
 - C. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be setback a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.

- D. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Resources.
 - E. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the vehicle.
 - F. Each site shall contain a stabilized vehicular parking pad of gravel, crushed stone, paving, or other suitable material.
 - G. One (1) parking space minimum shall be provided for each campsite, either at the campsite or within two hundred fifty (250) feet of the campsite.
8. Accessory uses:
- A. Accessory uses such as management headquarters, camp store, "bathhouse" and structures customarily incidental to operation of a campground are permitted, provided:
 - 1) Such establishments shall be restricted in their use to occupants of the campground only.
 - 2) Their commercial character (which would attract customers other than occupants of the campground) shall be invisible.
 - B. Signage shall be limited to two (2) signs which together total twenty (20) square feet of sign face.

SECTION 6.08 CAR WASH

Within the (MU-2) District, car washes are permitted as a conditional use, subject to the following requirements:

1. No sinkhole, stream or watercourse shall be used for the drainage of car wash effluent of waste water.
2. Each washing bay shall provide an on-site stacking lane at least eighty (80) feet long.

SECTION 6.09 CEMETERY

Within the (RU and A) Districts, cemeteries, including mausoleums are permitted by special exception, subject to the following conditions:

1. The minimum lot area shall be five (5) acres.
2. The cemetery association, or operators, must provide assurances that water supplies of properties surrounding the cemetery will not be contaminated by burial activity.
3. Burial plots or facilities shall not be permitted in flood plain areas.

SECTION 6.10 CHURCH RELATED EDUCATIONAL OR DAY CARE FACILITIES

Within the (MU-1 and RU) Districts, church related and day care facilities are permitted as a conditional use, subject to the following requirements:

1. All educational or day care uses shall be accessory, and located upon the same lot as a house of worship.
2. If education or day care is offered below the college level, an outdoor play area shall be provided, at a rate of one-hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-

zoned properties. All outdoor play areas must provide a means of shade such as a shade tree (s) or pavilion (s).

3. Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven-day period.
4. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
5. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying District.

SECTION 6.11 CLUBS, LODGES AND FRATERNAL ORGANIZATIONS

Within the (MU-2) District, clubhouses, lodges and fraternal organizations are permitted by special exception subject to the following requirements:

1. All private clubs shall have access to a private or public road.
2. All off-street parking shall be located to the sides or rear of the principal structure but no closer than twenty-five (25) feet from the right-of-way line of adjoining road(s) or thirty (30) feet from any adjoining residential lot lines.
3. All outdoor recreation/activity areas shall be setback at least fifty (50) feet from any property line
4. A vegetative buffer shall be provided along any adjoining residential zoned property.

SECTION 6.12 COMMERCIAL DAY CARE CENTER

A day nursery, nursery school, or other agency giving day care to children is permitted as a conditional use in the (R-1 and MU-1) Districts, subject to the following requirements:

1. Minimum lot area shall be one (1) acre or the minimum lot area for Other Permitted Uses in the applicable Zoning District, whichever requirement is greater.
2. The maximum number of children shall be twenty-five (25) children per acre.
3. The minimum yard, setback and lot width requirements for Other Permitted Uses in the applicable Zoning District shall be met.
4. An outdoor play area shall be provided. This area shall be fully enclosed by a four (4) foot high fence and shall be located to the side or rear of the lot. The minimum required outdoor area shall be two hundred (200) square feet per child.
5. Prior to final approval of this use by the Zoning Hearing Board and the granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare.
6. An existing residential building may be used.

SECTION 6.13 EATING ESTABLISHMENT

An eating establishment is permitted as a special exception within the (MU-2) District, subject to the following requirements:

1. Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one (1) free-standing sign no larger than twenty (20) square feet.

SECTION 6.14 FAMILY DAY CARE FACILITY

Within the (R-1, R-2, A, MU-1 and RU) Districts, family day care facilities are permitted by special exception subject to the following requirements.

1. A family day care facility shall offer care and supervision to no more than five (5) different young children during any calendar day;

2. All family day care facilities with enrollment of more than five (5) minors shall furnish a valid Registration Certificate for the proposed use, issued by the Pennsylvania Department of Public Welfare.
3. An outdoor play area no less than four-hundred (400) square feet in area shall be provided. Such play area shall not be located within the front yard nor as a part of any vehicle parking lot. Outdoor play areas shall be setback at least twenty-five (25) feet and screened from any adjoining residential property. The outdoor play area shall be enclosed by a four (4) foot high fence. All outdoor play areas must include shaded areas, such as trees or pavilion.
4. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

SECTION 6.15 GROUP HOME

Group homes which are intended to accommodate mentally handicapped, physically handicapped, emotionally handicapped, and elderly are permitted as a special exception in all Residential Districts, subject to the following requirements:

1. The number of persons living in such a group home shall not exceed seven (7) and shall include at least one on-site support staff member who shall not be included in the maximum number.
2. All group home structures should have the appearance of single-family or other traditionally residential structures.
3. A group home shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable Zoning District.
4. A group home must be sponsored and operated by a group, organization or corporation licensed by either the County or the State. Proof of licensing shall be submitted with applications for the group home use. Proof of compliance with all applicable County or State regulations shall be furnished to the Township Zoning Officer within three (3) months of the granting of the zoning permit.

5. Sewer and water services shall be provided in accordance with the Township Subdivision and Land Development Ordinance and the Township Sewage Facilities Plan.
6. No group home shall be constructed within a one-half (.5) mile radius of any other group home.

SECTION 6.16 HOME OCCUPATION

Home occupations are permitted as accessory uses in the all Districts, except (I, RI and FC), subject to the following requirements:

1. The home occupation shall be carried on only by a member of the immediate family with a maximum of two (2) nonresident employees.
2. The character or external appearance of the dwelling unit or accessory structure must consistent with the Zoning District. No display of products may be shown so as to be visible from outside.
3. A nameplate not larger than two (2) square feet in area shall be permitted. It must be illuminated only by indirect lighting.
4. Not more than twenty-five (25) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
5. The premises must at all times be kept neat and orderly.
6. The use will not result in a substantial increase in traffic. A twenty (20) percent increase in traffic shall be regarded as substantial.
7. The use will not involve any waste product other than domestic sewerage or municipal waste.
8. The use will not involve the sale of any item except as incidental to the home occupation.
9. If an existing accessory building is to be enlarged or a building constructed or placed after June 1, 1992, is to be utilized to accommodate the proposed use, the building after enlargement or

construction shall not have a floor area in excess of fifty (50) percent of the floor area of the principal dwelling.

10. The use will not be one which creates dust, heat, glare, smoke, vibration audible noise, or odors outside the building.
11. The applicant must supply to the Zoning Officer such information to ensure that all of the above requirements will be met. The use certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use. Copies of these requirements will be attached to the use certificate.

SECTION 6.17 JUNK YARDS

Within the (LI and RI) Districts, junk yards shall be permitted as a conditional use, subject to the following requirements:

1. The deposit or storage for more than one hundred twenty (120) days of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junk yard.
2. No material shall be placed in any junk yard in such a manner that is capable of being transferred out of the junk yard by wind, water, or other natural causes.
3. The boundaries of any junk yard shall at all times be clearly delineated.
4. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.
5. The land area used for junk yard purposes shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.

6. Screening of the junk yard from neighboring land uses shall, as a minimum, require the following:
 - A. The junk yard shall be entirely enclosed by a fence at least eight (8) feet by no more than ten (10) feet high constructed of approved fencing material with access only through solid gates. Such fence or wall shall be kept in good repair. A chain link fence with opaque insets and dense plantings of evergreen, which shall shield the view of the property, or acceptable perennial species, is an example of an approved fencing material.
 - B. The contents of such a junk yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
 - C. The fence or wall shall be situated no closer to any street or property line than fifty (50) feet. Between the fence or wall and the street or property line, additional buffer plantings shall be placed so as to minimize the effect of a single fence and hedgerow.
7. 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 of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
8. No burning shall be carried on in any junk yard. Fire shall be prevented and hazards avoided by organization and segregation of stored material, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least fifteen (15) feet for escape and firefighting, and by other necessary measures.

SECTION 6.18 KENNELS

Within the (RU, RI and A) Districts, kennels are permitted by special exception subject to the following requirements:

1. All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
2. All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet away from all property lines.
3. All outdoor running areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.
4. All animal wastes shall be regularly and properly disposed of.
5. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

SECTION 6.19 LIGHT MANUFACTURING:

Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products shall be a permitted use in the (LI) District subject to the following requirements:

1. The screen requirements of Article VIII of this Ordinance shall be met.
2. Parking: 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.
3. Wholesale sales are permitted when linked with production of the sale items on the same premises.
4. No toxic or chemical wastes shall be stored on the site except in a manner approved by the PA Department of Environmental

Resources and with the knowledge of the Township and the fire companies serving the Township.

SECTION 6.20 LOGGING

Logging is defined as the act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another with his permission for his own or his family's use, the clearing of less than one (1) acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.

Logging is a permitted use in all Districts, subject to the following requirements:

1. At least five (5) business days before the beginning of the work, the property owner or his agent or leasee shall submit a copy of a letter notifying the Board of Supervisors of the commencement of the logging operation.
2. The Zoning Officer shall issue a temporary use permit and placard upon receipt of a twenty-five (25) dollar processing fee, and the aforementioned letter. The logging operator shall conspicuously post the placard at the nearest point of public access.
3. An erosion and sediment pollution control plan is required in accordance with the Clean Streams Law. The Clinton County Conservation District is available to assist with this requirement.
4. A fifty (50) foot buffer zone of undisturbed soil shall be kept on each side of the stream and Selective cutting only is allowed within the fifty (50) foot buffer zone. Selective cutting is defined as removal of not more than forty (40) percent of the basal area, or square footage of the tree base area, within the buffer.
5. Stream encroachment work, including logging access roads which cross streams, requires a permit from DER and the US Army Corp of Engineers.

6. Revocation of any required Federal, State or other required approval shall constitute an automatic revocation of the Township permit.
7. If the Zoning Officer finds a condition in a logging operation to be causing an environmental risk, he shall immediately order operations to cease and contact the Clinton County Conservation District and request enforcement of the rules and regulations under 25 Pennsylvania Code pertaining to erosion control and clean streams.
8. Upon completion of the logging operation, no slash shall be left within twenty-five (25) feet of any public road edge or within twenty-five (25) feet of any stream. Slash is defined as limbs or top portions of trees remaining after the logging operation.

SECTION 6.21 MINING AND EXTRACTIVE OPERATION

Sand, clay, shale, gravel, topsoil, or similar extractive operations including borrow pits shall be permitted as a conditional use in the (FC) District, subject to the following requirements.

When applying for a zoning permit, the applicant shall provide the following plans and information.

A. Site Plan Specifications

- 1) The applicant shall provide a full set of all documentation and plans required to meet the permit requirements of the Pennsylvania Department of Environmental Regulations.
- 2) Analysis of the impact upon Township roads shall be presented and the weight of trucks indicated.

B. Performance Standards

- 1) Access. Truck access shall minimize danger to traffic and avoid nuisance to surrounding properties.

- 2) Dust abatement. The applicant shall describe how mud and dust will be controlled during operations.
- 3) Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within two hundred (200) feet of any lot line, two hundred (200) feet of any street right-of-way, or within two hundred (200) feet of any residential or agricultural District boundary line.

SECTION 6.22 . MINIWAREHOUSE

Warehouse/storage units provided for lease to the general public for the purpose of storage of small-scale articles are permitted as a special exception in the (LI and RI) Districts, subject to the following requirements:

1. Unit Requirements:

maximum number of units	4
maximum square feet per unit	3,000 sq. ft.

2. No outdoor storage shall be permitted.
3. Approval shall be secured from the Fire Marshall.
4. There shall be no storage of explosive, toxic, radioactive or highly flammable materials.
5. Area shall be kept free of junk and debris at all times.

SECTION 6.23 MOBILE HOMES ON INDIVIDUAL LOTS

A mobile home shall be permitted on an individual lot in any District permitting single family residences. When reviewing permit applications for such mobile houses, the Zoning Officer shall utilize the following criteria and may require additional information to be submitted where it is necessary in order to adequately protect the health, safety, and welfare of Township residents.

1. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the

District in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.

2. All mobile homes shall be placed upon one of the following types of foundations:
 - A. Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing.
 - B. Stand or pad. A pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized.
3. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a wind velocity of at least ninety (90) miles per hour.
4. Each mobile home shall have a continuous wall around its entire perimeter in accordance with one of the following methods:
 - A. Permanent Walls. A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e. the extension of a permanent foundation.
 - B. Skirting. If a masonry wall is not used, each mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose. Bales of hay or plywood shall not be allowed.

5. Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
6. Every unit to be used as a dwelling unit must contain a minimum of six hundred fifty (650) square feet of habitable floor area.
7. Every unit which is to be placed in the Floodplain must comply with all provisions contained in the Township Floodplain Ordinance.

SECTION 6.24 MOBILE HOME PARKS

Mobile home parks are permitted as a conditional use in the (R-2) District, subject to the provisions of Article VI of the Subdivision and Land Development Ordinance.

SECTION 6.25 MULTI-FAMILY DWELLINGS

1. Multi-family dwellings shall be defined as a single structure designed for and constructed to contain three (3) or more dwelling units and shall be permitted in (MU-1 and R-2) Districts. Every such structure shall meet the requirements of Section 5.06 of the Subdivision and Land Development Ordinance and the requirements outlined below:
2. Design Standards
 - A. Site Plan Specifications and Procedures

All procedures shall conform to Articles II and III of the Township Subdivision and Land Development Ordinance.
 - B. Minimum Lot Area.
 - 1) Each multi-family dwelling shall have a gross area at least equal to the minimum lot size for the District in which it is located, plus an additional fifteen (1500) square feet for each dwelling unit where the structure is situated in a residential district.
 - 2) Where individual dwelling units of a townhouse or other single-family attached dwellings are to be conveyed,

and adequate arrangements can be made for sewage treatment, the following shall apply:

Interior Lot Area	8,000 sq. ft.
Exterior Lot Area	10,000 sq. ft.

- C. Traffic Access and Parking Facilities. All new streets or access drives shall be designed and constructed in accordance with Article IX of this Ordinance.
- D. Sewage and Water Facilities. The developer must provide adequate sewage and water facilities, preferably by public or community facilities and comply with Sections 4.14 and 4.15 of the Subdivision and Land Development Ordinance.
- E. Application for multi-family dwellings shall include a Stormwater Management Plan in accordance with Section 4.08 of the Subdivision and Land Development Ordinance.

SECTION 6.26 PLANING MILL/SAWMILL

Planing mill where wood products are sold or processed to finished items shall be permitted as a conditional use in the (LI and AG) Districts.

- 1. The principal use may be combined with lumber yard.
- 2. The screening requirements of Article XIII of this Ordinance shall be met.
- 3. The noise level shall not exceed eighty-five (85) decibels.
- 4. As a minimum, the structure containing the saws and/or planing equipment shall be located at a minimum of two hundred (200) feet from any residential property.
- 5. No chemicals or creosote shall be used on the premises as an additive to the wood products in any case where the facility is located closer than three hundred (300) feet of a water course.

SECTION 6.27 RECYCLING COLLECTION POINTS

Recycling collection points, or drop box sites, designed for the efficient disposal and collection of recyclable materials, may be established as a special exception in the (RU, MU-1, and A) Districts, subject to the following requirements:

1. All recyclables shall be placed in enclosed and labeled containers expressly provided for this purpose.
2. The container, or containers, shall be setback at least twenty (20) feet from the roadway right of way, or thirty (30) feet from the center line of the roadway, whichever is greater. A paved apron at least ten (10) feet wide is also required.
3. The recycling area shall have a buffer on each side, which consists of trees and shrubs.

SECTION 6.28 RESIDENTIAL CONVERSION

The following standards shall apply to the conversion of an existing single-family detached dwelling when permitted under this Ordinance:

1. The maximum number of new dwelling units shall be three (3).
2. The minimum space per unit shall be six hundred (600) square feet.
3. The conversion dwelling shall maintain the facade and appearance of a single dwelling with a single front entrance. The dwelling units may share the single front entrance.
4. Except as may be necessary for purposes of safety, the building shall retain the same structural appearance it had before such conversion.
5. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and in no case be located on a front or side wall facing a street.

6. Separate cooking and sanitary facilities shall be provided for each dwelling unit, except where a family relative or dependant customarily takes their meals with a family member.
7. A floor plan shall be included with the application. A lot plan shall also be included in the application which identifies off-street parking and other lot improvements.
8. The minimum lot area and bulk regulations for the applicable Zoning District shall be met.
9. Twenty-five (25) percent of the lot area shall be reserved and maintained as common open space for residents of the dwelling units.

SECTION 6.29 RESIDENTIAL DEVELOPMENT/AGRICULTURAL DISTRICT

Single-family dwelling units shall be located so as to utilize the least agriculturally productive land feasible in order to minimize interference with agricultural production.

1. Land would be considered of low quality for agricultural use if:
 - A. The land cannot feasibly be farmed due to existing features of the site such as rock outcroppings, surface rock that inhibits plowing, heavily wooded areas or slopes in excess of fifteen (15) percent;
 - B. The land consists of Soil Classes III, IV, or V; or
 - C. Identified as such by the County Conservation District.
2. Single family dwelling units shall be permitted in that part of the tract containing lower quality agriculture land as defined above, subject to the following sliding scale formula:

<u>Size of Tract</u>	<u># of Dwellings Permitted</u>
2-5 acres	2
6-15 acres	3
16-30 acres	5
31-50 acres	7
51-75 acres	8
76-100 acres	10
101- plus 1 each additional 10 acres	12

3. The minimum lot size per dwelling shall be one (1) acres.
4. Prime farmland, Soil Classes I and II, shall not be used for residential development except in the case where 1) the size or shape of the parcel will not permit efficient use of farm machinery, or 2) no other land on the tract can be used for residential development .
5. In any case, the maximum number of units which can be located on prime farmland shall not exceed one (1) single family residence for every fifteen (15) acres.

SECTION 6.30 RETIREMENT COMMUNITY

Within the (R-2, RU and MU-1) Districts, a retirement community designed to accommodate people of retirement age is permitted as a conditional use, subject to the following requirements:

1. The density, open space, minimum site area and impervious surface standards for the applicable district and use shall be met.
2. Residents must be at least fifty-five (55) years of age, with no children at home under the age of eighteen (18).
3. Prior to final approval, the Township must be satisfied with legal arrangements pertaining to age restrictions.

4. A multi-purpose community center is permitted as part of the retirement development.

SECTION 6.31 ROADSIDE FARM STAND

A permanent structure or building used for the display and sale of farm products, produced or raised on the premises shall be permitted as an accessory use in the (A) District, subject to the following requirements:

1. Such use shall exclude card tables, wagons, benches and similar temporary set-ups that do not accompany a permanent farm stand.
2. The roadside farm stand is an accessory use to a farm.
3. A roadside farm stand may only be located on the lot from which the products for sale in it originate.
4. There shall be only one (1) roadside farm stand per lot.
5. A roadside farm stand may also sell farm products from any farm abutting the lot on which the farm stand is located.
6. Combined building floor area and horizontal space within or under a structure shall not exceed fifteen hundred (1500) square feet.
7. A farm stand may be located on a lot with other permitted uses.

SECTION 6.32 RURAL RETAIL SHOPPING CENTER

A neighborhood or small retail shopping center, or plaza, that is planned and designed as a complex of related structures shall be permitted as a conditional use within the (MU-2) District, subject to the following requirements:

1. Rural shopping centers shall have a minimum site area of five (5) acres.
2. Medical office, professional office, retail stores, service business, financial establishment, eating place, indoor entertainment, and theater may be permitted in this District.

3. The development shall be designed as a single architectural style.
4. The distance between buildings shall be twenty (20) feet.
5. Lighting facilities shall be provided and arranged in a manner which will protect neighboring properties from direct glare.
6. A landscaped buffer along any residential or agricultural area shall be provided and shall be not less than seventy-five (75) feet in width, measured from the shopping center boundary. The buffer shall consist of trees and shrubs and ground cover with a minimum cover of five (5) trees per one hundred (100) lineal feet. Trees shall be at least two (2) inch caliper and staked at the time of planting. Other buffer requirements of this Ordinance shall also apply.
7. All streets, parking areas, loading and other areas designed for vehicular use shall be in accordance with Article IX of this Ordinance.

SECTION 6.33 SEASONAL DWELLING (INDIVIDUAL)

Individual seasonal dwellings which are not part of Planned Residential Development Seasonal Development (PRD:SD) as described in Article XI are permitted in the Forest Conservation (FC) District, subject to the following requirements:

1. The minimum lot size is twenty (20) acres per dwelling. However, one (1) seasonal dwelling may be permitted on a lot of less than twenty (20) acres if the lot existed prior to the effective date of this Ordinance, and there are no existing dwellings on the lot.
2. Maximum total floor area in all buildings on the lot shall not exceed seven thousand five hundred (7500) square feet.
3. There shall be only one principal building per lot. All other buildings and uses shall be limited to accessory uses which are clearly incidental and subordinate in size and mass to the principal use.
4. Temporary living arrangements for seasonal dwellings shall not be allowed for more than one hundred eighty (180) days per year.

Temporary living arrangements including recreational vehicles as defined in Article II of this Ordinance shall not be allowed.

5. All living arrangements, whether temporary or permanent, shall comply with the Township Privy Ordinance which includes soil suitability testing and approval by the Sewage Enforcement Officer.
6. Individual seasonal dwellings shall comply with Site Planning Requirements in the District. See Section 5.09 of this Ordinance.
7. Individual seasonal dwellings located in the District shall comply with applicable provisions of the Township Subdivision and Land Development Ordinance. If an inconsistency is found, the stricter requirement shall apply.

SECTION 6.34 SPECIALITY CULTURAL SHOPPING CENTER

A specialized center with stores dealing in handicraft, art, flowers, household goods, boutiques, antiques, specialty food shops, etc. shall be permitted as a conditional use in the (MU-2) District, subject to the following requirements:

1. Major chain stores servicing the general public, supermarkets, department stores, variety stores, discount stores, or service stations are not permitted under this use.
2. The maximum site area shall be fifteen (15) acres.
3. A planted buffer or screen shall be provided in conformance with Article VIII where the center abuts any residential or agricultural use.
4. Retail stores, service business, financial establishments, and eating places may be permitted as long as they are in keeping with the spirit of this Section. Vending machines located outside of a completely enclosed building shall not be permitted in such shopping centers.
5. Dwelling units that are clearly subordinate to the commercial and/or consumer service use may be permitted provided the maximum density does not exceed two (2) rooms and/or dwelling units per acre in combination.

6. The specialty cultural shopping center is intended to blend well with the rural landscape, be scaled to neighboring buildings, and provide adequate setbacks, open space and landscaping to retain the original character and nature of the site.
7. Shop sizes shall be no larger than four thousand (4000) square feet.
8. The distance, at the closest point, between any two (2) buildings or groups of units of attached buildings, shall be not less than twenty (20) feet. The proposed center shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping.
9. The center shall be planned and designed as a single complex.

SECTION 6.35 SWIMMING POOLS (PRIVATE)

Private swimming pools are permitted in all Districts except (FC and I) as an accessory use, subject to the following requirements:

1. The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property.
2. The pool shall be located in either the rear or side yard of the property.
3. Where an in-ground pool is located within two hundred fifty (250) feet of a residence on an adjoining property, the pool area or entire property on which the pool is located shall be fenced or otherwise protected so as to prevent uncontrolled access by children from the street or adjacent properties. The barrier shall be not less than four (4') feet in and shall be maintained in good condition. Where an in ground pool is located more than two hundred fifty (250) feet from a residence on an adjoining property, a wall or fence shall not be required. However, if a residence is subsequently constructed within this distance, a wall or fence shall be required.

4. For above ground pools, the pool shall be fenced as described above or it shall contain a fence and locked gate around its deck or a retractable ladder when not in use.

**ARTICLE VII
SIGN REGULATIONS**

SECTION 7.00 GENERAL

The following regulations shall apply to all Zoning Districts

1. Permits to construct, install and maintain signs shall be obtained from the Township Zoning Officer.
2. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.
3. Signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.
4. No sign shall be placed in a position, or have illumination that it will cause any danger to pedestrians or vehicular traffic.
5. Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.
6. No sign other than official traffic signs shall be erected within the right-of-way lines of any street.
7. Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the Township at the expense of the owner or lessee. The Zoning Officer shall make such determination as to state of repair. All violations shall be corrected within ninety (90) days of receiving notice of violation.
8. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.

9. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.
10. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.
11. No sign shall be erected containing information which implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
12. No sign shall be placed on any tree except political signs, yard or garage sale signs, hunting and trespassing signs.
13. The distance from ground level to the highest part of any free-standing sign shall not exceed eight (8) feet in residential districts. The distance from ground level to the highest part of any free-standing sign in a commercial or industrial District shall not exceed twelve (12) feet.
14. No free-standing sign shall be located within the street right-of-way.
15. Signs shall not project above the maximum building height permitted in any District in which they are located.
16. Signs necessary for the identification, operation, and protection of public utilities, may be erected within the street right-of-way when authorized by the Board of Supervisors for a special purpose and for a specified time.
17. Only parallel signs are permitted in areas of limited yard setback.
18. All signs erected along the right-of-way of a state highway shall be in accordance with the regulations of Pennsylvania Department of Transportation.

SECTION 7.01 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

1. Official traffic signs.

2. Identification signs, bulletin or announcement boards for schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, provided that:
 - A. No more than two such signs shall be erected on any frontage to any one property.
 - B. The area on one side of any such sign shall not exceed twelve (12) square feet.
3. Professional, home occupation, or name sign indicating the name, profession, or activity of the occupant of a dwelling, provided:
 - A. The area of any one side of any such sign shall not exceed two (2) square feet.
 - B. One such sign shall be permitted for each permitted use or dwelling.
 - C. Signs indicating a permitted non-residential use shall be erected on the property where that use exists.
 - D. The sign shall not be illuminated.
4. Real estate signs, including signs advertising the rental or sale of premises, provided that:
 - A. The area on any one side of any such sign shall not exceed six (6) square feet.
 - B. A sign shall be located on the property to which it refers.
 - C. Such signs shall be removed within fourteen (14) days upon the sale of the premises.
 - D. Not more than one such sign shall be placed on any one street frontage.
5. Temporary signs of contractors, architects, special events, and the like, provided that:

- A. Such signs shall be removed within fourteen (14) days upon completion of the work or special event.
 - B. The area of such signs shall not exceed six (6) feet.
 - C. Such signs shall be located on the applicable property.
6. Signs advertising an existing non-conforming use, provided that:
- A. The area on one side of such sign shall not exceed six (6) square feet.
 - B. The sign shall be erected only on the applicable premises.
 - C. No more than one such sign shall be erected on any one street frontage.
7. Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.
8. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.
9. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.
10. Sign denoting the name of a subdivision or development, provided that:
- A. The area on one side of such sign shall not exceed twenty-four (24) square feet.
 - B. The sign shall be erected only on the premises on which the subdivision or development is located.

- C. No more than one such sign shall be erected on any one street frontage.
11. Free-standing signs, provided that no more than one (1) free-standing sign, exclusive of all directional signs, shall be allowed on any one property.

SECTION 7.02 SIGNS PERMITTED IN THE RURAL MIXED USE DEVELOPMENT (M-1) DISTRICT

- 1. Any sign permitted under Section 7.01.
- 2. Commercial signs, provided that:
 - A. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed sixteen (16) square feet, except in the case of a tract or building housing more than one commercial use.
 - B. In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The area on one side of said sign shall not exceed forty (40) square feet. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. The area of such sign shall not exceed twelve (12) square feet, may be attached to that portion of the building housing in use.
 - C. No more than two separate signs shall face any one street frontage for any one use except in the case of a tract containing a directory sign.
- 3. Directional signs, provided that:
 - A. The area on one side of a directional sign shall not exceed two (2) square feet.

4. Free-standing signs, provided that:
 - A. No more than one (1) free-standing sign exclusive of all directional signs shall be allowed on any one property.
 - B. The area on one side of a free-standing sign shall not exceed thirty-two (32) square feet, exclusive of all directional signs.

SECTION 7.03 SIGNS PERMITTED IN THE HIGHWAY MIXED USE DEVELOPMENT (MU-2) DISTRICT

1. Any sign permitted under Section 7.02.
2. Business signs, provided that:
 - A. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed thirty-two (32) square feet, except in the case of a tract or building housing more than one commercial use.
 - B. In the case of a building or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The area on one side of said sign shall not exceed sixteen (16) square feet. In addition, for each use located within that building, or on the same lot, one wall-mounted sign is permitted. The area of such sign shall not exceed eight (8) square feet, and may be attached to that portion of the building housing the use.
 - C. No more than two separate signs shall face any one street frontage for any one use except in the case of a tract containing a directory sign.
3. Direction signs, provided that:
 - A. The area on one side of a directional sign shall not exceed two (2) square feet.

- 4 Free-standing signs, provided that:
 - A. No more than one (1) free-standing sign exclusive of all directional signs shall be allowed on any one property.
 - B. The area on one side of a free-standing sign shall not exceed sixteen (16) square feet.

SECTION 7.04 SIGNS PERMITTED IN THE LIGHT INDUSTRIAL (LI) AND RURAL INDUSTRIAL (RI) DISTRICTS

1. Business signs, provided that:
 - A. Such sign shall be erected only on the tract of land for the use to which the sign pertains is conducted.
 - B. There shall be a maximum of two (2) signs facing one street frontage for any one premise.
 - C. The total area of all business signs on a property shall be four (4) square feet for every one (1) foot of building frontage or one hundred (100) square feet, whichever is greater. Building frontage shall be defined as the lineal footage of a building face which serves as the principal approach to a building and which building face fronts a public street.
 - D. Signs shall not project in height above the roof line of the building to which they are attached.
 - E. Free-standing signs, provide that no more than one (1) free-standing sign, exclusive of all directional signs, shall be allowed on any one property.
2. Directory or identifying sign for a tract of land designed and developed from a single, unified plan for a number of uses, provided that:

- A. The overall height of any identifying sign at the entrance of a planned industrial development shall not exceed twelve (12) feet.
- B. The total sign area of an entrance directory sign shall not exceed one hundred (100) square feet, of which not more than fifty percent (50) may be used to identify the various tenants.
- C. There shall not be more than one (1) such sign for any one development.

SECTION 7.05 SIGNS PERMITTED IN THE AGRICULTURE (A) DISTRICT

Any sign permitted under Section 7.01.

SECTION 7.06 SIGNS PERMITTED IN THE RURAL (RU) DISTRICT

- 1. Any sign permitted under Section 7.01.
- 2. Commercial signs, provided that the total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed sixteen (16) square feet.

SECTION 7.07 EXISTING SIGNS

- 1. Existing signs may be continued provided that all such signs shall conform to the General Requirements as set forth in Section 7.00.
- 2. Any sign existing at the time of the passage of this Ordinance that does not conform with the regulations of the District in which such sign is located shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Ordinance.

SECTION 7.08 INSPECTION AND FEES

Fees for permits and inspections shall be specified by current resolution of the Board of Supervisors.

SECTION 7.09 BILLBOARDS

Within the (LI) District, billboards are permitted by special exception subject to the following criteria:

1. No billboard shall be located within five hundred (500) feet of another billboard.
2. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
3. All billboards shall be setback at least fifty (50) feet from any street right-of-way lines.
4. All billboards shall be setback at least one hundred (100) feet from any land within a Residential District.
5. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
6. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.

**ARTICLE VIII
SCREENING REGULATIONS**

SECTION 8.00 SCREENING

It is the intent of the screening provisions to provide visual and auditory separation between potentially incongruous land uses. It is a further intent of the following provisions to provide flexibility to the developer or property owner to create effective concealment through performance design requirements below.

SECTION 8.01 WHERE APPLICABLE

Screening requirements shall be applicable under the following circumstances:

1. Where a proposed nonagricultural use abuts an Agriculture District ;
2. Where a proposed non-residential use abuts an existing residential use;
3. Where any proposed multiple family residential building of four or more dwelling units, (including a retirement village, mobile home park, and the like) abuts an existing single family residential area;
4. Mobile home parks shall be screened along their entire perimeter, as specified in Article VI of the Subdivision and Land Development Ordinance;
5. Any other instance where screening is required by this Ordinance, or deemed necessary by the Township during its review of a site plan;
6. Screening is not required if the features to be screened are set back four hundred (400) feet or more from the lot line along which screening would otherwise be required.

SECTION 8.02 FEATURES TO BE SCREENED

In addition to the Zoning District boundary areas described above, the following land development features shall be screened on the lot for which development is proposed:

1. Loading and unloading areas;
2. Parking lots for seven (7) or more vehicles;
3. Storage of products or raw materials;
4. Refuse storage;
5. Mechanical equipment, vents, fans and the like.

SECTION 8.03 SCREENING LOCATION ON THE LOT

1. For screening of features, screening may be located anywhere on the lot provided it effectively shields the features to be screened.
2. For a Zoning District buffer, screening shall be located at the lot perimeter representing the Zoning District boundary.
3. Screening may be interrupted for necessary driveways to the street, provided a gap in the screening is thirty (30) feet maximum.

SECTION 8.04 SCREENING METHODS

Effective screening may be accomplished through use of any one or combination of the following:

1. Placement of features to be screened behind an existing or proposed landform/berm.
2. Use of existing or proposed ninety (90) opaque architectural barriers such as walls, fences and buildings, provided they are architecturally compatible with the style of buildings on the abutting lot(s) that necessitate the screening.
3. Use of existing woody vegetation masses such as hedges, woodlands and hedgerows, provided they are preserved intact during construction on the site.
4. Proposed woody vegetation plantings such as trees and shrubs.

SECTION 8.05 REQUIRED WIDTH OF BUFFER SCREEN

The width of buffering screen located between divergent land uses shall be in response to the degree of land use conflict. The width shall be as follows:

A buffer of seventy-five (75) feet width of existing or newly-planted trees is required where any proposed commercial and/or industrial uses abut the Agriculture (A) District or Rural (RU) District.

A buffer of fifty (50) feet width of existing or newly-planted trees is required where a proposed residential use abuts the Agriculture (A) District. This screen shall also be required as a minimum around proposed mobile home courts.

A planted buffer of twenty-five (25) width is required between any other incongruous land uses so deemed by the Township.

It is the intent of the above screening dimension to provide a greater screen around the Agriculture (A) District where a minimum fifty (50) foot buffer is required. However, a greater width of seventy-five (75) foot is required where it abuts a mixed use or industrial district or use. To meet this requirement in part or in whole, existing wood lots and hedgerows should be utilized, if they exist.

SECTION 8.06 SCREENING DESIGN

1. For areas requiring a screen width of fifty (50) feet or more, a tree plantation or a combination of trees and shrubs is required.
2. Where trees are proposed for screening, at least one (1) tree that normally achieves a height greater than thirty (30) feet shall be planted for every twenty (20) linear feet of distance required to be screened. Any resulting fraction of this division shall be rounded up to the next whole number. Location of the required trees is flexible.
3. Where proposed shrubs are used, the maximum distance between plant centers shall be eight (8) feet.
4. At a minimum, screening shall be of sufficient height and density to constitute a continuous opaque screen in summer months to a height of six (6) feet within a period of three (3) years of planting.

5. Proposed trees and shrubs shall be healthy, typical of their species, have normal growth habits with well developed branches and vigorous root systems.

SECTION 8.07 PERFORMANCE STANDARDS

1. The developer should consider placing improvements on the land in a manner that would lessen the extent and cost of required screening. Examples of sensitive design include the following:
 - A. Situating development in or behind existing vegetation such as woodlots or hedgerows.
 - B. Consolidating development in the smallest possible land area.
 - C. Situating development far from the lot line.
 - D. Situating development behind landform crests.
2. To assure compliance with screening requirements, the applicant shall provide a screening plan to enable the Township to access whether proposed screening will create an effective buffer at necessary points. The screening plan may include any one of the following: plot plan with view analysis, landscaping and grading plan, topographic profiles and cross-sections, or photographic evidence. The screening plan shall be drawn to scale and proposed plants shall be indicated, including type, quantity, size at planting time, and spacing.

SECTION 8.08 MAINTENANCE REQUIREMENTS

1. Any proposed tree or shrub planted for screening purposes which dies shall be replaced. Determination of acceptable plant survival shall be made by an agent authorized by the Township.
2. Any fence, wall or other architectural method utilized for screening shall be maintained in a structurally sound condition, and the surface (s) facing the lot line shall be maintained for an attractive appearance.

3. Any landform or existing vegetation mass approved for screening shall not be altered, except for usual maintenance.
4. The owner shall be responsible for continual maintenance of the screening. A note on the subdivision land development or site plans shall indicate this, and be signed by the applicant.

ARTICLE IX
TRAFFIC CONTROL, INTERNAL CIRCULATION, LOADING AND OFF-STREET PARKING

SECTION 9.00 ACCESS AND TRAFFIC CONTROL

To minimize traffic congestion and hazard, control street access and encourage orderly development of street frontage, the following regulations shall apply:

1. Every building erected or altered shall be on a lot adjacent to a public street or have access to a public street via an approved private street.
2. Unless clearly impractical or inappropriate, lots which abut two (2) or more streets shall have direct access only to the street of lesser functional classification.
3. Where lots are created having frontage on expressways, arterial, and collector streets any proposed development street pattern shall also provide frontage to local streets within the subdivision.
4. Each use with less than one hundred (100) feet of street frontage shall not have more than one ingress and egress lane to such street. No use with one hundred (100) feet or more of street frontage shall have more than two (2) accessways to any one street for each three hundred (300) feet of street frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along streets classified other than local streets.
5. All driveways to any public street shall be located a minimum of forty (40) feet from any intersection of street centerlines.
6. Provision shall be made for safe and efficient ingress and egress to and from public streets, without undue congestion or interference with normal traffic flow within the Township. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications

required by the Township or the Pennsylvania Department of Transportation (PennDOT).

7. The maximum width of driveway entrances and exits onto a public street, measured at the street line and within the street right-of-way, shall be fourteen (14) feet for one-way driveways and twenty-eight (28) feet for two-way driveways. The radius of the edge of the driveway apron shall not exceed twenty-five (25) feet.
8. For Seasonal Homes in the Forest Conservation (FC) District, this Section shall be superceded by Article XI.

SECTION 9.01 INTERNAL CIRCULATION

The following regulations shall apply to multiple family residential, commercial and industrial uses, unless otherwise specified:

1. Design of Access Aisles and Drives
 - A. Internal drives and service areas shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Egress to the street shall be in a forward direction.
 - B. Accessways, parking areas and loading areas shall have clearly defined parking bays and circulation designated by markings, curbs, and/or landscaped islands, so that patrons shall not impede traffic as a result of any confusion as to location of entrances and exits.
 - C. All interior drives and accessways shall be paved with an approved all-weather surface, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of eight (8) percent.
 - D. Minimum interior drive cartway widths (with no abutting parking):

<u>Use</u>	<u>Two Lane Two-Way Drives</u>	<u>One Lane One-Way Drive</u>
Multi-family residential	20 feet	12 feet
Commercial/office	22 feet	12 feet
Industrial	26 feet	15 feet

E. Common or shared access driveways to parking and loading areas are permitted and encouraged provided landowners submit an agreement of maintenance responsibility.

2. Fire Lane Easements

Any use or building located more than six hundred (600) feet from a street shall provide a dedicated fire lane easement consisting of an unobstructed right-of-way width of thirty (30) feet.

SECTION 9.02 LOADING AND UNLOADING

In connection with any use, building or structure which requires the receipt or distribution of materials by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths in accordance with the following requirements:

1. Location

Loading and unloading areas shall not be located between the building setback line and street line, and loading facilities shall be screened in accordance with Article VIII.

2. Space Allowed

A. Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.

B. Loading and unloading space shall be at least twelve (12) feet wide with fourteen (14) feet of vertical clearance, and shall have an adequate maneuvering area.

3. Surface

Loading and unloading areas shall have an all-weather surface.

SECTION 9.03 OFF-STREET PARKING

1. Applicability

A. Off-street parking facilities shall be provided whenever:

- 1) A building is constructed or a new use is established.
- 2) An existing building or its use is changed so as to require more parking facilities.

B. Off-street parking facilities existing at the effective date of this Ordinance shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use.

2. Use

A. Off-street parking shall be an accessory use solely for the parking of patrons, occupants and/or employees.

B. No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.

3. Location

A. All parking spaces shall be on the same lot as the principal building except as herein described. Parking spaces may be located within a structure or in the open.

B. The parking spaces may be located elsewhere than on the same lot when authorized by the Zoning Hearing Board, subject to some portion of the off-street parking area being within three hundred (300) feet of an entrance, regularly used by patrons.

- C. For all residential dwellings, the parking spaces shall be within one hundred (100) feet of the dwelling unit they serve.
- D. No parking or paved area shall directly abut a street.

4. Size and Design of Parking Lot

- A. In the layout of parking lots, standard parking dimensions shall be utilized.
- B. Up to one-third (1/3) of the total parking spaces may be designed for compact vehicles.
- C. Parking lots shall be landscaped in accordance with Article VIII.
- D. Parking lots shall be illuminated at night in accordance with Section 5.08 of this Ordinance.
- E. Parking lots shall have an all-weather surface.
- F. Parking lots shall have a minimum slope of one (1) percent and a maximum slope of five (5) percent. Stormwater run-off shall not be directed across pedestrian walkways or other lots.

5. Handicapped Parking

The following shall apply to commercial, industrial, office, institutional, and educational uses:

- A. If the total number of required parking spaces exceeds twenty (20), a minimum of two (2) percent of the total number of parking spaces, but not less than two (2) parking spaces, shall be designed and designed for physically handicapped persons.
- B. Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.

- C. Each space or group of spaces shall be identified with a clearly visible marking displaying the international symbol of access.
- D. Each space shall be twelve (12) feet wide and shall abut a level, paved surface.

SECTION 9.04 SPECIFIC PARKING REQUIREMENTS

Specific parking requirements for various uses in each District shall be as follows:

Parking Residential Uses

- 1. Townhouses and multi-family low-rise apartments: two (2) parking spaces per dwelling unit.
- 2. Residential conversion units: two (2) spaces per dwelling unit.
- 3. Mobile homes: two (2) spaces per dwelling unit.

Parking for Public and Semi-Public Uses

- 1. Places of worship or other public auditorium: one (1) parking space for every three (3) seats provided for assembly.
- 2. Nursing and convalescent homes: one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.
- 3. Clinic and medical five (5) patient spaces per doctor and one (1) space for each staff member.
- 4. Day care centers: one (1) space for each employee and an off-street loading and unloading area to accommodate one (1) space for each six (6) children cared for in the center.
- 5. Parks and playgrounds which include spectator seating: one (1) parking space for every three (3) seats.

Parking for Commercial Uses

1. Retail stores and commercial uses: one (1) parking space for every three hundred (300) square feet of floor space used for sales purposes and one (1) space for each employee.
2. Supermarkets and dairy stores: one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.
3. Eating and drinking establishments: one (1) parking space for every two and one-half (2 1/2) seats for patron use and one (1) space for each employee.
4. Drive-in and fast-food restaurants: one (1) space for every ten (10) square feet of floor area and one (1) space for each employee.
5. Bowling alleys: five (5) parking spaces for each pair of lanes and one (1) space for each employee.
6. Skating rinks: one (1) space for every one hundred (100) square feet of skating area and one (1) space for each employee.
7. Billiard and pool rooms: two (2) spaces per billiard or pool table and one (1) space for each employee.
8. Miniature golf and driving ranges: one (1) space per hole and one (1) space for each employee.
9. Golf courses: six (6) spaces per hole and one (1) space for each employee.
10. Animal kennels: one (1) parking space for every three (3) kennel runs and one (1) space for each employee.
11. Office buildings and professional offices: one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.
12. Motels, hotels and tourist homes: one (1) parking space for each unit and one (1) space for each employee on the largest shifts.

13. Barber and beauty shops: two (2) parking spaces per shop plus one and one-half (1 1/2) spaces per chair.
14. Shopping centers: one (1) parking space for each three hundred fifty (350) square feet of gross floor area or fraction thereof.
15. Home occupations: two (2) parking spaces for each dwelling unit, one (1) space for each non-resident employee.
16. Gasoline service stations and car washes: one (1) parking space for each employee on the largest shift.

Parking for Industrial Uses

The total parking area shall be twenty-five (25) percent of the building's gross floor area. Space shall also be provided for visitors and handicapped.

ARTICLE X
PLANNED RESIDENTIAL DEVELOPMENT

SECTION 10.00 PURPOSES

1. The purpose of this article is to provide requirements and procedures for planned residential developments located in zoning districts other than the Forest Conservation District. Planned residential development located in the Forest Conservation District shall comply with Article XI of this Ordinance.
2. The following are the purposes of the Planned Residential Development:
 - A. To respond to the growing demand for housing of all types and design;
 - B. To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design, and layout of buildings;
 - C. To encourage the conservation of natural features and more efficient use of auxiliary open space;
 - D. To provide greater opportunities for better housing and recreation to all citizens and residents of this Commonwealth;
 - E. To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may benefit those who need homes; and
 - F. To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

**SECTION 10.01 APPLICABILITY OF COMPREHENSIVE PLAN AND
COMMUNITY DEVELOPMENT OBJECTIVES**

All provisions and all amendments thereto adopted pursuant to this Article shall be based on and interpreted in relation to the statement of community development objectives of the Zoning Ordinance.

SECTION 10.02 POWERS OF THE TOWNSHIP

The Beech Creek Board of Supervisors, with the recommendations of the Township Planning Commission, shall be the agency responsible for administering planned residential development applications and procedures in accordance with this Article.

SECTION 10.03 POWERS OF THE COUNTY

The power of the County to enact, amend and repeal planned residential development provisions shall not supersede any local planned residential development, zoning or subdivision and land development ordinance which is already in effect or subsequently becomes effective in the Township provided that a certified copy of such provisions is filed with the County Planning Commission. However, all applications for tentative approval of planned residential development shall nevertheless be referred to the County Planning Commission for study and recommendation and the County Planning Commission shall be required to report to the Township within thirty (30) days of such referral or forfeit the right to review.

SECTION 10.04 PERMITTED USES

1. Planned residential development is permitted in the following Zoning Districts subject to the requirements and procedures of this Article
 - A. R-1 - Residential
 - B. R-2 - Residential
 - C. RU - Rural
 - D. A - Agricultural
 - E. MU-1 - Mixed Use

F. MU-2 - Mixed Use

2. Permitted uses and accessory uses in planned residential development shall consist of the following:
 - A. Single-family dwellings
 - B. Two-family dwelling
 - C. Multi-family dwelling
 - D. Recreation areas to serve residents of the development.
 - E. Customary accessory uses and buildings including: private garages and carports, home gardening, garden houses, tool sheds, private swimming pools, and essential services provided by public utilities.

SECTION 10.05 SPECIAL EXCEPTION USES

Special exception uses shall consist of the following:

1. Model homes
2. Home Occupations
3. Temporary structures

SECTION 10.06 DENSITY REGULATIONS

The density standards of the table below shall be adhered to.

	<u>R-1 District</u>	<u>R-2, MU-1, and MU-2 Districts</u>	<u>A and RU Districts¹</u>
Minimum Net Average Land Area per Dwelling Unit	10,000 sq ft	8,000 sq ft	8,000 sq ft

¹A PRD in the (A) District shall not be located on prime agricultural soils (Class I and II).

Maximum Land Coverage by all Development	30%	40%	20%
Minimum Common Open Space	25%	25%	50%

SECTION 10.07 COMMON OPEN SPACE

1. A minimum of twenty-five (25) percent of the total tract, except in the (A) District, shall be set aside as common open space. In the case of the (A) District, the open space requirement shall be fifty (50) percent in order to maintain the open character of the agricultural land and a corresponding open space environment within the PRD.

2. It is the express intent that this requirement for open space be used to protect valuable resources of the Township. Where possible the PRD shall feature preservation of existing natural features. Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate the specific measures employed to achieve these objectives:
 - A. Protection of important natural resources (e.g., streams, ponds, wetlands, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);
 - B. Protection of important historical and/or archaeological sites;
 - C. Provision of usable play and recreation areas that are conveniently accessible to residents of the planned residential development and the Township;
 - D. Integration of greenbelts that link residences with nearby parks, schools, or other similar features.

3. Common open space shall be subject to the following:
 - A. The Township may at any time accept or refuse to accept the dedication of land or any interest therein for public use and maintenance. The Township need not require, as a condition of the approval of a planned residential development, that land proposed to be set aside for common open space be dedicated or made available to public use.

- B. The Township may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space.
- C. The common open space shall not be disposed of, by sale or otherwise, without first offering to dedicate the same to the public.
- D. In the event of public dedication, any Township costs including maintenance shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien upon the affected properties in the County Prothonotary's Office.

SECTION 10.08 DESIGN AND CONSTRUCTION STANDARDS

- 1. All improvements for streets, driveways, utilities, landscaping, stormwater management, etc., unless otherwise excepted, shall be designed and constructed in conformance with the standards and requirements of the Subdivision and Land Development Ordinance of the Township. All such improvements shall be guaranteed under the provisions of that same Ordinance.
- 2. All development shall also conform to the sensitive environmental area requirements including the provisions of Article IV of the Subdivision and Land Development Ordinance.

SECTION 10.09 WATER SUPPLY

- 1. If water is to be provided by other than individual on-site systems (wells owned and maintained by the individual lot owners), the Final Plan must include evidence that the subdivision or development will be supplied by one of the following:
 - A. A certificated public utility;

- B. A bonafide cooperative association of lot owners;
 - C. A municipal corporation, authority or utility.
2. Acceptable evidence of the above would include a copy of the Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment to serve the area in question, whichever is appropriate.

SECTION 10.10 STAGING OF DEVELOPMENT

A planned residential development may be constructed in phases if the following criteria are met:

- 1. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required.
- 2. At least fifteen (15) percent of the dwelling units in the tentatively approved plan are included in the first phase.
- 3. The second and subsequent stages are completed consistent with the tentatively approved plan and in no stage contain less than fifteen (15) percent of the dwelling units receiving tentative approval.

SECTION 10.11 ENFORCEMENT AND MODIFICATION OF PLAN PROVISIONS

Enforcement and any modification of the development plan as finally approved shall be subject to the following:

- 1. The following provisions of the development plan shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law:
 - A. The use, bulk and location of buildings and structures;

- B. The quantity and location of common open space;
 - C. The density of residential units.
2. All other provisions of the development plan shall run in favor of the residents of the planned residential development in accordance with the terms of the development plan, whether recorded by plat, covenant, easement or otherwise. The provisions may be enforced at law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf. However, no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development unless those portions of the development plan have been finally approved and recorded.
 3. Grants or easements relating to the service or equipment of a public utility may not be modified, removed, or released by the Township except by written authorization of the utility.
 4. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed, or released, subject to the following conditions:
 - A. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.
 - B. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon findings by the governing body following a public hearing pursuant to public notice.
 - C. Any modification removal or release of the development plan provisions shall:

- 1) Be consistent with the efficient development and preservation of the entire planned residential development.
 - 2) Not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest.
 - 3) Not be granted solely to confer a special benefit upon any person.
5. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

SECTION 10.12 APPLICATION FOR TENTATIVE APPROVAL

1. The application for tentative approval shall be filed with the Township Secretary and shall be accompanied with payment of application fee.
2. All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and any subsequent modifications shall be determined and established by the Board of Supervisors after review and recommendation by the Township Planning Commission.
3. The Township shall refer all applications for planned residential development to the County Planning Commission for review and recommendation and it shall make its report to the Township within thirty (30) days or forfeit the right to review.
4. Five (5) copies of the plan shall be submitted which shall consist of the following:
 - A. A map showing the location, size and topography of the site;

- B. A map showing sinkholes, sinkhole prone soils, and wetlands if any;
 - C. The density of land use to be allocated to parts of the site to be developed;
 - D. The use and the approximate height, bulk, and location of buildings and other structures;
 - E. The location and size of the common open space and the form of organization proposed to own and maintain it;
 - F. The plans for stormwater management. See Section 4.08 of the Subdivision and Land Development Ordinance;
 - G. The plans for sewage disposal. See Section 4.14 of the Subdivision and Land Development Ordinance;
 - H. The plans for water supply. See Section 4.15 of the Subdivision and Land Development Ordinance;
 - I. The covenants, easements or other restrictions proposed to be imposed upon the use of the land and/or buildings, including proposed easements for public utilities;
 - J. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
 - K. The required modifications in the municipal land use regulations otherwise applicable to the subject property;
 - L. In the case of plans which call for development over a period of years, a schedule showing the proposed time of application for of all sections of the planned residential development are intended to be filed. This schedule must be updated annually, until the development is completed.
5. Landowner Statement. The application for tentative approval of the planned residential development shall include a written statement by

the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the Township Comprehensive Plan and the Township's Community Development Objectives. The statement shall also state the landowner's interest in the land (whether an option, outright ownership, etc.).

6. In Lieu of Procedures. The application for and tentative and final approval of a development plan for a planned residential development prescribed in this Article shall be in lieu of all other procedures or approvals otherwise required pursuant to the Zoning Ordinance and the Subdivision and Land Development Ordinance of the Township, unless otherwise referenced.

SECTION 10.13 PUBLIC HEARINGS

1. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to public notice shall be held by the Board of Supervisors in the manner prescribed for an amendment to the Zoning Ordinance.
2. The Board of Supervisors may continue hearings from time to time, and where applicable, may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing process shall be concluded within sixty (60) days after the date of the first public hearing.
3. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Article prior to final approval by the Board of Supervisors.

SECTION 10.14 THE FINDINGS

1. Within sixty (60) days following the conclusion of the public hearing, the Board of Supervisors shall by official written communication to the landowner, either:

- A. Grant tentative approval of the development plan as submitted;
 - B. Grant tentative approval subject to specified conditions not included in the development plan as submitted;
 - C. Deny tentative approval to the development plan.
2. Failure to so act within the sixty (60) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.
3. In the event, however, that tentative approval is granted subject to conditions, the landowners may, within thirty (30) days, notify the Board of Supervisors of his refusal to accept the conditions. In this case, the Board shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within thirty (30) days, notify the Board of Supervisors refusal to accept all said conditions, tentative approval of the development plan, with all conditions, shall stand as granted.
4. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but no limited to, findings of fact and conclusions on the following:
- A. Those respects in which the development plan is or is not consistent with the Township Comprehensive Plan and the Township's Community Development Objectives;
 - B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and

use, and the reasons why such departures are or are not deemed to be in the public interest;

- C. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - D. The physical design of the development plan and the manner in which said design does nor does not make adequate provision for public services, provide adequate control of vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - E. The relationship, beneficial or adverse, of the proposed planned residential development to the surrounding area;
 - F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
5. When a development plan is granted tentative approval, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

SECTION 10.15 STATUS OF PLAN AFTER TENTATIVE APPROVAL

1. The official written communication provided for in this Article shall be certified by the Township Secretary and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
2. Tentative approval of a development plan shall not:
 - A. Qualify a plat for recording;
 - B. Authorize development; or
 - C. Authorize issuance of any building permits.
3. A development plan which has been given tentative approval (provided that the landowner has not defaulted or violated conditions of the tentative approval), shall not be modified, revoked, or impaired by action of the Township without the consent of the landowner. However, application for final approval must be filed within the periods of time specified in the official written communication granting tentative approval.
4. Tentative approval shall be deemed to be revoked in the following instances:
 - A. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner abandons the plan and notifies the Board of Supervisors in writing.
 - B. In the event the landowner fails to file application or applications for final approval within the required period of time or times.
5. Such development plan whose tentative approval was revoked and for which final approval was not given shall be subject to those local

ordinances otherwise applicable and the same shall be noted in the records of the Township Secretary.

SECTION 10.16 APPLICATION FOR FINAL APPROVAL

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township Secretary within the time or times specified by the official written communication granting tentative approval.
2. The application shall include all documents specified in Section 10.12 of this Ordinance, as well as any conditions set forth in the official written communications at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan given tentative approval.
3. In the event the application for final approval has been duly filed, the Board of Supervisors shall, within forty-five (45) days of such filing, render a decision.
4. In the event the development plan contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, advise the landowner in writing of refusal, setting forth the reasons why the variations are not in the public interest. In the event of refusal, the landowner may either:
 - A. Refile the application for final approval without the variations .
 - B. File a written request with the approving body that it hold a public hearing on the application for final approval.
5. If the landowner wishes to take either such alternate action he may do so within thirty (30). In the event the landowner fails to take either

of these actions within thirty (30) days, he shall be deemed to have abandoned the development plan.

6. Any public hearing shall be conducted in the manner prescribed in this Article on applications for tentative approval. Within thirty (30) days after the hearing, the Board of Supervisors shall by written communication either grant or deny final approval. The grant or denial of final approval shall be in the form and contain the findings required for an application for tentative approval set forth in this Article.
7. A development plan, or any part thereof, which has been given final approval shall be certified by the Board of Supervisors and recorded in the County Office of the Recorder of Deeds before any development shall take place. Upon final approval, the developer shall guarantee improvements and post financial security in accordance with Section 3.04 of the Township Subdivision and Land Development Ordinance.
8. In the event that a development plan, is given final approval and thereafter the landowner abandons such plan and so notifies the Board of Supervisors in writing, no development or further development shall take place on the property until after the property is reclassified by enactment of an amendment to the Zoning Ordinance in the manner prescribed for such amendments.

SECTION 10.17 AS BUILT DRAWINGS

Whenever a developer installs any sewer or water lines, the developer shall, as soon as practicable, furnish the Township with a copy of a drawing that shows the exact location of such lines. Compliance with this requirement shall be a condition of the continued validity of the permit.

SECTION 10.18 JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under this Section.

1. Enforcement Remedies

- A. Any person, partnership or corporation, who or which has violated the planned residential development provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice further determines that there was a good faith basis for the party 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 fiftieth 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 judgements, costs, and reasonable attorney fees collected for the violation of planned residential development provisions shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

ARTICLE XI

DEVELOPMENT

~~PLANNED RESIDENTIAL DEVELOPMENT FOR SEASONAL DWELLINGS~~

SECTION 11.00 PURPOSES

The purpose of this Article is to permit developments of seasonal dwellings in the ^{Nature} Forest Conservation District in accordance with the community development objectives listed in ~~Section 1.03~~, and with the following specific purposes:

1. Perpetuate the wild and remote character of the ^{Nature} Forest Conservation District by requiring the clustering of new development, thereby reducing development sprawl and disturbance of the natural environment; and
2. Relate new development to the physical context of the site, such as sensitive natural features and existing man-made improvements; and
3. Respect ^{natural heritage sites,} and conserve natural resources prevalent in this area, including headwater springs, exceptional value and high quality streams, areas of unusual natural beauty, woodland expanses and wildlife habitat; and
4. Promote sound economic development that is sensitive to the financial stability of the Township by not requiring expensive public services such as utilities, emergency services and road improvements to serve a permanent population in a remote and difficult to develop area.

SECTION 11.01 APPLICABILITY OF PROVISIONS

Any conveyance of the land by the property owner (including but not limited to rent, lease or option) shall not exempt the applicant from compliance with the provisions of this Article and this Ordinance. The provisions of this Article shall apply to all applications for planned residential development in the Forest Conservation district regardless of ownership or applicant status.

**SECTION 11.02 APPLICABILITY OF COMPREHENSIVE PLAN AND
COMMUNITY DEVELOPMENT OBJECTIVES**

All provisions and all amendments thereto adopted pursuant to this Article shall be based on and interpreted in relation to the statement of community development objectives of the Zoning Ordinance.

SECTION 11.03 POWERS OF THE COUNTY

The power of the County to enact, amend and repeal planned residential development provisions shall not supersede any local planned residential development, zoning or subdivision and land development ordinance which is already in effect or subsequently becomes effective in the Township provided that a certified copy of such provisions is filed with the County Planning Commission. However, all applications for tentative approval of planned residential development shall nevertheless be referred by the Township to the County Planning Commission for study and recommendation. The County Planning Commission shall be allowed thirty (30) days to report to the Township or forfeit the right to review.

SECTION 11.04 POWERS OF THE TOWNSHIP

1. The Beech Creek Board of Supervisors, with the recommendations of the Township Planning Commission, shall be the agency responsible for administering planned residential development applications and procedures in accordance with this Article.
2. The application for and tentative and final approval of a development plan prescribed in this Article shall be in lieu of all other procedures or approvals otherwise required pursuant to the Zoning Ordinance and the Subdivision and Land Development Ordinance of the Township, unless otherwise referenced.

**SECTION 11.05 CONDITIONS FOR PLANNED RESIDENTIAL
DEVELOPMENT FOR SEASONAL DWELLINGS**

1. Application for planned residential development for seasonal dwellings (hereafter abbreviated as "PRD:SD") shall not be considered or approved unless the following conditions are met:
 - A. The PRD:SD shall consist of an initial undivided tract of at least one hundred (100) acres. Large tracts may be re-subdivided but the minimum resultant lot size shall be 100 acres.
 - B. The PRD:SD shall lie entirely within the Forest Conservation (FC) Zoning District.
 - C. The tract of land to be developed shall be in one ownership, or in the case of multiple ownership, it shall be developed according to a single plan with common authority and common responsibility.
 - D. All seasonal dwellings must comply with the Beech Creek Township Privy Ordinance.

**SECTION 11.06 STANDARDS FOR PLANNED RESIDENTIAL
DEVELOPMENT FOR SEASONAL DWELLINGS**

1. Use Regulations
 - A. PRD:SD may include the following uses:
 - 1) Seasonal dwellings as the only principal use.
 - 2) Accessory uses and structures provided they are clearly incidental and subordinate to the principal use and are not located in the common open space areas.
 - 3) Harvesting of forest products, but excluding any building or structures for this use on the property.

- 4) Recreational facilities intended solely for the use of residents of the development, deemed to be appropriate by the Board of Supervisors.
- 5) Temporary living arrangements that include recreational vehicles such as travel trailers, truck campers and motor homes.

B. The following uses are expressly prohibited:

- 1) Any commercial activity except rental of permitted seasonal dwellings, permitted mineral extraction and logging.
- 2) Temporary living arrangements including recreational vehicles as defined in Article II of this Ordinance, for more than one hundred twenty (120) days per year.

2. Duration of Seasonal Home Dwelling, Useage

- A. Use of seasonal homes in the FC District shall be limited to a maximum of one hundred eighty (180) days per year. At the discretion of the lot owner, this time may be accumulated in consecutive days, forty-five (45) days per quarter, or any other schedule which does not exceed one hundred eighty (180) days per year.
- B. Use of temporary living arrangements shall be limited to a maximum of one hundred twenty (120) days per year. At the discretion of the lot owner, this time may be accumulated in consecutive days, thirty (30) days per quarter, or any other schedule which does not exceed one hundred twenty (120) days per year.
- C. As a condition of the zoning permit, the lot owner must indicate the intended schedule of use of the property for the first three (3) years. A statement describing the anticipated days of useage per quarter shall be filed with the zoning permit. Every three (3) years, subsequent schedules shall be sent to the

Township Secretary within one month of the three (3) year anniversary date. However, any change in the schedule of usage within the three (3) year period shall be conveyed by letter to the Township Secretary, indicating the changes in the schedule of use. Such a permit shall be required for both Temporary Living Arrangements and Seasonal Home Usage. A change from one type of use, i.e. from Temporary Living Arrangements to Seasonal Home, shall require a new permit whenever the change occurs.

3. Density

The number of seasonal dwellings permitted on a lot, or a tract held in common ownership, shall be determined by dividing the gross acreage by twenty (20) acres per dwelling. A resulting fraction of a dwelling may be rounded up to the next whole number if the fraction is one-half (1/2) or greater.

4. Area and Bulk Requirements Pertaining to all Development

- A. No building shall be located closer than one hundred (100) feet to the tract perimeter used to calculate the development density.
- B. If a seasonal dwelling is constructed on a lot or lease parcel subdivided from the original tract, the minimum lot size shall be four (4) acres.
- C. Any building shall be set back a minimum of one hundred (100) feet minimum from a lot line created within the development.
- D. Any seasonal dwelling shall be setback a minimum of two hundred (200) feet from another seasonal dwelling and one hundred (100) feet from adjoining property lines.
- E. The maximum total floor area of any seasonal dwelling shall be seven thousand five hundred (7,500) feet.
- F. Maximum building height is thirty-five (35) feet.

5. Site Planning Requirements

A. The PRD:SD must comply with the following design standards of the Township Subdivision and Land Development Ordinance:

- 1.02 Purpose
- 4.01 Suitability of Land
- 4.08 Stormwater Management
- 4.09 Easements
- 4.10 Landscaping
- 4.12 Stream Corridor
- 4.13 Exceptional Value Streams
- 4.14 Sewage Facilities
- 4.15 Water Supply

B. The PRD:SD must comply with the Township Privy Ordinance.

C. No construction of buildings or soil disturbance shall occur within one hundred (100) feet of streams, or within fifty (50) feet of wetlands.

D. Total site disturbance shall be kept to a minimum and shall not exceed one (1) acre more than the building and access areas.

E. Proposed private roads and driveways serving three (3) or more dwelling units shall comply with the following requirements:

- 1) Minimum cartway width shall be sixteen (16) feet.
- 2) Minimum right-of-way width shall be thirty five (35) feet.
- 3) Maximum road grade shall be fourteen (14) percent.
- 4) Adequate turnaround area at a street end shall be provided for emergency vehicles.

- F. Provision shall be made for save and efficient ingress and egress to and from public streets, without undue congestion or interference with normal traffic flow within the Township. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the Pennsylvania Department of Transportation (PennDOT) or the Department of Environmental Resources. (DER)

6. Signage

Only the following signs are permitted in PRD:SD:

- A. A maximum of two (2) identification signs are permitted per PRD:SD. Maximum sign face square footage for these signs combined is twenty (20).
- B. Each seasonal dwelling may have one (1) identification sign at the end of the driveway giving it access. Maximum sign square footage is two (2).
- C. Real estate signs, including signs advertising the rental or sales of premises, provided that:
 - 1) The area on any one side of such sign shall not exceed four (4) square feet.
 - 2) Only one (1) sign is permitted per property.
- D. Trespassing signs and signs indicating the private nature of the premises. The area on any side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals on the lot of not less than one hundred (100) feet.

7. Ownership Options and Requirements

All development of land under the PRD:SD shall be based on either of the following two alternatives: Common Open Space Development Option or Private Ownership of Open Space.

SECTION 11.07 COMMON OPEN SPACE DEVELOPMENT OPTION

A developer and/or land owner who seeks to meet the open space provisions through the set aside of open space under a common ownership as set forth in Section 11.07 shall address the following requirements:

1. All seasonal dwellings must be situated in a cluster or clusters that occupy no more than twenty-five (25) percent of the gross acreage. The dwellings may be located on individual subdivided lots or lease parcels, or they may be sited together on a large lot(s) held in one ownership.
2. The limit of a cluster shall be delineated on the subdivision plan which shall show private land ownership and of common open space as described below.
3. There is no limit to the number of permitted seasonal dwellings allowed in one cluster provided the number of dwellings do not exceed the total permitted on the site, as described in Sections 2 and 3A above.
4. There is no limit to the size in area of a cluster provided that it not exceed the allowable maximum percentage of twenty-five (25) percent of the total gross acreage of the lease parcel or subdivision.
5. The number of clusters permitted in any PRD:SD shall be limited as follows:

Number of seasonal dwellings permitted in <u>the development</u>	Number of clusters permitted in the <u>development</u>
1-5	1
6-10	2
11-15	3
16-20	4
21-25	5
26+	6

- 6 Clusters within the same development shall have a minimum distance of one thousand (1,000) feet between cluster limits. If this separation distance cannot be met, then dwelling units must be consolidated in fewer clusters.
- 7 Clusters shall incorporate existing buildings, if possible.
8. Ownership of Common Open Space

Any of the following methods may be used to preserve, own, and/or maintain open space: developer/owner, homeowners association, dedication in fee simple, dedication of easements, or transfer to a private conservation organization.

- A. Developer/Owner: The developer/landowner may continue to own outright the open space and draft a plan for the mutual use of this space by all property owners and, at the owners' sole discretion, by the public. Such intent and plans for ownership and maintenance shall be submitted to the Planning Commission at the time the PRD:SD is submitted for approval.
- B. Homeowners Association: The open space may be held in common ownership by a homeowners' association. Such ownership shall be subject to all of the provisions for homeowners associations set forth in Article VII of the Pennsylvania Municipalities Planning Code.
- C. Fee-simple dedication: The Township may, but shall not be required to, accept any portion or portions of the open space provided: (i) such land shall be freely accessible to the public; (ii) there shall be no cost to the Township involved; (iii) the Township agrees to and has access to maintain such lands; and (iv) the open space shall be in an acceptable condition to the Township at the time of transfer with regard to size, shape, location and improvement.

- D. Dedication of Easements: The Township may accept, but shall not be required to accept, easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, or homeowners association while the easements are held in public ownership. The Township may require this method where it deems this to be the most appropriate way of preserving land in open space.
- E. Transfer to a Private Conservation Organization: With permission of the Township, (which shall not be unreasonably withheld) an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or easements, to a private, non-profit organization, among whose purposes is to conserve open space land and/or natural resources provided that: (i) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (ii) the conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and (iii) a maintenance agreement acceptable to the Township is entered into by the developer and the organization.

SECTION 11.08 PRIVATE OWNERSHIP OF OPEN SPACE

The landowner or developer shall have the option to sell and/or to develop lots based on the private ownership of parcels in the PRD:SD provided they meet the density requirements set forth in Section 11.06(2).

1. The principle of open space shall be maintained and no more than twenty-five (25) percent of the gross acreage of an individual parcel may be developed. Plans to preserve as open space the remaining seventy-five (75) percent of these parcels, including agreements to be executed by the buyer or user to insure such an open space requirement, shall be submitted with the PRD:SD application.

2. To the greatest extent possible the private open space to be set aside by the developer and the individual lot owner or user shall be contiguous with the open space of adjoining tracts. Such massing of private open space may not be possible where the size and/or location of the parcel, the terrain, or other natural features make it impracticable. In such an event and provided he has tried to comply with the contiguous open space requirement, the landowner, and/or developer, shall communicate the particular circumstances and his selected alternative to the Planning Commission.
3. Only one seasonal dwelling shall be permitted per twenty (20) acre parcel.
4. At this option, however, the landowner and/or developer may choose to sell or develop any number, or percentage, of the permitted number of lots if he should choose, according to the cluster and open space requirements of Section 11.06(3). In such lots the landowner or developer must conform to all provisions of Section 3A Common Open Space Provisions.

**SECTION 11.09 LOCATION, DESIGN AND LAYOUT OF COMMON
OPEN SPACE**

1. The open space shall be maintained permanently in a natural vegetative state, except for: forestry uses; firewood cutting; limited view openings; construction of necessary access roads; utility corridors; and improvement of wildlife habitat.
2. No buildings are permitted in the common open space.
3. Location of common open space shall incorporate as much as possible water resources or other unique features.

SECTION 11.10 STAGING OF DEVELOPMENT

A PRD:SD may be constructed in phases if the following criteria are met:

1. The application for tentative approval covers the entire planned residential development; and
2. The application shows the location and approximate time of construction for each stage (in addition to other information required).
3. The application contains a notarized statement that no further subdivision of approved parcels will be conducted.

SECTION 11.11 ENFORCEMENT AND MODIFICATION OF PLAN PROVISIONS

Enforcement and any modification of the development plan as finally approved shall be subject to the following:

1. The following provisions of the development plan shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law:
 - A. The use, bulk and location of lots, buildings, and structures.
 - B. The quantity and location of common open space.
 - C. The density of residential units.
2. All other provisions of the development plan shall run in favor of the residents of the PRD:SD in accordance with the terms of the development plan. The provisions may be enforced at law or equity by residents acting individually, jointly or through an organization designated in the development plan to act on their behalf. However, no provisions shall be implied to favor residents of the PRD:SD unless those portions of the development plan have been finally approved and recorded.

3. Grants or easements relating to the service or equipment of a public utility may not be modified, removed, or released by the Township except by written authorization of the utility.
4. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed, or released, subject to the following conditions:
 - A. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the PRD:SD to maintain and enforce those provisions, at law or equity, as provided in this Section.
 - B. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon findings by the governing body following a public hearing.
 - C. Any modification removal or release of the development plan provisions shall:
 - 1) Be consistent with the efficient development and preservation of the entire PRD:SD.
 - 2) Not adversely affect either the enjoyment of land abutting upon the PRD:SD or the public interest.
 - 3) Not be granted solely to confer a special benefit upon any person.
5. Residents of the PRD:SD may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

SECTION 11.12 DEED RESTRICTIONS AND COVENANTS

Deed restrictions, in the form of covenants running with the property, shall be recorded with the Clinton County Recorder of Deeds. All deeds shall refer to the covenants. Proof of such recorded restrictions shall be submitted to the Township prior to issuance of any permits. Such restrictive covenants shall address the following issues:

1. Building shells shall be completed within one (1) year of commencement of construction during which period temporary living arrangements are permitted. Following the one (1) year period, the Township may grant up to two (2) six-month extensions. A Building Permit must be secured and conspicuously posted at the site during this period.
2. Soil disturbance shall be prohibited within one hundred (100) feet of watercourses, wetlands or lakes.
3. Total site disturbance shall be limited to one (1) acre in addition to the building square footage area, and access areas.
4. Common open space lands shall remain free of buildings and the natural environment of the open space shall be preserved.
5. The cost and responsibility of maintaining common open space shall be borne by the property owner or designated organization. If the open space is not properly maintained, the Township may assume responsibility and maintenance in accordance with Article VII of the Pennsylvania Municipalities Planning Code.
6. Provisions for establishing private rights-of-way for the use of
 - A. Lot owners, their guest, heirs and assigns
 - B. Emergency response
 - C. Inspection of premises by Township Zoning Officer and Sewage Enforcement Officer

7. The location and extent of utility installation shall be the sole responsibility of the applicable utility and property owner.
8. Each property owner shall keep his lot free of trash and junk and shall maintain structures in a good state of repair.
9. No lot can be further subdivided.
10. Temporary living arrangements including recreational vehicles as defined in Article II of this Ordinance are allowed for a maximum of one hundred twenty (120) days per year.

SECTION 11.13 APPLICATION FOR TENTATIVE APPROVAL

1. Application shall comply with the following procedures:
 - A. The application shall be filed with the Township Secretary and shall be accompanied with payment of application fee.
 - B. All planning, zoning and subdivision matters relating to the PRD:SD and any subsequent modifications shall be determined and established by the governing body after review and recommendation by the Township Planning Commission.
 - C. The Township shall refer applications for PRD:SD to the County Planning Commission for review and recommendations and it shall make its report within thirty (30) days or forfeit the right to review.

2. Information to be submitted

Five (5) copies of the plan drawn at a scale of 1" = 200' or larger (i.e., 1" = 100') shall be submitted consisting of the following:

- A. A map showing the location, size and topography, at no less than twenty (20) foot contour intervals, of the site.

- B. A map showing all water resources including watercourses, wetlands, lakes, ponds and sinkholes.
- C. Delineation of required buffer along all watercourses and/or sinkholes, in accordance with Section 5.03 of this Ordinance.
- D. A map showing existing and proposed lots, lease parcels and the density of land use. Approximate acreage and dimensions for all lots shall be indicated.
- E. The location of any existing and proposed sewage disposal facilities, works supply facilities, electric and telephone lines, pipelines, culverts, bridges, roads, and other significant man-made features.
- F. The location of existing and proposed buildings.
- G. The location and size of the common open space and the form of organization proposed to own and maintain it.
- H. In the event that the developer has opted for private ownership of open space as described in Section 11.06(3)B, the following documents:
 - 1) agreement to be executed by Buyer to assure compliance with open space requirement.
 - 2) in the event that contiguous open space was not attained, documentation of the particular physical circumstances preventing contiguity of open space.
- I. Plans for stormwater management. (See Section 4.08 of the Subdivision and Land Development Ordinance).
- J. Plans for sewage disposal. (See Section 4.14 of the Subdivision and Land Development Ordinance).

- K. Plans for water supply. (See Section 4.15 of the Subdivision and Land Development Ordinance).
- L. Location, width, and construction standards of proposed roads.
- M. A copy of the covenants and restrictions to be recorded in the County Recorders Office upon approval of the Final Plan.
- N. Model deed which features a clear reference to the covenants.
- O. In the case of plans which call for phased development over a period of years:
 - 1) a schedule showing the proposed times for final approval of all sections of the PRD:SD. This schedule must be updated annually, until the development is completed.
 - 2) a notarized statement that no further subdivision of approved parcels will be conducted.
- P. A written statement describing the applicant's interest in the land (whether an option, ownership or lease) and a statement setting forth the reasons why, in his or her opinion, a PRD:SD would be in the public interest and would be consistent with the Township community development objectives.

SECTION 11.14 PUBLIC HEARINGS

1. Within forty five (45) days after the filing of an application for tentative approval of a public hearing pursuant to public notice shall be held by the Board of Supervisors.

2. The Board of Supervisors may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing shall be concluded within sixty (60) days after the date of the first public hearing.
3. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Article prior to final approval by the Board of Supervisors.

SECTION 11.15 THE FINDINGS

1. To the extent possible, Public Hearings shall be held in tandem with regularly-scheduled supervisors meetings assuming the required review periods have been met.
2. Within thirty (30) days following the conclusion of the public hearing, the Board of Supervisors shall by official written communication, to the landowner, either:
 - A. Grant tentative approval of the development plan as submitted.
 - B. Grant tentative approval subject to specified conditions not included in the development plan as submitted
 - C. Deny tentative approval to the development plan.

Failure to so act within the thirty (30) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.

3. In the event, however, that tentative approval is granted subject to conditions, the landowners may, within thirty (30) days, notify the Board of Supervisors of his refusal to accept the conditions. In this case, the Board shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within thirty (30) days, notify the Board of Supervisors refusal to accept all

said conditions, tentative approval of the development plan, with all conditions, shall stand as granted.

4. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. The written communication shall make comment upon the following:
 - A. Aspects of the plan which are or are not consistent with the Township Community Development objectives.
 - B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property and the reasons why such departures are or are not deemed to be in the public interest.
 - C. The amount of common open space in the PRD:SD and the reliability of proposals for its maintenance.
 - D. The physical design of the development plan and the manner in which the design does nor does not make adequate provision for public services, provide adequate control of vehicular traffic, and protect the natural amenities of the site.
 - E. The relationship, beneficial or adverse, of the proposed PRD:SD to the surrounding area.
5. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the PRD:SD in the integrity of the development plan.
6. When a development plan is granted tentative approval, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each phase shall be filed. Adequate

time shall be granted to enable the Applicant to comply with any conditions set forth.

SECTION 11.16 STATUS OF PLAN AFTER TENTATIVE APPROVAL

1. The official written communication provided for in this Article shall be certified by the Township Secretary and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
2. Tentative approval of a development plan shall not:
 - A. Qualify a plat of the PRD:SD for recording, or
 - B. Authorize development, or
 - C. Authorize issuance of any building permits.
3. A development plan which has been given tentative approval (and provided that the landowner has not defaulted nor validated any of the conditions of the tentative approval), shall not be modified, revoked, or impaired by action of the Township without the consent of the landowner. However, application for final approval must be filed within the periods of time specified in the official written communication granting tentative approval.
4. Tentative approval shall be deemed to be revoked in the following instances:
 - A. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner abandons the plan and notifies the Board of Supervisors in writing.
 - B. In the event the landowner fails to file application or applications for final approval within the required period of time or times.

- C. Such development plan whose tentative approval was revoked and for which final approval was not given shall be subject to those local ordinances otherwise applicable and the same shall be noted in the records of the Township Secretary.

SECTION 11.17 APPLICATION FOR FINAL APPROVAL

1. An application for final approval may be for all the land included in a development plan or for a section thereof. The application shall be made to the Township Secretary within the time specified by the official written communication granting tentative approval.
2. The application shall include all documents specified in Section 11.13 of this Ordinance, evidence that the required covenants will be filed in the County Register's Office, as well as any conditions set forth in the official written communications at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan given tentative approval.
3. In the event the application for final approval has been filed, together with all drawings, specifications and other documents required by the Ordinance and the official written communication of tentative approval, the Board of Supervisors shall, within thirty (30) days of such filing, grant such development plan final approval.
4. In the event the development plan contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of the refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the landowner may either

- A. Refile his application for final approval without the variations.
 - B. File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval.
5. If the landowner wishes to act upon either of the alternatives listed above, he must do so within thirty (30) days of the date when he was advised that the development plan was not in substantial compliance. In the event the landowner fails to take either of these alternate actions within thirty (30) days, he shall be deemed to have abandoned the development plan.
6. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval to the development plan or deny final approval.
7. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded in the County Office of the Recorder of Deeds before any development shall take place. Upon the recording of the development plan, the zoning and subdivision regulations otherwise applicable shall cease to apply thereto. Upon final approval, the developer shall guarantee improvements and post financial security in accordance with Section 3.04 of the Township Subdivision and Land Development Ordinance.
8. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors in writing; or, in the event the landowner fails to commence and carry out the planned residential development within a reasonable time, no development or further development shall take

place on the property included in the development plan until after the property is reclassified by enactment of an amendment to the Zoning Ordinance in the manner prescribed for such amendments.

SECTION 11.18 JURISDICTION

1. District Justices shall have initial jurisdiction over proceedings brought under this Section.
2. Enforcement Remedies
 - A. Any person, partnership or corporation, who or which has violated the planned residential development provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines otherwise, in which event there shall be deemed to have been only one such violation until the fiftieth 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 judgements, costs, and reasonable attorney fees collected for the violation of planned residential development provisions shall be paid over to the Township 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 judgement pending a final adjudication of the violation and judgement.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**ARTICLE XII
NONCONFORMITIES**

SECTION 12.00 NONCONFORMING STRUCTURES

Any nonconforming use or structure legally existing at the time of the adoption of this Ordinance or which is created whenever a District is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the District in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. The Zoning Officer may identify and register the nonconforming uses and structures existing as of the effective date of this Ordinance, to provide written assurance of the right to continue the use.

SECTION 12.01 NONCONFORMING STRUCTURE ALTERATIONS

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use. If the building is damaged by fire, flood, or other natural causes, it may be reconstructed, restored, or used as before provided that:

1. Work shall commence within one (1) year of the damage.
2. Reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board.
3. If the nonconformity is located within the 100 year floodplain, new construction shall comply with all of the requirements contained in the Township Floodplain Ordinance.

SECTION 12.02 ABANDONMENT

If any nonconforming use or structure is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be judged as abandoned when there occurs a cessation of any such use or activity by an apparent act of failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

SECTION 12.03 EXTENSION, ALTERATIONS, ADDITIONS

Extension, alterations, and additions may be made to nonconforming structures or uses provided that they do not extend the use or structure by more than fifty (50) percent of the area occupied by such use at the effective date of this Ordinance; that such nonconforming use or structure is not located in the Forest Conservation (FC) District; the Zoning Hearing Board approves such proposed extension or expansion; and provided further that any extensions or enlargements shall conform to the yard and height regulations of the District in which it is situated and, in the case of a nonconforming use, be immediately adjacent to the existing nonconforming use.

SECTION 12.04 RESTORATION

A nonconforming structure which has been damaged or destroyed by fire or other causes to an extent of not more than seventy-five percent (75) of its market value or a nonconforming structure which has been legally condemned may be reconstructed provided that:

1. The reconstructed structure shall not exceed in height, area, and volume the structure destroyed or condemned.
2. The reconstruction shall be commenced within one (1) year from date the structure was destroyed or condemned and shall be carried on without interruption.

SECTION 12.05 OTHER NONCONFORMING USES

A nonconforming use of a building or land may be changed to a nonconforming use of the same or a more restricted classification. Whenever a nonconforming use of a building or land has been changed to use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

SECTION 12.06 EXPANSION OF NONCONFORMING USES

A nonconforming use may be extended, provided expansion is part of normal operations and provided that:

1. Any extension shall take place only on the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming.
2. No nonconforming use shall be extended to displace a conforming use.
3. Any extension shall conform with the regulations of the District in which it is located.
4. For nonconforming uses whose normal operations involve natural expansion (quarries, landfills, cemeteries, etc.), expansion of area shall be permitted by right up to fifty (50) percent of the volume or area of the nonconformity; for expansion beyond fifty (50) percent, a special exception shall be required.

SECTION 12.07 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a District is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the District in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

In the case of a lot of record which existed at the effective date of this Ordinance and which does not meet the minimum area requirements for the District in which it is located, a permitted structure may be placed on the parcel provided that:

1. The owner does not own adjoining land which could be combined to form a conforming lot.
2. Each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street.
3. The rear yard is not less than ten (10) feet.

4. The front yard conforms to the minimum distance required.
5. Where needed, the site has an approved sewage disposal system or an appropriate sewage permit.
6. The site and its intended use complies with all other applicable provisions of this Ordinance.

SECTION 12.08 DELINQUENT PROPERTIES

If the Township or County acquires title to any property by reason of tax delinquency and such property is not redeemed and is sold as provided by law, the future use of such property shall be in conformity with all provisions of this Ordinance.

SECTION 12.09 LIST OF NONCONFORMING USES

The Zoning Officer may prepare a complete list of all nonconforming uses existing at the time of the adoption of the Ordinance or its amendment. The list shall contain the names and addresses of the owner(s), any occupancy other than the owner, the County Assessor's tax map number and the nature and extent of the nonconforming use.

Owners of lots occupied by a nonconforming use may secure a certificate of nonconformance from the Zoning Officer. Such certificate ensures the owner the right to continue the nonconforming use.

The list of nonconforming uses may be filed with the Zoning Hearing Board and in the Office of the Clinton County Recorder of Deeds. The list may be corrected yearly, as needed.

**ARTICLE XIII
ZONING HEARING BOARD**

SECTION 13.00 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.

SECTION 13.01 MEMBERSHIP OF BOARD AND ELECTION OF OFFICERS

The Beech Creek Township Zoning Hearing Board shall consist of three (3) members, appointed by the Board of Supervisors. The terms of office of each member shall be three (3) years, so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township except that one member may also be a member of the Planning Commission.

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 Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

SECTION 13.02 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 Board of Supervisors, 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 13.03 POWERS AND DUTIES

The powers and duties of the Zoning Hearing Board are governed by Articles IX and X of the Pennsylvania Municipalities Planning Code. The provisions of this Article shall serve as a supplement thereto. In cases of any conflict, the provisions of the Pennsylvania Municipalities Planning Code shall prevail.

SECTION 13.04 INTERPRETATION APPEALS

Any person aggrieved by a decision of the Zoning Officer shall have the right to appeal to the Zoning Hearing Board within thirty (30) days of such decision, specifying the grounds thereof and including the following:

1. The name and address of the applicant or appellant;
2. The name and address of the owner of the zoning lot to be affected;
3. A brief description and location of the zoning lot to be affected;
4. A statement of the present zoning classification of the zoning lot in question, the improvements thereon and the present use thereof;
5. A statement of the Section of this Ordinance under which the appeal is made and reasons why it should be granted; and
6. A description of the present improvements and the additions 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 property.

SECTION 13.05 VARIANCE APPEALS

Where unnecessary hardship exists resulting from the strict interpretation of this Ordinance, the Board may grant a variance. In considering any appeal for a variance, the Board shall pursue the following procedure.

1. 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 on the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer.

2. The Board's decision to grant a permit for a variance shall be made only after public notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Zoning Hearing Board.
3. The Board may thereafter grant a variance authorizing the Zoning Officer to issue a zoning permit, provided the following:
 - A. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness or lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or 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 of development of adjacent property nor be detrimental to the public welfare; nor

- E. That the variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible of the regulation in issue and will not permit the establishment of a principal or accessory use not otherwise permitted by this Ordinance.
- 4. 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.

SECTION 13.06 SPECIAL EXCEPTION APPLICATIONS

In this Ordinance, special exceptions may be granted or denied by the Board pursuant to standards contained elsewhere in this Ordinance and general provisions as follows:

- 1. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing.
- 2. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until it has first received and considered an advisory report from the Planning Commission . The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report. In the event that it fails to file its report within thirty (30) days, such application shall be deemed to have been approved by the Commission. The Commission may have representation at the public hearing held by the Zoning Hearing Board.
- 3. The Zoning Hearing Board may thereafter authorize the Zoning Officer to issue a zoning permit if the use meets all standards and criteria contained in this Ordinance and the following general provisions:
 - A. Purpose - The purpose of the proposed use must be consistent with the Township's community development objectives.

- B. Compatibility - The proposed use shall be in the best interest of properties in the general area.
 - C. Suitability - The proposed use shall be suitable for the population served, frequency of use, adequacy of space and traffic generation.
 - D. Serviceability - Assurance shall be made as to the adequacy and availability of utility services such as sanitary and storm sewers, water, trash and garbage collection and disposal .
 - E. Accessibility - The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrian and vehicles.
 - F. Water Supply - The applicant must establish that there is an adequate water supply in accordance with Section 4.15 of the Subdivision and Land Development Ordinance.
 - G. Drainage - The applicant must establish compliance with drainage requirements of Section 4.08 and stream corridor requirements of Section 4.12 in the Subdivision and Land Development Ordinance.
 - H. Sewage - The applicant must establish that adequate provisions will be made to dispose of the sewerage consistent with the Pennsylvania Department of Environmental Resources.
4. In granting a special exception, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary to meet the purposes of this Ordinance.

5. Unless otherwise extended by the Zoning Hearing Board, a special exception expires if the applicant fails to obtain a building permit or use certificate within six (6) months following the date of the grant of the special exception or fails to complete the work in the one (1) year following the issuance of the permit. In cases where a permit must be preceded by Township approval of a subdivision or land development plan, the special exception granted by the Board expires if:
 - A. The applicant fails to file a preliminary plan meeting applicable requirements within six (6) months following the date of the grant of the special exception; or
 - B. The applicant fails to file a final subdivision or land development plan within six (6) months following the date of the approval by the Township of the preliminary plan; or
 - C. The applicant fails to obtain a building permit or use certificate within six (6) months following the date of the approval by the Township of the final plan; or
 - D. The applicant fails to complete the work within one (1) year of the issuance of the building permit.

SECTION 13.07 CHALLENGE TO VALIDITY OF ORDINANCE

Except for procedural questions regarding the process of enactment of any ordinance or its amendment or for appeal for a curative amendment as provided in Article XVI, the Board shall hear all challenges to the validity of this Ordinance. At the conclusion of the pertinent hearing, the Board shall decide all contested questions and make findings on all relevant issues of fact, which shall become part of the record on appeals to Court.

SECTION 13.08 APPEALS FROM THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Any landowner or any other person may appeal a decision of the Board of Supervisors or the Planning Commission made pursuant to the Subdivision and

Land Development Ordinance. Such appeals shall be made in accordance with procedures provided in Article VII of the Township Subdivision and Land Development Ordinance.

SECTION 13.09 HARDSHIP PERMIT

The Zoning Officer may grant a hardship permit to place a mobile home or other residential unit on a lot where the same would not otherwise be permitted by the terms of this Ordinance to house a member of the family of the owner of the tract on which the mobile home or other residential unit is to be placed. No rent shall be received for the use of the mobile home or other residential unit.

The hardship permit may be issued for such period of time as the Zoning Officer deems appropriate and as the conditions warranting the permit continue. Such permit shall be issued only upon the finding that there is a genuine physical or medical hardship which is supported by medical or other documentation.

SECTION 13.10 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 Township or any person aggrieved. Requests for a variance or special exception, however, must be filed with the Board by an affected landowner or any authorized agent of such landowner.

SECTION 13.11 HEARINGS REQUIRED AND NOTICE OF HEARINGS

The Board shall conduct hearings on any interpretation, variance, special exception, challenge or other matter requiring the Boards' 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:

1. Publish a public notice in accordance with Township requirements.
2. Post in a conspicuous place on the property involved a notice of pending action at least fifteen (15) days prior to the public hearing.

3. Give written notice to interested parties who shall be at least those persons whose properties adjoin or are located across the street.

SECTION 13.12 CONDUCT OF MEETINGS

The Board shall prescribe rules for the conduct of its meetings 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. A quorum of two (2) members shall be required for the Board to take action.

SECTION 13.13 RECORDS AND DECISIONS

The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

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

The Board shall render a written decision or make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact, conclusions, and reasons.

SECTION 13.14 APPEAL TO COURT

Any person aggrieved by any decision of the Zoning Hearing Board may, within thirty (30) days after such decision, appeal to the Court of Common Pleas of Clinton County, Pennsylvania, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law and specify the grounds on which he relies. Such appeals shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code.

SECTION 13.15 FEES

At the time of making an appeal or application to the Zoning Hearing Board for any cause or to the Board of Supervisors for an amendment or for a curative

amendment, each appellant or applicant shall submit a deposit to the Township in accordance with a fee schedule adopted by resolution of the Board of Supervisors. The deposit is established to reimburse the Township for all reasonable advertising, stenographic, engineering or planning services incurred by the Township.

Upon completion of the hearing, the appellant or applicant shall be billed for expenses in excess of the deposit and shall promptly pay such excess amount. Upon completion of the hearing, the appellant or applicant shall be reimbursed that amount of the deposit not expended. The payment of fees and costs set forth above shall be a prerequisite to the validity of any permit, variance, ruling or decision.

**ARTICLE XIV
CONDITIONAL USES**

SECTION 14.00 GENERAL PROCEDURE

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Township Board of Supervisors. The Supervisors shall then select a date and advertise for a Public Hearing on the Proposal. In addition, the Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. Within 90 days of receipt of a Conditional Use application, the Supervisors shall either approve or disapprove the proposal.

All applications for Conditional Use shall include a written statement describing the tract of land and its intended use and a site plan, as follows:

SECTION 14.01 THE WRITTEN STATEMENT

The written statement shall include the following information:

1. Location of the tract of land,
2. Present use of adjoining tracts,
3. Present use of the tract,
4. The type of conditional use for which the application is made,
5. A brief description of the type and extent of the activities,
6. An estimate of the total development cost of the conditional use,
7. The names of the applicant, the owner of the tract, the developer of the conditional use and the name of the person or organization who will operate the conditional use.

SECTION 14.02 THE SITE PLAN

The site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include:

1. Title block containing the name of the developer and the date, scale and the name of the preparer of the plan.
2. Tract boundaries showing bearings and distances.
3. Existing significant natural or man-made features of the site.
4. Existing and proposed streets, rights-of-way and easements.
5. Existing buildings, sewer, water mains, culverts, transmission lines, fire hydrants on or adjacent to the site.
6. Proposed grading and drainage plan.
7. Proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences.
8. Plans of any proposed sanitary sewer or storm sewer systems and water supply system.
9. Location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or enclosed areas of the tract.

SECTION 14.03 CRITERIA FOR CONDITIONAL USES

The Governing Body shall, in making decisions on each application for a Conditional Use, consider:

1. The purpose of the District in which a requested conditional use is located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of land.
2. Whether the specific site is an appropriate location.
3. Whether the use will adversely affect the neighborhood.
4. Whether the use will create an undue nuisance or serious hazard.
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.

6. The economic effect on adjoining properties.
7. Whether satisfactory arrangement has been made concerning the following:
 - A. Ingress and egress to the property with particular reference to pedestrian safety and convenience, traffic flow and access in case of fire or catastrophe;
 - B. Off-street parking and loading areas.
 - C. Refuse and service areas.
 - D. Availability of utilities.
 - E. Screening and buffering.
 - F. Signs and exterior lighting with reference to glare.
 - G. Required open space.
 - H. Protection of High Quality streams, with required undisturbed buffer.
8. For mobile home courts, conformance with Article VI of the Subdivision and Land Development Ordinance.

SECTION 14.04 PUBLIC HEARING REQUIRED

Before rendering their decision on a Conditional Use application, the Governing Body shall hold a public hearing in accordance with the criteria set forth herein for Zoning Hearing Board hearings.

**ARTICLE XV
ADMINISTRATION AND ENFORCEMENT**

SECTION 15.00 THE ZONING OFFICER

1. Appointment

The Zoning Officer shall be appointed by the Board of Supervisors. The Zoning Officer shall not hold any elective office in the Township.

2. Compensation

The compensation for the Zoning Officer shall be determined by the Board of Supervisors.

3. Qualifications

The Zoning Officer shall meet the requirements established by the Township and shall be able to demonstrate a working knowledge of municipal zoning.

4. Duties and Responsibilities

The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land unless it first conforms to the literal requirements of this Zoning Ordinance. Specifically, the Zoning Officer shall:

- A. Receive and process all applications for zoning permits, certificates of zoning compliance, variances, special exceptions, conditional uses, appeals, and other applications acquired under the terms of this Ordinance, and make notations as to special conditions.
- B. Issue zoning permits and certificates of compliance for construction and uses which are in accordance with the regulations of the Zoning Ordinance and subsequent

- amendments; or through the Board of Supervisors for conditional uses; or through the Zoning Hearing Board; or through court approval. Zoning permits and certificates of compliance shall not be issued if applicable Subdivision and Land Development regulations have not received the required approval.
- C. Record and file all applications for zoning permits and certificates of zoning compliance together with accompanying plans and documents. All records shall be open to public inspection.
 - D. Maintain the Zoning Map showing the current zoning classifications of all land and the Zoning Text including all amendments.
 - E. In the case of a Conditional Use of Special Exception, the Zoning Officer shall conspicuously post a notice of public hearing on the affected property whenever the Zoning Hearing Board or the Board of Supervisors schedules a public hearing.
 - F. Participate in all proceedings before the Zoning Hearing Board and the Planning Commission and as requested provide facts and records which will assist such bodies.
 - G. Issue notice of violation to any person responsible for violation, in accordance with Section 15.03(2).
 - H. Submit a quarterly report to the Board of Supervisors of all permits and certificates of zoning compliance issued and violations and stop work orders recommended or promulgated.
5. In addition, the Zoning Officer may prepare a map and register showing the identity and location of non-conforming uses and structures.

SECTION 15.01 PERMITS

1. Requirements

It shall be unlawful to commence the excavation, construction or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. No permit shall be required for repair, maintenance, or interior remodeling provided it does not change the use or otherwise violate the provisions of this Ordinance.

2. Form of Application

The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee. Application shall be made by the Owner, Lessee, or the agent of either. However, if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner that the proposed work is authorized by this Owner. The full names and addresses of the Owner, and the responsible agent shall be stated in the application.

3. Description of Work

The application shall contain a general description of the proposed work, use, and occupancy of all parts of the building, structure, land, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, use or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, the location of new and existing construction, and the distances of the same from the existing lot lines.

4. Issuance of Zoning Permit

The Zoning Officer shall determine whether the plans conform to the provisions of all pertinent local laws. In the event they do not, he shall

reject the application and state the reasons for doing so in writing. The Zoning Officer shall inform the applicant of the right of appeal to the Zoning Hearing Board in the event the application is rejected. When the Zoning Officer is satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, he shall issue a permit.

5. Notice of Starting Work

The Zoning Officer shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at the site, and a zoning permit shall be properly posted prior to such commencement.

6. Expiration of Permit

The permit shall expire after one (1) year from the date of issuance unless work at the site has commenced within such period. In any case, all work must be completed within two (2) years. If the work has not commenced within one (1) year or if the work has not been completed within two (2) years, the Zoning Officer shall cancel the permit and provide written notice to the applicant stating that further work shall not proceed unless and until a new zoning permit has been obtained.

For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of utilities

7. Completion of Work

Upon completion of the work and prior to use or occupancy, the permit holder shall notify the Zoning Officer. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved and has issued a certificate of zoning compliance.

8. Revocation of Permits

The Zoning Officer may revoke a permit in case of any false statement or misrepresentation of fact in the application or on the plans or for any other cause set forth in the Zoning Ordinance.

9. Posting of Permit

A true copy of the permit shall be kept on the site of operations open to public inspection until completion of the work.

SECTION 15.02 CERTIFICATE OF ZONING COMPLIANCE

1. Requirements

It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required until a certificate of zoning compliance has been issued by the Zoning Officer.

2. Time of Application

When the use of premises involves a new building or structure or additions to an existing building or structure, the application for zoning compliance shall be made at the same time application is made for a zoning permit. When no construction or alteration is involved, application to occupy and use land may be made at any time.

3. Form of Application

The application for a certificate of zoning compliance shall be in such form as the Zoning Officer may prescribe. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required.

4. Issuance of Certificate of Zoning Compliance

The Zoning Officer shall inspect any structure, building, sign and/or use of land within ten (10) days of notification that the work has been completed. Should the Zoning Officer determine that the work is in conformity and compliance, he shall issue a certificate of zoning compliance, a true copy of which shall be kept available for official inspection at all times.

SECTION 15.03 ENFORCEMENT, PENALTY, AND REMEDY

1. The following are violations of the Zoning Ordinance:

- A. The construction, erection, replacement, alteration, repair, extension, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit.
- B. The use of any building, structure, sign, and/or land without receipt of a certificate of zoning compliance.
- C. The failure to comply with any other provisions of this Ordinance.

2. An Enforcement Notice shall be prepared and sent to the Owner of the parcel on which the violation has occurred.

The Enforcement Notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

3. Remedies and penalties shall be as follows:

Any person, partnership or corporation who or which has violated provisions of this Zoning Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred (500) dollars, plus court costs. If the defendant neither pays nor appeals, applicable rules of civil procedures shall apply. Each day that a violation continues shall constitute a separate offense, unless the District Justice determines otherwise, referencing demonstrated good faith by the violating party.

SECTION 15.04 PAYMENT OF FEES

No permit shall be issued until the applicable fee(s) have been paid. A schedule of Fees has been established by Resolution of the Board of Supervisors.

In certain cases, additional fees may be applied. Such additional fees shall be at the discretion of the Township and shall cover, in whole or in part, costs associated with review of large scale land development.

**ARTICLE XVI
AMENDMENTS**

SECTION 16.00 PURPOSE

The Board of Supervisors by Ordinance may, upon recommendation of the Planning Commission, or upon petition and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, District boundaries or classifications of property established by this Ordinance.

**SECTION 16.01 CITIZEN REQUEST FOR AMENDMENT TO TEXT OR
MAP**

Requests for changes in the Zoning Ordinance may be made by owners of land in the Township or by their authorized agents and shall be filed with the Zoning Officer on forms prescribed by him. Applications shall contain all information necessary to assure a full and accurate presentation of facts including:

- A. The applicant's name and address and that of his representative, and the interest of every person represented in the application.
- B. Verification by at least one of the owners attesting to the truth and correctness of facts and information presented.
- C. A plan showing the extent of the area to be rezoned, if this be the nature of the request, and showing the streets bounding the area, the use and zone classification of abutting districts, and the names and addresses of property owners of land within two hundred (200) feet of the area.
- D. A statement of the circumstances in the proposed and abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

The Zoning Officer shall review the application to determine whether it conforms with the requirements listed above. If satisfactory, the Zoning Officer shall immediately submit the application to the Planning Commission for review and

approval. Upon approval, it shall be submitted to the Board of Supervisors, who shall follow the procedures enumerated in Section 16.03.

SECTION 16.02 PLANNING COMMISSION REQUESTS FOR AMENDMENT TO TEXT OR MAP

Amendments to the Zoning Ordinance text or map may be initiated by the Planning Commission according to procedures enumerated in Section 16.04, submitted to the Board of Supervisors; who shall follow the procedures described in Section 16.03.

SECTION 16.03 PROCEDURES OF THE BOARD OF SUPERVISORS

The Board of Supervisors shall adhere to the following procedures when amending the Zoning Ordinance:

1. Preparation of Amendments

The Board of Supervisors may request the Planning Commission to prepare amendments to the Zoning Ordinance using the same procedure set forth in the Pennsylvania Municipalities Planning Code for the preparation of the Zoning Ordinance.

2. Referral to the Township Planning Commission

For any amendment not prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to afford the Planning Commission an opportunity to submit recommendations.

3. Referral to the County Planning Commission

At least thirty (30) days prior to the public hearing the Township shall submit the proposed amendment to the Clinton County Planning Commission for recommendations.

4. Public Hearing

After receiving requests for amending the Zoning Ordinance and after receiving the recommendations of the Planning Commission, the Board of Supervisors shall hold a public hearing and cause notice to be given in the manner prescribed in Section 16.07.

5. Revision of Amendment

If, after the public hearing held upon the amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing in the manner prescribed in Section 16.07 before proceeding to vote on the amendment.

6. Voting on Amendment

The Board of Supervisors shall consider the recommendations of the Planning Commission and testimony presented at the public hearing. The Board of Supervisors shall vote on the proposed amendment within ninety (90) days of the last public hearing.

7. Notice of Decision

The applicant and others so requesting shall receive notice of the decision of the Board of Supervisors through the Zoning Officer.

SECTION 16.04 PROCEDURES OF THE PLANNING COMMISSION

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

1. Preparation of Amendments

At the request of the Board of Supervisors, or on its own initiative, the Planning Commission:

- A. Shall prepare the text and map of the proposed zoning amendments as well as make any necessary studies.

- B. May hold a public meeting or meetings pursuant to public notice.
- C. Shall present to the Board of Supervisors the proposed zoning amendment, with recommendations and explanatory materials.

2. Review Amendments

In the case of an amendment other than that prepared by the Planning Commission, the Commission shall review each such amendment submitted to it by the Board of Supervisors. It shall consider whether or not such proposed amendment would be consistent with and desirable in the furtherance of the community development objectives upon which the Zoning Ordinance is based. The Commission shall submit its recommendations prior to the public hearing scheduled by the Board of Supervisors.

3. Referral to the County Planning Commission

The Township Planning Commission shall also be responsible for submitting the proposed amendment to the Clinton County Planning Commission for their review and recommendations thirty (30) days prior to the public hearing by the Board of Supervisors.

SECTION 16.05 PROCEDURES UPON CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of the Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided for in Section 16.01.

The Board of Supervisors shall commence a public hearing thereon within sixty (60) days of the request as provided in Section 16.07.

The curative amendment shall be referred to the Planning Commission and notice of the public hearing thereon shall be given. The public hearing shall be

conducted similarly as those conducted by the Zoning Hearing Board, except that all references therein to the Zoning Hearing Board shall, for the purpose of curative amendments, be references to the Board of Supervisors.

SECTION 16.06 PROCEDURES UPON MUNICIPAL CURATIVE AMENDMENTS

1. The Board of Supervisors, by formal action, may declare its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
 - A. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - 1) references to specific uses which are either not permitted or not permitted in sufficient quantity
 - 2) reference to a class of use or uses which require revision
 - 3) reference to the entire ordinance which requires revisions.
 - B. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Article XVI to cure the declared invalidity of the Zoning Ordinance.
3. Upon the initiation of the procedures, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 16.01 nor shall the Zoning Hearing Board be required to give a report, subsequent to the declaration

and proposal based upon grounds which are identical to or substantially similar to those specified in the resolution.

4. Upon completion of the procedures as set forth, above, no rights to a cure pursuant to the provisions of Sections 16.05 and 16.06 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.
5. The Board of Supervisors having utilized the procedures as set forth, above, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to subsection 2; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

SECTION 16.07 PUBLIC HEARINGS

Before voting on the enactment of an amendment the Board of Supervisors shall hold a public hearing thereon pursuant to public notice as follows:

1. Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing; and
2. A public notice of a proposed zoning ordinance or amendment shall be published once each week for two (2) successive weeks, the first notice to appear not less than fourteen (14) days nor more than thirty (30) days before the date fixed for the hearing, in a newspaper of general circulation in the Township.

SECTION 16.08 PUBLICATION AND AVAILABILITY BEFORE ENACTMENT

Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section.

1. Public Notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
2. The proposed ordinance or amendment shall be published once in a newspaper of general circulation not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - a). A copy shall be supplied to the newspaper of general circulation at the time the public notice is published.
 - b). An attested copy of the proposed ordinance shall be filed in the County Planning Commission.
3. In the event substantial changes are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least ten days prior to enactment, re-advertise the changes in a brief summary.

SECTION 16.09 DISTRIBUTION AFTER ENACTMENT

Within thirty (30) days after enactment, a copy of the Zoning Ordinance or Amendment shall be forwarded to the County Planning Commission.

REPEALER AND EFFECTIVE DATE

17.00 REPEALER

The existing Zoning Ordinance, adopted August 6, 1973, and entitled Beech Creek Township Zoning Ordinance, and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in an event, the Zoning Ordinance of 1973, together with its supplements and amendments, would necessarily remain in full force and effect.

17.01 EFFECTIVE DATE

The effective date of this Ordinance shall be fourteen (14) days after the date of enactment.

17.02 ENACTMENT

Enacted and ordained into an Ordinance this seventeenth day of November, 1992.

BEECH CREEK TOWNSHIP
BOARD OF SUPERVISORS

Gary E. Packer

Joseph F. Berry

Gerald Hanley

ATTEST:

Richard Nikhart

