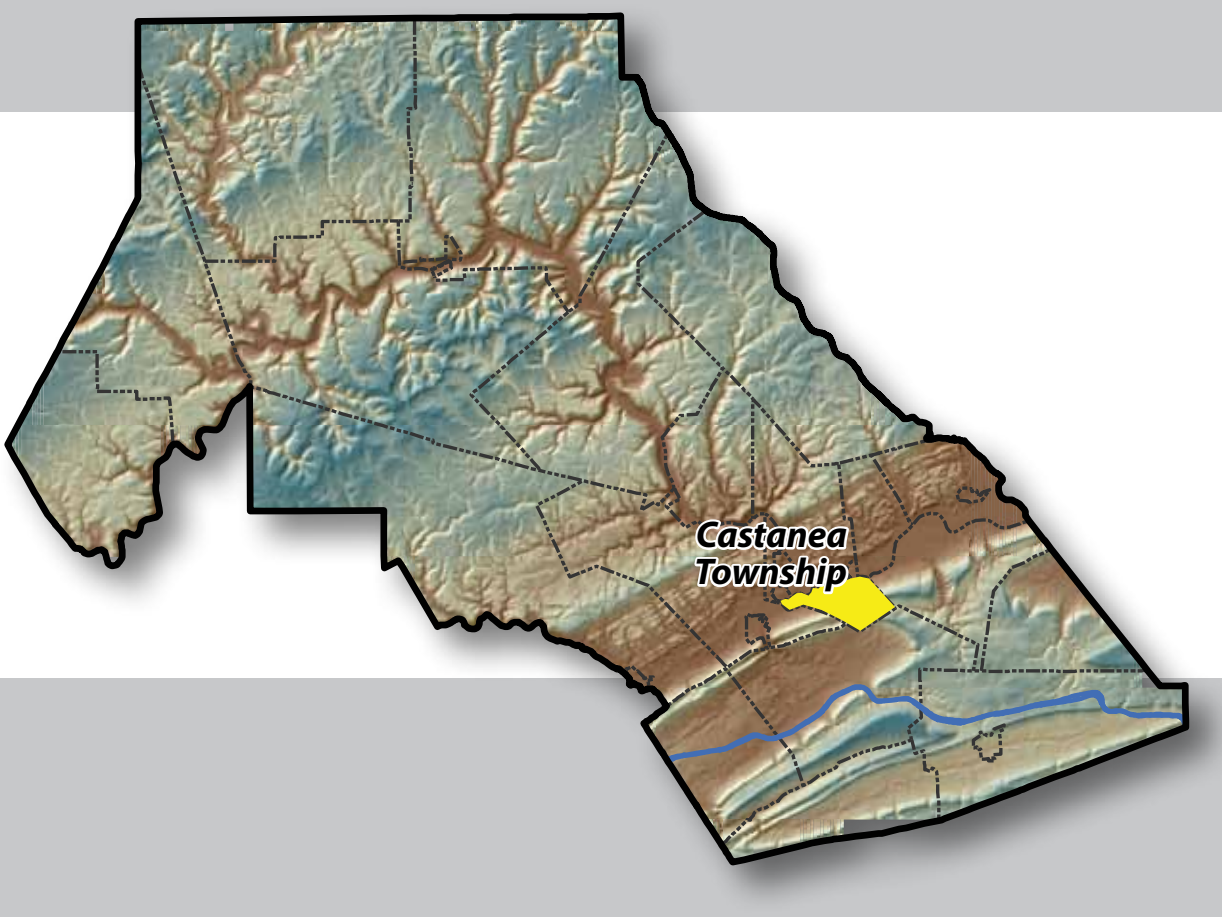
Zoning Ordinance



Castanea Township,

Clinton County, PA

2010

Castanea Township

Clinton County, Pennsylvania

ZONING ORDINANCE

Enacted: November 15, 2010

Effective: November 20, 2010

Prepared by the

Castanea Township Zoning Ordinance Advisory Committee

and Approved by the

Castanea Township Board of Supervisors

With the Assistance of

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CASTANEA TOWNSHIP ZONING ORDINANCE

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PART 1

TITLE, AUTHORITY AND PURPOSE

101 SHORT TITLE

This Chapter shall be known and cited as the "Castanea Township Zoning Ordinance of 2010" and is intended to serve as a comprehensive amendment of the Castanea Township Zoning Ordinance enacted by the Township Supervisors on March 7, 1977, known as Ordinance # 29, and subsequently codified by the Township as Chapter 155 in the *Code of the Township of Castanea* in January 1998.

102 AUTHORITY

The PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended) provides that the Supervisors of Castanea Township may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

The Supervisors of Castanea Township, Clinton County, PA under the authority cited above, do hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of the Township.

103 GENERAL PURPOSES

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Township, with consideration being given to the character of the area; the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

A. promote, protect and facilitate: the public health, safety, morals and the general welfare; coordinated and practical community development, and proper density of population; emergency management preparedness and operations, airports and national defense facilities; the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as the

preservation of the natural, scenic and historic values in the environment and preservation of forests, woodlands, aquifers and floodplains;

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

C. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;

D. provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;

E. accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and

F. facilitate appropriate development of the Township, protect the tax base, and encourage economy in public expenditures.

104 COMMUNITY DEVELOPMENT OBJECTIVES

This Zoning Ordinance provides a legal basis and framework for future development in Castanea Township. Its provisions were guided by the goals and objectives set forth in the *Central Clinton County COG Comprehensive Plan of 2007*. The following list of goal statements, extracted from the Comprehensive Plan, represent the Township's findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources, and other factors that the Board of Supervisors believe relevant in guiding the future growth and development of the municipality.

A. Land Use Goal: To encourage balanced development among the various land uses required meeting current and future local and regional needs, in concert with the concept of the Central Clinton County COG Region as a growth center for Clinton County and the surrounding multi-county area.

B. Economic Base Goal: To encourage the retention and expansion of the economic base of the Central Clinton County COG Region by building on strengths and resolving developmental weaknesses and issues.

C. Physical and Natural Resources Goal: To incorporate the provision of open space and critical natural resources into future land use and developmental planning within the Central Clinton County COG Region.

D. Community Facilities and Services Goal: To maintain and improve public facilities and services to the Central Clinton County COG Region in a manner assuring widespread access and cost-effectiveness, by working with area municipalities, authorities and other service providers.

E. Housing Goal: To provide opportunities for the development and revitalization of all types of housing in appropriate places in the Central Clinton County COG Region providing for a range of choices related to location, type and cost.

F. Transportation Goal: To maintain and enhance the local multi-modal transportation system and coordinate with other agencies for the continuation of multi-modal transportation planning and programming of regionally critical projects.

G. Heritage Goal: To identify, preserve and capitalize on the rich heritage of the Central Clinton County COG Region.

105 DISCLAIMER OF MUNICIPAL LIABILITY

This Chapter is not intended to create nor assume liability on the part of Castanea Township or any officer or employee thereof for any fire, flood or other damage that may result from reliance on this Chapter or from any administrative decisions lawfully made there under. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations. Furthermore, issuance of a Zoning Permit shall not constitute a representation, guarantee, or warranty of any kind by the Township as to the accuracy of information provided by the applicant as part of a Permit application.

106 CONFLICT WITH OTHER LAWS

The provisions of this Chapter shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Chapter impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Chapter shall prevail, except as may be otherwise provided by such statute, ordinance or regulation. Where however, the provisions of any other statute, ordinance or regulation impose greater restriction than those of this Chapter, the provisions of such statute, ordinance or regulation shall prevail. (See also Part 14 for additional interpretation, repealer, and severability clauses.)

PART 2

DEFINITIONS

201 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Chapter. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

202 DEFINITIONS

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ABUT: 1) Physically touching or bordering on another lot, use, or district boundary; or 2) Sharing a common boundary line. (See also ADJOINING.)

ACCESS DRIVE: A permanent service-way, other than a street, which provides vehicular access from a street or public road to a lot; such as a driveway.

ACCESSORY BUILDING: See Building, Accessory

ACCESSORY RESIDENTIAL USE: For the purposes of this Chapter, an accessory residential use shall be defined as a residential dwelling unit which is accessory to the principal commercial use of a lot; i.e. an apartment(s) located above or adjoining a retail establishment.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ACCESSORY WAREHOUSING AND STORAGE FACILITY: See WAREHOUSING FACILITY.

ACRE ACT: Agriculture, Communities and the Rural Environment Act, Act 38 of 2005, which was enacted and became effective July 6, 2005. The Act is also known as the ACRE Law or Act 38.

ADJOINING: For the purposes of this Chapter, the term "adjoining" shall be defined as the sharing of all or part of a common lot line with another lot or parcel of land. (See also ABUT.)

ADULT ENTERTAINMENT ESTABLISHMENT: Adult book stores, adult theaters, adult cabarets, adult massage parlors, and similar establishments providing entertainment of a sexual nature. (See also Section 515.)

a. Adult Book Store: An establishment which has a substantial or significant portion of the its stock in trade as books, video tapes or compact discs, magazines or other periodicals which provide entertainment of a sexual nature.

b. Adult Cabaret: A club, bar, tavern, restaurant, or other establishment which features go-go dancers, strippers, male or female impersonators, or similar entertainers whose performance is of a sexual nature.

c. Adult Drive-In Theater: An establishment showing sexually explicit motion picture films to patrons who remain seated in their automobiles or motor vehicles.

d. Adult Massage Parlor: An establishment where massages of a sexual nature are offered or furnished.

e. Adult Mini-Motion Picture Theater: An enclosed building with a capacity of fewer than 50 persons used for showing sexually explicit motion picture films to patrons.

f. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for showing sexually explicit motion picture films to patrons.

g. Adult Other: Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AGRI-BUSINESS: An independent business, not subsidiary to an agricultural

operation, which is related to the processing or sale of agricultural products or supplies, or the sale and/or repair of agricultural equipment.

AGRICULTURAL BUILDING: A detached accessory structure, whether fully or partially enclosed, intended to provide housing, shelter, enclosure or support for animals, farm equipment, farm supplies or produce, grain, feed, etc. Such building shall be incidental and accessory to the type of farming activities conducted upon the property containing the building or on other properties owned or leased by the same farmer, and shall not be used for residential purposes. (See also STABLE.)

AGRICULTURAL OPERATION: 1) The management and use of farming resources for the production of crops, livestock or poultry. 2) An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, or livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. (See also NORMAL AGRICULTURAL OPERATION.)

AGRICULTURE: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also AGRI-BUSINESS, ANIMAL OR POULTRY HUSBANDRY, FARM, FARM-RELATED BUSINESS and NORMAL AGRICULTURAL OPERATION.)

AIRPORT ZONING: The following terms shall be used in the administration of the airport zoning regulations set forth in Section 702 of this Chapter.

a. Aircraft: Any contrivance, except an unpowered hang glider or parachute, used for the ascent into or flight through the air.

b. Airport: Any area of land or water which is used, or is intended to be used, for the landing or take-off of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all facilities thereon; in this case the Piper Memorial Airport. As used herein, the term “airport” includes public airports, but excludes private airports or heliports. (See also PUBLIC and PRIVATE AIRPORT.)

c. Airport Elevation: The highest point of an airport’s usable landing area,

measured in feet above mean sea level; in this case 555 feet.

d. Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or take-off at an airport or is otherwise hazardous as defined in 14 CFR part 77 and 74 Pa. Cons. Stat., Section 5102.

e. Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided in Section 702 of this Chapter and the Act 164 of 1984 (Pennsylvania Laws Pertaining to Aviation).

f. Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on the Airport Surface Area Map, is derived from the approach surface.

g. Approach, Transitional, Horizontal and Conical Surface Zones: These zones are set forth in Section 702 B. of this Chapter and are shown on the Airport Surface Area Map attached at the end of this Chapter.

h. Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1, for a horizontal distance of 4,000 feet. The conical surface zone, as shown on the Airport Surface Area Map, is based on the conical surface.

i. Department: The PA Department of Transportation.

j. FAA: The Federal Aviation Administration of the United States Department of Transportation.

k. Height: For the purposes of determining the height limits in all airport zones established in Section 702 of this Chapter and as shown on the Zoning Map, the datum shall be mean sea level elevation, unless otherwise specified.

l. Horizontal Surface (Zone): An imaginary horizontal plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on the Airport Surface Area Map, is derived from the horizontal surface.

m. Larger Than Utility Runway**:** A runway that is constructed for, and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

n. Nonconforming Use**:** For airport zoning purposes, a nonconforming use includes any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of Section 702 of this Chapter or an amendment thereto.

o. Non-Precision Instrument Runway**:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

p. Obstruction: Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 702 of this Chapter.

q. Precision Instrument Runway**:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

r. Primary Surface (Zone)**:** An imaginary surface longitudinally centered on a runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on the Airport Surface Area Map, is derived from the primary surface.

s. Runway**:** A defined area of an airport prepared for landing and takeoff of aircraft along its length.

t. Structure**:** For airport zoning purposes, a structure is defined as an object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

u. Transitional Surfaces (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on the Airport Surface Area Map, is derived from the transitional surface.

v. Tree: As used in the administration of Section 702 of this Chapter, a tree shall be defined as any object of natural growth.

w. Utility Runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds gross weight or less.
x. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

AISLE: The traveled way by which cars enter and depart parking spaces.

ALLEY: A permanent service way providing a secondary means of access to abutting lots, not intended for general traffic circulation.

ALTERATION: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Chapter, alteration shall not be defined to include general maintenance or other repair activities. (See also STRUCTURAL ALTERATIONS.)

AMENDMENT: 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Chapter or the boundary of any zoning district shown on the zoning map. (See also Section 1201.); or 2) The actual change or alteration proposed for the zoning ordinance text or map.

AMUSEMENT ARCADE: A retail establishment whose principal business is offering to patrons mechanical, electrical, or video amusement devices or games, such as pinball machines, ping pong, darts, shooting galleries, or similar devices and games.

ANIMAL EQUIVALENT UNIT (AEU): One thousand pounds live weight of livestock or poultry animals, regardless of the actual numbers of individual animals comprising the unit. (See the PA Nutrient Management Act, PSU Agronomy Fact Sheet # 54 or other associated agriculture industry guidance documents for a listing of standard animal weights.)

ANIMAL HOSPITAL: An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

ANIMAL HUSBANDRY, COMMERCIAL: For the purposes of this Chapter, animal husbandry shall be defined as an agricultural operation involving the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering, which does not meet the animal density thresholds set forth in the Nutrient Management Regulations for a CAO of CAFO. (The housing or raising of livestock or poultry or household pets for personal use or enjoyment

pursuant to the regulations of this Chapter shall not be considered animal husbandry. See also Section 521.)

ANTENNA: Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.
ANTENNA HEIGHT: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured to include the height of the building upon which the antenna and its structure is situated.

APARTMENT: SEE DWELLING, APARTMENT AND CONVERSION APARTMENT.

APPLICANT: A landowner, equitable owner, or developer, as hereinafter defined, who has filed an application for development, including his or hers, personal representatives, successors and assigns.

AREA: The surface included within a set of lines.

a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.

b. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.

c. Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

AUTOMOTIVE REPAIR GARAGE: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm machinery or equipment, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 513.)

AUTOMOTIVE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work.

AUTOMOTIVE SERVICE STATION: Any land, building, or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substances, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section 513.)

AUTO SALVAGE OPERATION: See JUNK YARD.

BANK: See FINANCIAL INSTITUTION.

BARBER OR BEAUTY SHOP: An establishment providing personal grooming services that may include hair cutting, coloring, facial, nail grooming, and ancillary uses such as tanning salons. (See also HOME OCCUPATION and PERSONAL SERVICE BUSINESS.)

BAR OR TAVERN: An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board and may also serve food.

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet, or if the space is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

BEAUTY/BARBER SHOP: See BARBER/BEAUTY SHOP.

BED AND BREAKFAST ESTABLISHMENT: An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be provided for overnight guests as a part of the lodging fee. (See also Section 511.)

BERM: For the purposes of this Chapter, a berm shall be defined as a natural or man-made mound of earth in excess of two (2) feet in vertical height used to shelter or buffer properties from adjoining uses, roadways or noise.

BLOCK: A unit of land bounded by streets or a combination of streets and public land, rights-of-way, waterways or other barrier to the community of development, which area is normally somewhat square or rectangular in shape.

BOARD OF SUPERVISORS: The elected governing body of Castanea Township, Clinton County, PA.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of Castanea Township, Clinton County, PA.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and residential uses. (See also Section 606.)

BUILDABLE AREA: See AREA, BUILDABLE.

BUILDING: A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

a. Building, Accessory: A detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.

b. Building, Principal: A building in which the principal use of the site is conducted.

c. Building, Attached: A building which has one (1) or more walls in common with an adjacent building. (See also Section 605 B.2.)

d. Building, Detached: A building which has no common walls and is surrounded by open space on the same lot.

BUILDING COVERAGE: That percentage of the plot or lot area covered by the principal and accessory buildings, including porches, patios, decks, carports, and breezeways, but excluding swimming pools & unenclosed parking or loading areas.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, and similar projections which may be attached to the building. (See also Section 604.)

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

BUILDING SETBACK LINE: A line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width is measured.

BUSINESS OFFICE: See PROFESSIONAL OFFICE.

CAMPGROUND: A tract or tracts of ground, or portion thereof, used for the purpose of providing two (2) or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle

park. For the purposes of this Chapter, a campground shall be considered to be an outdoor commercial recreation use. (See also Section 525.)

CAFO: See CONCENTRATED ANIMAL FEEDING OPERATION.

CAO: See CONCENTRATED ANIMAL OPERATION.

CARPORT: A roofed accessory structure usually attached to its principal building which provides space for the parking or storage of one or more vehicles. Said structure is covered by a roof, supported by columns or posts, and is enclosed on not more than three (3) sides.

CARTWAY: The surface of a street or alley available for vehicular traffic or the area between curbs.

CAR WASH: An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants are performed. A car wash facility may or may not include accessory uses such as auto detailing.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground. For the purposes of this Chapter, a cellar shall not be considered in calculating gross floor area or in determining the permissible number of stories, nor shall it be used for dwelling purposes.

CEMETERY: Property used for the interring of the dead.

CERTIFICATE OF COMPLIANCE: The certificate required by this Chapter which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed, or in a case involving no construction, a proposed new use is in compliance with the terms of this Chapter. (See also Section 1304.)

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Chapter, thereby authorizing its right to continue until it is eliminated or abandoned. (See also Sections 1001 G. and 1002 C.)

CHANGE OF USE: An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHIMNEY: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor furnace.

CHURCH OR PLACE OF WORSHIP: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory or incidental thereto. For the purposes of this Chapter, uses such as schools, child nursery or day care facilities, social halls or similar places of assembly associated with the church or place of worship shall require separate consideration and approval by Township officials.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines. (See also Section 605 D.)

CLINIC, MEDICAL OR DENTAL: For the purposes of this Chapter, a medical or dental clinic shall be defined as an establishment housing two (2) or more physicians, dentists, psychologists, social workers, or similar health care providers, where patients are received for examination or treatment, but where no surgery is performed and no patients are lodged overnight.

CLINIC, VETERINARY: For the purposes of this Chapter, a veterinary clinic shall be defined as an establishment housing one (1) or more veterinarians where animals are examined and treated, but where no boarding related to such treatment is provided. (See also ANIMAL HOSPITAL.)

CLUBS OR CIVIC ORGANIZATIONS: An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. For purposes of this Chapter, such clubs shall not include adult entertainment. Clubs may include, but need not be limited to, service organizations, civic organizations, as well as social, athletic, or similar groups.

COMMERCIAL LODGING FACILITY: See LODGING FACILITY, COMMERCIAL.

COMMERCIAL WIND ENERGY FACILITY: See WIND ENERGY FACILITY, COMMERCIAL.

COMMON WALL: A wall on an interior lot line or a wall adapted for joint service between two (2) buildings; i.e. a party wall.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation, omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition

shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including, without limitation, ham or citizen band radio antennas. (See also Section 530.)

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER: A structure other than a building such as a monopole, self supporting or guyed tower, designed and used to support "Communications Antenna".

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN: The complete plan for future development of Central Clinton County, Clinton County, PA, as adopted by the Council of Governments in 2007.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO): A concentrated animal with greater than 300 AEU's; any agricultural operation with greater than1,000 AEU's; or any agricultural operation defined as a large CAFO under CFR 122.23 (relating to concentrated animal feeding operations.) (See also Section 521 B.)

CONCENTRATED ANIMAL OPERATIONS (CAO): Agricultural operations with eight (8) or more animal equivalent units (AEU's) where the animal density exceeds two (2) AEU's per acre on an annualized basis. (See also Section 521 B.)

CONDITIONAL USE: A principal use allowed in certain districts, as provided for in Part 4, the District Regulations, which may only be authorized by the Township Supervisors as set forth in Section 1202 of this Chapter, after review and recommendation of the Township Planning Commission.

CONDOMINIUM: A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSERVATION AREAS: Land area used for game lands, wildlife or nature preserves, or similar activities.

CONSTRUCTION: See NEW CONSTRUCTION.

CONTRACTOR'S SHOP AND YARD: A building or group of buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space associated with the contractor's operation. (See also Section 520.)

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered in a self-service basis.

CONVERSION APARTMENT: A dwelling or other building existing at the effective date of this Chapter which is converted for residential occupancy by more than one (1) family. The specific number of permitted dwelling units shall be as set forth in Part 4, the District Regulations, of this Chapter. (See also Section 504.)

COUNTY: Clinton County, Pennsylvania.

CULTIVATION: See LAND CULTIVATION.

CURATIVE AMENDMENT: A specific process provided in the PA Municipalities Planning Code whereby an individual land owner or the municipality may propose an amendment to cure or overcome a perceived invalidity of a zoning ordinance.

DAY CARE CENTER: A public or private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed, inspected, and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Chapter, such facilities may also provide care for adult, elderly or handicapped persons. (See also Section 510 and FAMILY DAY CARE HOME and GROUP DAY CARE HOME.)

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies.

DECK: A structure, with or without sides, which projects from the front, side or rear wall of a building. For the purpose of this Chapter, a deck shall be considered a part of the principal building and shall not extend into any required yards. (See also PATO and PORCH.)

DENSITY: The number of families, individuals, dwelling units, or housing

structures permitted to be constructed or situated on a specific unit of land.

DENTAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

DETERMINATION: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: 1) the Board of Supervisors; 2) the Zoning Hearing Board; or 3) the Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or Planned Residential Development Ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DOMESTICATED ANIMAL: A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild form.

DRIVEWAY: A minor vehicular service-way providing access between a street and a parking area or garage within a lot or property.

DUPLEX: See DWELLING, TWO-FAMILY.

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

a. Dwelling, Apartment: A single dwelling unit located within a multi-family dwelling structure or within a residence converted for additional residential use. (See also ACCESSORY RESIDENTIAL USE and CONVERSION APARTMENT.)

b. Dwelling, Single-Family Detached: A dwelling structure containing one (1) dwelling unit from ground to roof, having independent outside access and

open space on all sides, except for a mobile home as defined herein. (See also MOBILE HOME.)

c. Dwelling, Single-Family Attached: A single dwelling unit from ground to roof with independent outside access and a portion of one or two walls in common with an adjoining dwelling unit(s); i.e. a townhouse unit. For the purposes of this Chapter, a *single-family attached dwelling structure* shall contain a minimum of three (3) dwelling units. (See also Section 505.)

d. Dwelling, Two-Family: A dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.

e. Dwelling, Multi-Family: A dwelling structure containing three (3) or more dwelling units, with or without independent outside access, excluding single-family attached dwelling structures as defined above; i.e. an apartment building. (See also Section 506.)

For the purposes of this Chapter, the placement of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof, on a single tract of ground shall be considered to be a MULTI-FAMILY HOUSING DEVELOPMENT.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, lodging facilities, rooming or boarding houses, or personal care or nursing homes shall not be considered as dwelling units for the purposes of this Chapter.

EASEMENT: A defined right of use or privilege granted for a limited use of land, usually for a public or quasi-public purpose.

ENCLOSED STORAGE FACILITY: See WAREHOUSING FACILITY.

ENCLOSED USE: A use which is located entirely within a building or structure.

ENTERTAINMENT ESTABLISHMENT, PUBLIC: An indoor facility 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, amusement arcades, motion picture theaters, health and fitness clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is

substantially impermeable to the passage of water.

ESSENTIAL SERVICES: Uses, not enclosed within a building, necessary for the preservation of the public health and safety, including but not limited to, the erection, construction, alteration or maintenance of underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or similar equipment used by public utilities or government agencies, excluding communications antennas, towers or equipment buildings or wind energy facilities.

FAMILY: An individual or married couple and children thereof with not more then two (2) other persons related directly to the individual or married couple by blood or marriage, or a group of not more than four (4) unrelated persons, living together in a dwelling unit as a single housekeeping unit.

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Chapter, a family day care home shall be considered to be a home occupation.

FARM: For the purposes of this Chapter, a farm shall be defined as a parcel of land which is used for agricultural purposes or activities, excluding the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels. (See also AGRICULTURE, KENNEL, NORMAL AGRICULTURAL OPERATION, RIDING ACADEMY, and STABLE.)

FARM BUILDING: See AGRICULTURAL BUILDING.

FARM-RELATED BUSINESS: For the purposes of this Chapter, a farm-related business shall be defined as a commercial enterprise conducted on a farm which is related to or supportive of an on-going agricultural operation located on the same tract of ground. (See also Section 528.)

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Chapter, a fence shall be considered to be a structure and shall therefore require a Zoning Permit prior to its placement or erection. (See also Section 605 C.)

FILL: 1) Any act by which earth, sand, gravel, rock or other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of a stripped surface and shall include the conditions resulting therefrom; 2) The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or 3) The material used to make a fill which is in turn used to elevate or floodproof a building or structure.

FINANCIAL INSTITUTION: For the purposes of this Chapter, a financial institution shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, automated teller machines, and similar night deposit facilities.

FIRE STATION: Any building or structure, or portion thereof, used for the purpose of housing or storing firefighting equipment and gear. Such facilities may also include company meeting rooms, administrative offices, and other public service space.

FLAG LOT: See LOT, FLAG.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Township's official Flood Maps.

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 other watercourse which is subject to partial or complete inundation; or 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Part 7 of this Chapter and Chapter 75 of the *Code of Ordinances of Castanea* Township for flood damage control provisions.)

FLOODWAY: The designated area of the floodplain which is required to carry and discharge the flood waters of a 100 year flood.

FLOOR AREA: The area of a structure covered by floors.

a. Floor Area, Gross: The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area in not used for business or dwelling purposes, but including the area of all covered or enclosed porches, decks, patios and terraces.

b. Floor Area, Habitable: Any floor area within a dwelling unit which is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Stairways, hallways, bathrooms, and floor area used only for storage purposes, such as closet, attic, or unimproved basement space, or unenclosed or unheated porches shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

FOREST MANAGEMENT ACTIVITIES: See FORESTRY.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. (See also TIMBER HARVESTING.)

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.

FREIGHT TERMINAL: For the purposes of this Chapter, a freight terminal shall be defined as a building or group of buildings containing more than 10,000 square feet of gross floor area and/or more then four (4) loading docks where merchandise is stored for ultimate distribution to specific wholesale operators. (See also MULTI-TENANT TRUCK STOP.)

FUEL: Any solid material used as fuel to produce energy and provide heating, usually released through combustion. For the purposes of this Chapter, fuels that may be used in outdoor furnaces shall include wood, charcoal, peat, coal, and pellets made from woods, corn, wheat, rye and other grains. (See also Section 534.)

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. For the purposes of this Chapter, a funeral home shall not include a cemetery, a mausoleum or any similar entombment, but may include crematoriums when operated in conjunction with the funeral home and located therein. (See also MORTUARY.)

GARAGE: A building or structure used for the parking and storage of vehicles. (See also AUTOMOTIVE REPAIR GARAGE.)

a. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles; provided however; that no business, occupation or service is conducted for profit therein, and no more than one (1) space therein may be leased to a non-resident of the property.

b. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles, available to the general public for compensation.

GARDENING, HOME: The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping, boarding or raising of livestock, and permitting the sale of products raised thereon.

GARDEN SHOP: A retail business establishment specializing in sale of seeds, plants, flowers, shrubs, or small or ornamental trees, and related products and utensils.

GENERAL FLOODPLAIN: That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Township's official Flood Maps.

GOVERNMENT OR MUNICIPAL BUILDING: A facility housing State, County or Township agencies, including administration offices, storage facilities, and other related or incidental uses or structures. For the purposes of this Chapter, such facilities shall also include police or fire stations, community centers or grange halls.

GRADE: The degree of rise or descent of a sloping surface.

a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.

b. Grade, Finished: The final elevation of the ground surface after development, including lawns, walks and roads.

GREENHOUSE: A building whose sides and roof are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment. (See also PLANT NURSERY.)

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROSS FLOOR AREA: See FLOOR AREA, GROSS.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Public Welfare to provide such care. For the purposes of this Chapter, such use may be either a principal or accessory use (see applicable District Regulations) and may also provide care for adult or elderly persons. (See also Section 510.)

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability, excluding student housing facilities.

GROUP HOME: For the purposes of this Chapter, a group home shall be defined as a residence occupied by eight (8) or fewer persons (excluding staff) unrelated by blood, marriage, adoption or guardianship who live together as a group family household, excluding student housing. Such homes shall include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped or challenged persons, battered women and children, and specialized treatment facilities providing less than primary health care. Group homes providing space for more than eight (8) residents, excluding staff, shall be considered to be institutional residences. (See also 508 and INSTITUTIONAL RESIDENCE.)

HABITABLE FLOOR AREA: See FLOOR AREA, HABITABLE.

HAZARDOUS MATERIALS: Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HISTORIC STRUCTURE: Any structure that is:

a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register.

b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1) by an approved state program as determined by the Secretary of the Interior; or,

2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the operator's residence, which is carried on by the inhabitant(s) thereof and is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also Section 527.)

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

HOTEL: A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access, and where provision may be made for dining room or restaurant facilities, or meeting or conference rooms within the building. (See also LODGING FACILITIES, COMMERCIAL and MOTEL.)

HOUSEHOLD PETS: For the purposes of this Chapter, household pets shall be defined as domesticated animals, including dogs, cats and other similar animals that are housed in a private residence as personal companions.

IDENTIFIED FLOODPLAIN AREA: Those floodplain areas specifically identified in this Chapter as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

IMPERVIOUS SURFACE: 1) Any surface which reduces or prevents the absorption of stormwater into previously undeveloped land; or 2) The percentage of a lot that does not absorb precipitation. For the purposes of this Chapter, all buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or similar materials shall be considered impervious surfaces. (See also Section 605 F.)

INDUSTRIAL USES, LIMITED: For the purposes of this Chapter, limited industrial uses shall be defined as: 1) those enclosed, low impact manufacturing, assembly and processing activities which meet the performance standards set forth in Section 517 J.; 2) enclosed warehousing and storage facilities; 3) wholesale businesses; and 4) contractor or carpentry shops, machine shops, or similar operations. (See also MACHINE SHOP, MANUFACTURING, WAREHOUSE

FACILITY, and WHOLESALE BUSINESS.)

INSTITUTIONAL RESIDENCE: Establishments primarily engaged in the provision of residential, social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for nine (9) or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the PA Department of Public Health, Department of Welfare, or other State agencies. (See also Section 508.)

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

JUNK: Any discarded Part or material, including, but not limited to, scrap metal, paper, rags, glass, containers, tires, junked or abandoned motor vehicles, trailers, machinery and equipment, and other salvageable materials. For purposes of this Chapter, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNK YARD: Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles (including auto salvage operations), with or without dismantling, processing, sale, or other use or disposition of the same. (See also Section 518.)

KENNEL: For the purposes of this Chapter, a kennel shall be defined as an establishment where more than a total of five (5) dogs, cats or other domesticated animals in excess of six (6) months of age are housed, groomed, bred, boarded, trained or sold. In addition, all requirements of the PA Dog Law, administered by the PA Department of Agriculture, shall be met before establishing a kennel in the Township.

LAND CONSERVATION AREA: See CONSERVATION AREA.

LAND CULTIVATION: The tilling or cultivation of soil for crop or tree farming.

LAND DEVELOPMENT: Any of the following activities: 1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or 2) a subdivision of land.

LANDFORM: See BERM.

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

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LIMITED INDUSTRIAL USES: See INDUSTRIAL USES, LIMITED.

LIVESTOCK: For the purposes of this Chapter, livestock shall be defined to include cows, pigs, goats, horses, sheep, llamas, emus, ostriches, and other similar types of animals with hooves, whether split or not.

LOADING SPACE: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials. (See Section 902.)

LODGING FACILITY, COMMERCIAL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, country inns and other similar types of commercial lodging establishments with or without alcohol sales. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper Township officials. (See also HOTEL, MOTEL, and BED AND BREAKFAST ESTABLISHMENT.)

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

a. Lot Area: See "AREA, LOT".

b. Lot, Corner: A lot with two adjacent sides abutting on streets.

c. Lot Depth: The mean horizontal distance from the front lot line of a lot to its opposite rear lot line.

d. Lot, Double Frontage: A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.

e. Lot, Flag: A lot not fronting on or abutting a public roadway except through a narrow strip of ground or private right-of-way not less than 50 feet in width.

f. Lot, Reverse Frontage: A double frontage lot extending between and having frontage on an arterial or collector street and on a local street, with vehicular access restricted to the latter, usually due to physiographic constraints or safety considerations.

g. Lot Width: The distance measured between the side lot lines at the required front building setback line; in a case where there is only one side lot line, between such line and the opposite lot line.

LOT LINES: The property lines bounding the lot.

a. Lot Line, Front: The line separating the lot from a street right-of-way; or, where a lot has no road frontage, the lot line opposite the rear lot line.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

c. Lot Line, Side: Any lot line other than front or rear lot line.

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

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished or flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance and the National Flood Insurance Program.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other enclosed industrial operation where machines are built, repaired or assembled. For the purposes of this Chapter, such facilities shall be considered limited industrial uses.

MANUFACTURED HOUSING: See MOBILE HOME.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component 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.

MASSAGE THERAPY ESTABLISHMENT: Any business or part thereof, other than an adult massage establishment, where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

MEDICAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

MINERAL BATCHING OR MIXING PLANT: For the purposes of this Chapter, a mineral batching or mixing plant shall be defined as an operation where extracted minerals are amassed, sorted, mixed, and/or crushed, ground or otherwise treated for distribution or use.

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

MINERAL EXTRACTION OPERATION: The commercial extraction of natural minerals from the earth, including facilities for the batching or mixing of extracted materials. For administrative purposes however, oil and gas operations shall not be considered to be mineral extraction operations. (See also Section 519, OIL AND GAS OPERATIONS and Section 536.)

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but no including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beams or bearing support, or the removal or change of any required means of

egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include manufactured housing, park trailers, travel trailers, recreational vehicles, and other similar units placed on a site for a period of time exceeding 180 consecutive days.

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

MOBILE HOME PAD: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more manufactured homes, or park trailers, travel trailers, recreational vehicles, or other similar units for a period of time exceeding 180 consecutive days. (See also Section 507.)

MORTUARY: A place for the storage of human bodies prior to their burial or cremation. (See also FUNERAL HOME.)

MOTEL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms. (See also HOTEL and LODGING FACILITY, COMMERCIAL.)

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY.

MULTI-FAMILY HOUSING DEVELOPMENT: For the purposes of this Chapter, a multi-family housing development shall be defined as a residential development containing more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof, on a single tract of ground.

MULTI-TENANT TRUCK STOP: Any building or premises upon which a building, service or industry involved in the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of cargo. Such uses may also include overnight accommodations and restaurant facilities primarily intended to serve the needs of long-haul drivers or the motoring public. (See also FREIGHT TERMINAL.)

MUNICIPALITY: Castanea Township, Clinton County, PA.

NEIGHBORHOOD RETAIL BUSINESS: A retail store, shop or establishment of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, sandwich shops, cafes, garden shops, or similar types of operations.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after the date of the Township's first adopted floodplain management regulations, and includes any subsequent improvements to said construction.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use in a residential dwelling located in a Residential District which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 527 A. of this Chapter. (See also HOME OCCUPATION.)

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Part 4), including those lots which existed prior to the enactment of this Chapter. (See Section 1002 for applicable provisions.)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Chapter, including those structures which lawfully existed prior to the enactment of this Chapter or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 1001 for applicable provisions.)

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Part 4) of this Chapter or amendment, including those uses which lawfully existed prior to the enactment of this Chapter or

amendment. (See Section 1001 for applicable provisions.)

NORMAL AGRICULTURAL OPERATION: A farm of ten (10) or more contiguous acres, or less than ten (10) contiguous acres if the farm has an anticipated annual gross income of at least $10,000. (See also AGRICULTURE and FARM.)

NURSERY SCHOOL: A private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Chapter, a nursery school may be an independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment. (See also DAY CARE CENTER.)

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or skilled nursing and/or medical care. Such facilities shall not provide surgical, obstetrical, or other services generally provided by a hospital or medical center. (See also Section 509 and PERSONAL CARE HOME.)

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.

ODOR MANAGEMENT PLAN: A written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

OFFICE: See PROFESSIONAL OFFICE.

OFF-STREET LOADING AREA: See LOADING SPACE.

OFF-STREET PARKING SPACE: See PARKING AREA and PARKING SPACE.

OIL AND GAS OPERATION: For the purposes of this Chapter, an oil and gas operation shall be defined as the underground exploration for, and commercial extraction of, crude oil and natural gas. (See also Section 536.)

ON-LOT SEWAGE: See SEWAGE FACILITY, ON-LOT.

ON-LOT WATER: See WATER SYSTEM, ON-LOT.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the

same lot with the building or structure.

a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.

b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complimentary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

OUTDOOR COMMERCIAL RECREATION USE: See RECREATION USE, OUTDOOR COMMERCIAL.

OUTDOOR FURNACE: Any equipment, device, appliance or apparatus which is installed, affixed or situated outdoors which is used for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. For the purposes of this Chapter, outdoor furnaces shall be considered to be accessory uses. (See also Section 534.)

PARCEL: See LOT.

PARKING AREA: Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, or legally designated areas of public streets. For the purposes of this Chapter however, parking areas shall be not include space on any street or other public way.

PARKING SPACE: An off-street area on a lot or in a parking area, designed or used for the parking of one (1) motor vehicle, having direct, useable access to a street or road. (See also Section 901.)

PARK OR PLAYGROUND: A public, semi-public, or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds, and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues, or other groups or may be strictly independent.

PASTURE: Ground with grass or other vegetation which is used for grazing by domesticated animals.

PATIO: A level, surfaced area directly adjacent to a principal building which has

an average elevation of not more than 30 inches above the grade of its site, and is without walls or a roof. A patio may be constructed of any materials. For the purpose of this Chapter, a patio shall be considered a part of the principal building and shall not extend into any required yards. (See also DECK and PORCH.)

PERMITTED USE: A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE CENTER: A building or structure, licensed by the Commonwealth of Pennsylvania, in which food, shelter and personal assistance and/or supervision by full time, professional resident staff are provided for a period exceeding 24 hours for nine (9) or more adults who are not relatives of the operator, who do not require the services in or of a "nursing home" but who do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self administration. For the purposes of this Chapter, personal care centers may also be known as assisted living facilities and shall be considered to be institutional/commercial uses. (See also Section 509.)

PERSONAL CARE HOME: A building or structure, licensed by the Commonwealth of Pennsylvania, in which food, shelter and personal assistance and/or supervision by full time, professional resident staff are provided for a period exceeding 24 hours for up to eight (8) adults who are not relatives of the operator, who do not require the services in or of a "nursing home" but who do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self administration. For the purposes of this Chapter, personal care homes shall be considered to be institutional/ residential uses. (See also Section 509.)

PERSONAL SERVICE BUSINESS: For the purposes of this Chapter, a personal service business shall be defined as a small-scale retail business providing direct service or care to a patron or client, including, but need not limited to, a barber or beauty shop, a tailor or dress-making shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

PERSONAL STORAGE WAREHOUSE: A warehouse facility where separate storage spaces, of varying sizes, are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Chapter, there shall be no residential occupancy of nor commercial sales conducted from such

storage areas. (See also Section 514.)

PERSONAL WIND ENERGY FACILITIES: See WIND ENERGY FACILITIES, PERSONAL.

PLANNING COMMISSION: The Planning Commission of Castanea Township, Clinton County, PA.

PLANT NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees and plants for sale.

POLICE STATION: Any building or structure, or portion thereof, used for the purpose of housing or storing police equipment, vehicles or gear. Such facilities may also include administrative offices, meeting rooms and other public service space.

POOL: See SWIMMING POOL.

PORCH: A covered or uncovered structure projecting from the front, side or rear wall of a building. For the purpose of this Chapter, a porch shall be considered a part of the principal building and shall not extend into any required yards. (See also DECK and PATIO.)

POULTRY: Domesticated birds kept for eggs or meat.

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

PRIMARY HIGHWAY SYSTEM: That portion of connected main highways located within the Commonwealth as officially designated by the State or U.S. Departments of Transportation.

PRINCIPAL USE: See USE, PRINCIPAL.

PROFESSION: For the purposes of this Chapter, a profession shall be defined to include any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advertising, guiding, or teaching them and in serving their interest or welfare in the practice of the art founded on it. The work implies attainment in professional knowledge as distinguished from mere skill and the application of such knowledge to use for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

PROFESSIONAL OFFICE: The office of a member of a recognized profession, including but not limited to, a real estate or insurance agent, a physician or dentist, an attorney, accountant, architect, or engineer. A professional office may be

considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling.

PROPERTY LINE: A recorded boundary of a lot; provided however, that any property line that abuts a street or other public or quasi-public way shall be measured from the edge of the full right-of-way of such street or public way.

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Township Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1978 (P.L. 388, No. 84), known as the Sunshine Act.

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

PUBLIC OR COMMUNITY SEWER: See SEWAGE FACILITY and SEWAGE SYSTEM, COMMUNITY.

PUBLIC UTILITY SERVICE CENTER: For the purposes of this Chapter, a public utility service center shall be defined as a building or group of buildings owned and operated by a public utility corporation where pipes, poles, conduits and other related materials used for the production, transmission, or repair efforts of the utility are accumulated or stored. Such facilities may also include office space for service employees and billing personnel, which may or may not be open to the public. (See also Section 529 and UTILITY SUPPLY FACILITIES.)

PUBLIC WATER: See WATER FACILITY and WATER SYSTEM, PUBLIC.

RAIL YARD: The use of a lot, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and/or maintenance and repair of railway cars.

RECREATIONAL VEHICLE: A vehicle which is: 1) built on a single chassis; 2) not

more than 400 square feet, measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light-duty truck; and 4) is not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Such vehicles are permitted to be used in campground areas in the municipality or on private independent parcels. (See also Section 523 F.)

RECREATIONAL VEHICLE PARK: Any site upon which two (2) or more recreational vehicles are, or are intended to be located. (See also Section 525 and CAMPGROUND).

RECREATION USE, OUTDOOR COMMERCIAL: A commercial, outdoor recreation facility, including a golf course, golf driving range, a miniature golf course, campground or recreational vehicle park, ski area or resort, church or service-club affiliated camp, and similar facilities. (See also Section 524.)

RECYCLING COLLECTION POINT, PUBLIC: Any place that serves as a collection point for the temporary storage of refuse items, such as bottles, cans, and newspapers, from which resources are recovered at another location. These collection points are often referred to as Recycling Drop-off Centers.

RECYCLING CENTER, PUBLIC OR PRIVATE: An enclosed facility, whether owned and operated by a public entity or by a private individual or company as a commercial enterprise, which recycles discarded products or other refuse items. For the purposes of this Chapter, a recycling center may also include a recycling collection point or may recycle items collected from other locations.

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Chapter have been based; the 100 year flood.

REGULATORY FLOOD ELEVATION: The 100 year flood elevation.

REPETITIVE LOSS: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

REPORT: Any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a Solicitor to any body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a

decision or determination shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies therefrom shall be provided at cost of reproduction.

RESTAURANT: A retail establishment where food and drink is prepared and served, primarily within the principal building, with or without alcohol sales. In some instances, the food is consumed on-site and in other cases it is taken out.

RETAIL BUSINESS: A commercial enterprise or place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also Section 512 and WHOLESALE BUSINESS.)

RIDING ACADEMY: An establishment where horses are kept for riding, jumping, or showing for compensation or incidental to the operation of a club, association, ranch or similar group. (See also STABLE.)

RIGHT-OF-WAY: 1) A specific type of easement being limited to use for passage over another person's land; i.e. an easement for vehicular or public utility passage; or 2) A strip of land acquired by reservation, dedication, prescription, or condemnation which is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary sewer or storm sewer line, or other similar use.

ROAD: Any thoroughfare, whether public or private, located in whole or in part within Castanea Township. The word "road" may be used interchangeably with the word "street".

ROADSIDE STAND: A temporary or permanent booth, stand or shelter located along a roadway (but off the road right-of-way) from which farm, plant nursery or greenhouse products primarily grown or raised on the premises are offered for sale to the general public. (See also Section 522.)

ROOF: 1) The cover of any building or structure, including the eaves and similar projections; or 2) An overhead structure used for protection or shielding from the sun, rain or other elements of weather.

SAWMILL: A business establishment equipped with machinery for cutting lumber or timber into boards or related products and/or the facilities for wholesale or retail sale of such products. For the purposes of this Chapter, portable sawmills operated for private, personal use shall not be considered saw mills, but rather shall be addressed as accessory uses.

SCHOOL: An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of

knowledge. For the purposes of this Chapter, such facilities shall not include halfway homes or training facilities for delinquents, offenders, and other adjudicated individuals, nor other detention facilities providing residential or "live-in" services. (See INSTITUTIONAL RESIDENCE.)

SCREENING: The provision of a visual shield or barrier between adjacent properties, structures, or uses, which may consist of vegetative plantings or fences, or a combination thereof. (See also Section 607.)

SCREEN PLANTING: The use of vegetative plants, such as trees or shrubs, as a barrier to visibility, glare and noise between adjacent properties. Such plantings shall adhere to the requirements of Section 607 of this Chapter and shall be broken only at points of vehicular or pedestrian access or utility easements.

SEASONAL DWELLING: A permanent building or structure intended for occasional occupancy, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally used dwellings. (See also Section 523.)
SEASONAL ZONING PERMIT: A Zoning Permit issued seasonally by the Zoning Officer as required by this Chapter. (See also Section 1303 K.)

SETBACK: The horizontal distance between a structure and a street line or property line. (See also BUILDING SETBACK LINE.)

SEWAGE FACILITY: Any sewer, sewage system, sewage treatment plant or parts thereof, designed, intended, or constructed for the collection, conveyance, treatment or disposal of liquid wastes, including industrial wastes.

a. Sewage Facility, Off-Lot: Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. Such a system must be designed in accordance with Department of Environmental Protection (DEP) standards and be permitted by the Bureau of Water Quality of the DEP. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

b. Sewage Facility, On-Lot: Any approved system or part thereof designed to serve a single dwelling or building in which sewage is collected in a septic tank, holding tank or similar container located on the same lot and is untreated except for bacterial action occurring within such tank and is disposed of either through a drain field connected to the tank or by hauling to a sewage treatment plant.

c. Sewage System, Community: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling

units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site. (See also Sewage Facility, Off-Lot.)

d. Sewage System, Individual: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil of the site or into the waters of the Commonwealth or by means of conveyance of retaining tank wastes, to another site for final disposal. (See also Sewage Facility, On-Lot.)

SEWER: A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent. (See also Sewage System, Community and Sewage System, Individual.)

SHOPPING CENTER: A group of two (2) or more retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the facility. (See also Section 516.)

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline; 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines; or 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also TABLE 3.)

SIGN: Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any government or government agency, or any civic, charitable, religious, patriotic or similar group. (See also Part 8 of this Chapter.)

a. Billboards or Advertising Sign Boards: A sign or board which attracts the attention of motorists or pedestrians to a product, place or activity that exists or occurs at a location other than the location upon which the sign is situated, excluding official notices or road signs of a governmental body or other directional signs; i.e. an off-premises sign.

b. Business Identification Sign: A sign or board which attracts motorists or pedestrians to a business, product, service or activity that is sold, produced, or conducted on the same premises upon which the sign is located; i.e. an on-premises sign.

c. Business or Industrial Complex Identification Sign: A sign which identifies the

name of a business or industrial complex, i.e. a shopping center, office building complex, industrial park, or similar multi-tenant commercial or industrial facility. The names of individual businesses or operations located within such complex may also be displayed on such signs.

d. Freestanding Sign: A self-supported sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may be designed to be portable or may be permanently affixed to the ground.

e. Parallel Sign: A type of wall sign which is attached parallel to the face of its supporting wall, and which does not project more than 12 inches from such wall.

f. Permanent Sign: A sign which is permanently affixed to the ground or the wall of a building, excluding standard real estate or similar signs.

g. Portable Sign: A sign which is not permanently affixed to a structure or to the ground which is designed to be easily moved or relocated for reuse; i.e. a temporary sign.

h. Projecting Wall Sign: A type of wall sign with its horizontal plane attached at right angles to its supporting wall and which projects more than 12 inches from such wall.

i. Temporary Sign: Any sign which is not permanently affixed to the ground or to the wall of a building and is only intended to be located on a site for a short period of time, usually not more than 30 days.

j. Wall Sign (Parallel or Projecting): A sign attached to the wall or part of a wall of a building which advertises products sold or directly related to the premises upon which it is located; e.g. a business identification sign, or which advertises products or events located elsewhere; e.g. a billboard or advertising sign board.

SIGN AREA: The entire face of a single side of a sign, including all advertising surface, trim and border area, but excluding all supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the average finished grade of the site beneath the sign to the highest point of the sign or sign structure, whichever is greater.

SLOPE: 1) The face of an embankment or cut section; or 2) The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; i.e. a ratio determined by dividing the vertical distance between two (2) points (change in elevation) by the horizontal distance measured between the same two (2) points.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

SPECIAL EXCEPTION USE: A use permitted in a certain zoning district as provided for in the District Regulations, Part 4, which must be approved by the Zoning Hearing Board as set forth in Section 1102 D. of this Chapter. Special exception approval may not be granted for uses other than those expressly listed in Part 4, the District Regulations.

STABLE: A building in which one or more horses are raised or boarded, whether or not for compensation, hire, or sale. (See also RIDING ACADEMY.)

a. Stable, Private: An accessory building in which horses are raised or kept for personal use, and not for hire, remuneration or sale.

b. Stable, Public: A building in which horses are raised or boarded for hire, remuneration or sale.

STORAGE: 1) A place or space for storing goods, Parts of personal property, materials, etc.; or 2) The accumulation or storing of items or personal property.
STORAGE FACILITY: See WAREHOUSING FACILITY.

STORAGE, OUTDOOR, UNENCLOSED: For the purposes of this Chapter, outdoor, unenclosed storage shall be defined as the accessory storage of materials, vehicles, equipment or other items of personal property on a lot occupied by the owner of the item(s). The unenclosed storage of products or equipment used in the performance of agricultural activities may however be permitted on a lot or land not occupied by the owner of the item(s). (See also Section 533.)

STORY: That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: See ROAD.

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

STRUCTURAL ALTERATIONS: Any change or adjustment made to a building affecting the overall area occupied by that structure or that will change the

supporting members, bearing walls, beams, girders, or interior walls of the structure. Such alterations generally require Zoning and Building Permits.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, communications antennas and towers, fences and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home. (See also Airport Zoning definitions in this Part.)

a. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure, or use.

b. Structure, Principal: The main or primary structure on a given lot.

STUDIO: A place where a musician or artist does his work.

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

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term also includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual work performed. The term does not however include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or 2) any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUPERVISORS OR TOWNSHIP SUPERVISORS: The Board of Supervisors of

Castanea Township, Clinton County, PA; the elected governing body of the municipality.

SWIMMING POOL: A body of water in an artificial container used or intended to be used for swimming by children and/or adults.

a. Swimming Pool, Private: Any seasonal or permanent swimming pool located outside of an enclosed building, whether in or above the ground, containing or normally capable of containing, water to a depth at any point of 24 inches or more. (See also Section 526 A.)

b. Swimming Pool, Public or Semi-Public: Any open or enclosed swimming facility, open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof, or pools provided in conjunction with commercial lodging facilities, mobile home parks, residential developments and open to lodgers or residents respectively. (See also 526 B.)

TEMPORARY STRUCTURE: A non-permanent structure or building which is located on a lot for a specified duration. Some temporary structures may only be permitted for short periods of time, while others may be authorized for longer periods. (See also Section 535.)

TEMPORARY USE: A short-term use or special activity, including but not limited to, carnivals, circuses, outdoor cultural, religious, amusement, or sporting events, or oil and gas operations. (See also Section 535.)

TEMPORARY ZONING PERMIT: A Zoning Permit authorized by the Zoning Officer for a non-permanent structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township, or for temporary uses. (See also Section 1303 J.)

TIMBER HARVESTING: That part of forestry which involves cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. (See also FORESTRY.)

TOWNHOUSE: See DWELLING, SINGLE-FAMILY ATTACHED.

TRAVEL TRAILER: See RECREATIONAL VEHICLE.

UNIFORM CONSTRUCTION CODE: The statewide building code adopted by the PA General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the PA Department of Labor and Industry. Applicable to residential and commercial buildings, the Code

adopted the International Residential Code (IRC) and the International Building Code (IBC) of 2006 (or the latest edition thereof) by reference as the standard applicable to construction within the Commonwealth, including floodplain construction.

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.

a. Use, Accessory: A use subordinate to the principal use of a building, structure, or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.

b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

UTILITY SUPPLY FACILITIES: Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical or telephone substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Chapter however, utility supply facilities shall NOT include commercial communications antennas or towers nor wind energy facilities. (See also Section 529 and COMMUNICATIONS ANTENNA; COMMUNICATIONS TOWERS; WIND ENERGY FACILITIES, COMMERCIAL; PUBLIC UTILITY SERVICE CENTER and Sections 530 and 532.)

VARIANCE: A modification of the provisions of this Chapter 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. (See Section 1102 C. for additional details and criteria to be utilized when a variance is requested.)

VETERINARY CLINIC: See CLINIC, VETERINARY.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSE.)

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

a. Water System, Non-Public: All water systems which are not public water

systems.

b. Water Facility, Off-Lot: Any approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building, including both public and non-public water systems.

c. Water Facility, On-Lot: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.

d. Water System, Public: A water system as defined by the PA Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WETLANDS: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, the U.S. Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the U.S. Fish and Wildlife National Wetlands Inventory, and a wetland area designated by a river basin commission.

WHOLESALE BUSINESS: An establishment or place of business primarily engaged in selling merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to other wholesalers. (See also RETAIL BUSINESS.)

WIND ENERGY FACILITY, COMMERCIAL: A commercial electric generating facility whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. For the purposes of this Chapter, stand-alone wind turbines constructed for private use shall be considered to be personal wind energy facilities. (See also Section 532.)

WIND ENERGY FACILITIES, PERSONAL: A wind turbine or turbines situated on a lot to provide wind energy to an individual home, office, business, industry or agricultural use located on the same lot. The wind energy generated by such turbine(s) is not to be provided or sold to others off-site in the power grid. All personal wind energy facilities shall follow the rules of net metering under the State policy. (See also WIND TURBINE and Section 531.)

WIND TOWER: The structure upon which a wind turbine is positioned. For the

purposes of this Chapter, the height of a wind tower shall be defined as the fixed height of the tower only, not including the nacelle, rotor or turbine blades.

WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

WIND TURBINE HEIGHT: The distance measured from the surface of the wind tower foundation to the highest point of the turbine rotor plane, including building-mounted turbines.

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.

b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

c. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed form the ground upward.

d. Yard, Required: The minimum area or open space required by this Chapter to be provided between any front, side or rear property line and a principal or accessory building(s) or structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Castanea Township, Clinton County, PA.

ZONING MAP: The official Zoning Map of Castanea Township, Clinton County, PA, together with all notations, references and amendments which may hereafter be enacted. Said map is made a part of this Chapter as set forth in Section 303.

ZONING OFFICER: The administrative officer duly appointed by the Township Supervisors and charged with the duty of enforcing the provisions of this Chapter.

ZONING PERMIT: The permit required by this Chapter which states the purpose for which a building, structure, or land is proposed to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Chapter.

ZONING PERMIT, SEASONAL: See SEASONAL ZONING PERMIT and Section

1303 K.

ZONING PERMIT, TEMPORARY: See TEMPORARY ZONING PERMIT and Section 1303 J.

PART 3

DESIGNATION OF ZONING DISTRICTS

301 ESTABLISHMENT OF DISTRICTS

For the purposes of implementing the objectives of this Chapter, Castanea Township is hereby divided into the following zoning districts:

R-M	Medium Density Residential District
R-H	High Density Residential District
C	Commercial District
I	Industrial District
A	Agricultural District
O/R	Open Space/Recreation District
W/C	Woodland/Conservation District
FF & FP	Flood Fringe & General Floodplain District *(Overlying District)*
FW	Floodway District *(Overlying District)*
AH	Airport Hazard District *(Overlying District)*

302 PURPOSE OF DISTRICTS

A. R-M Medium Density Residential District

This district applies to areas within the Township that are currently served by, or are planned for future connection to, public sewer and water services and where moderate density residential development already exists or could be expanded in the future. Compatible public and semi-public uses such as churches and parks or playgrounds are permitted in this district in order to foster a well-balanced community atmosphere.

B. R-H High Density Residential District

The purpose of this zone is to identify areas of the Township where high density residential development can be situated. In most instances, public sewer and water services are already available or could be extended to serve these areas, and district regulations seek to protect and enhance the past residential investments that have occurred in these areas.

C. C Commercial District

This district is established to accommodate retail and wholesale business

activities serving both Township residents and a broader regional market. The regulations governing this district permit the development of a wide range of shopping, service and other commercial activities, but require adequate off-street parking and loading areas, and appropriate buffer yards or screening to be provided. Regulations also require that developers make all necessary arrangements with PennDOT or local officials to safely accommodate the anticipated levels of traffic entering or exiting their sites, thereby assuring the safe and efficient movement of people and goods to, from and through the Township.

D. I Industrial District

It is the purpose of this zone to encourage the continuity and expansion of existing industrial operations and promote new industrial investment in the Township. The acreage set aside for these uses has been provided in close proximity to US Route 220 in order to maximize accessibility for the distribution of goods or materials. Reasonable standards are included to minimize air pollution, noise, odors, glare, heat, and potential fire and safety hazards. Other requirements ensure that adequate buffer yards and/or screening are provided between the uses in this zone and other adjoining districts.

E. A Agricultural District

The purpose of this district is to preserve and protect the rural and semi-rural open space and farming characteristics of Castanea Township and to promote land cultivation and agricultural production as viable economic activities. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose and to discourage incompatible land uses from encroaching into these areas. All types of agricultural activities, including farm-related businesses, are provided for as are limited or low density residential uses.

F. O/R Open Space/Recreation District

The purpose of this district is to identify those environmentally sensitive areas of the Township where both passive and active recreation activities can be accommodated and still protect the fragile natural balance of the area. This zone includes floodprone areas located adjacent to both Bald Eagle Creek and the West Branch of the Susquehanna River. Uses in this zone are limited primarily to seasonal recreational activities that will not significantly alter the open space characteristics of the area.

G. W/C Woodland/Conservation District

This district is intended to encourage the conservation of land where the economics of building and supplying public services and facilities are not in the best interest of the Township and to recognize the value of the Township's wooded areas. This zone includes large tracts of forested lands, as well as steep slope areas. The regulations of this district are intended to limit development of steep slopes; preserve natural drainageways; protect water supply and wildlife habitat areas; and encourage uses which will enhance the Township's environmental protection objectives.

H. FF & FP Flood Fringe & General Floodplain District *(Overlying District)*

The intent of this District is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Part 7.) In these floodplain areas, development and/or the use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related requirements of this and all other Township codes and ordinances.

I. FW Floodway District *(Overlying District)*

The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities or frequencies will be permitted in this District. (See Part 7.) In addition, in the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration (FIA) and the PA Department of Community and Economic Development (DCED).

J. AH Airport Hazard District *(Overlying District)*

The district is intended to prevent the establishment of hazards to air navigation in the vicinity or Piper Memorial Airport by creating and establishing certain airport hazard areas and regulating and restricting the

height of man-made and natural objects within those areas. (See Section 702 of Part 7.)

303 ZONING MAP

A. The locations and boundaries of the Zoning Districts are hereby established as shown on the Official Zoning Map, which made a part of this Chapter together with all future notations, references and amendments.

B. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1201 of this Chapter. The final authority as to the status of zoning districts 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 Township Supervisors. All such changes shall be recorded on the Map's Revision Block and shall include the date of the amendment, a brief description of the change, and the initials of the individual making the change.

304 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

A. Designation of District Boundaries

The district boundary lines, except for floodplain districts, are intended to generally follow the centerline of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

B. Interpretation of District Boundary Locations

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto; provided however, no boundary shall be changed by the Zoning Hearing Board. (The Board may request recommendations from the Township Planning Commission prior to making such decisions.) If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Township Supervisors.

C. Extension of District Regulations for Severed Lots

Where a district boundary line divides a contiguous lot (a lot not bisected by a public street or road) which was in single ownership at the time of enactment of this Chapter or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either district into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided that they determine that such extension is consistent with the purposes of this Chapter, including all floodplain management regulations.

305 FLOODPLAIN DISTRICT BOUNDARY CHANGES

The delineation of the boundary of any floodplain district may be revised by the Township Supervisors in accordance with the amendment procedure outlined in Section 1201 of this Chapter where natural or man-made changes have occurred and 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 municipality has sought and obtained approval for said change from the Federal Emergency Management Agency (FEMA) as per the National Flood Insurance Program regulations and has received a Letter of Map Revision (LOMR) or a Letter of Map Amendment (LOMA) from FEMA for the proposed boundary change.

PART 4

DISTRICT REGULATIONS

401 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Part for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be hereafter provided.

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to:

1. exceed the height or bulk;

2. accommodate or house a greater number of persons or families;

3. occupy a greater percentage of lot area; or to

4. have narrower or smaller rear yards, side yards, front yards or other open space:

than is required by this Part, or in any other manner be contrary to this Chapter.

C. No yard or lot existing at the time of adoption of this Chapter shall be reduced in dimension or area below the minimum requirements herein specified for the district in which it is located.

D. The commencement of any of the uses or activities listed in this Part (the District Regulations) shall require the issuance of a Zoning Permit from the Township Zoning Officer, except as may be exempted in Section 1303 A. of this Chapter.

402 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 403 – 411.

Permissible USES AND STRUCTURES are presented in the first four columns of

the chart for each district. Applications for activities listed in the columns titled Permitted Principal and Permitted Accessory Uses and Structures may be approved by the Zoning Officer upon finding that the proposed use meets the Chapter requirements. Activities listed in the Special Exception Uses and Structures column must be reviewed and approved by the Township Zoning Hearing Board, and uses listed in the Conditional Uses and Structures column must be reviewed and approved by the Township Supervisors. (See Appendix D and Appendix F of this Chapter for an illustration of the Special Exception and Conditional Use procedures, and Sections 1102 D. and 1202, respectively, for specific details of the process.)

Specific LOT, YARD and OPEN SPACE REQUIREMENTS are presented in the final three columns of each district chart. Applications for uses which do not meet the dimensional requirements for the district in which they are to be located, may be submitted to the Township Zoning Hearing Board for variance consideration. (See Appendix C of this Chapter for an illustration of the variance procedure, and Section 1102 C. for specific details of the process.

The USE REGULATIONS are also presented by category of use in the TABLE OF USES which can be found in Appendix A of this Chapter and general dimensional requirements are presented in the TABLE OF GENERAL DIMENSIONAL REQUIREMENTS which can be found in Appendix B.

Section 403

R-M MEDIUM DENSITY RESIDENTIAL DISTRICT

Uses and Structures

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Single-family detached dwellings. (See 503) 2. Mobile homes on individual lots. (See 503) 3. Parks or playgrounds. 4. Government or municipal buildings. 5. Churches or places of worship. 6. Public collection recycling point.	1. Uses & structures customarily incidental to an approved principal use. 2. Essential services. 3. Private or semi-public swimming pools. (See 526) 4. No-impact home-based businesses or home occupations. (See 527) 5. Temporary roadside stands. (See 522) 6. Signs. (See Part 8) 7. Off-street parking and/or loading areas. (See 901 & 902)	1. Two-family dwellings; i.e. duplexes. (See 503) 2. Conversion apartments (up to 2 dwelling units). (See 504) 3. Group day care homes. (See 510)	1. Single-family attached dwelling structures; i.e town-house structures (up to 4 dwelling units). (See 505) 2. Multi-family dwelling structures; i.e. apartment buildings (up to 4 dwelling units). (See 506) 3. Public or private schools. 4. Utility supply facilities. (See 529)

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R-M MEDIUM DENSITY RESIDENTIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)

1. **Minimum Lot Area Per Principal Structure or Use:**

   a. Residential Uses -

      1) Single-Family Detached Dwellings -

         a) On-Lot Sewage **AND** Water - 1 acre (43,560 sq. ft.) per dwelling unit.
         b) Public Sewer **AND** Water - 9,600 sq.ft. per dwelling unit.

      2) Two-Family Dwellings or Conversion Apartments -

         a) On-Lot Sewage **AND** Water - 20,000 sq.ft. per dwelling unit.
         b) Public Sewer **AND** Water - 10,000 sq.ft. per dwelling unit.

      3) Single-Family Attached Dwelling Structures (Public Sewer AND Water Only) - 9,600 sq.ft. + 3,500 sq.ft. per dwelling unit.
      4) Multi-Family Dwelling Structures (Public Sewer AND Water Only) - 9,600 sq.ft. + 2,500 sq.ft. per dwelling unit.

   b. Parks or Playgrounds - No minimum.
   c. All Other Principal Uses - 43,560 sq.ft.
   d. Regardless of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State and local sewage and water regulations.

2. **Minimum Lot Width:** (measured at building setback line)

   a. On-Lot Sewage AND Water - 120 feet.
   b. Public Sewer AND Water -

      1) Single-Family Detached Dwellings - 80 feet.
      2) Single-Family Attached Dwelling Structures - 20 feet per dwelling unit (+ applicable side yard requirement for end units)
      3) Multi-Family Dwelling Structures & Other Principal Uses - 100 feet.

3. **Maximum Building Coverage:** 35%.

Minimum Yard Requirements (See Section 603)

1. **Front Yard:** 35 feet from road center-line or 25 feet from edge of road cartway, whichever is less.

2. **Side Yards:** *

   a. Principal Structures - 10 feet each side. (See 603 C.2 for corner lots.)
   b. Accessory Structures - 5 feet each side.

3. **Rear Yard:**

   a. Principal Structures -

      1) On-Lot Sewage AND Water - 30 feet.
      2) Public Sewer AND Water - 25 feet.

   b. Accessory Structures - 5 feet.

* **NOTE:** No side yard shall be required where approved fireproof common walls are used.

Maximum Height Requirements (See Section 604)

1. **Principal Structures:** 35 feet.

2. **Accessory Structures:** 20 feet.

Section 404

R-H HIGH DENSITY RESIDENTIAL DISTRICT

Uses and Structures

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Single-family detached dwellings. (See 503) 2. Two-family dwellings; i.e. duplexes. (See 503) 3. Parks or playgrounds.	1. Uses & structures customarily incidental to an approved principal use. 2. Essential services. 3. Private or semi-public swimming pools. (See 526) 4. No-impact home-based businesses or home occupations. (See 527) 5. Signs. (See Part 8) 6. Off-street parking and/or loading areas. (See 901 & 902)	1. Conversion apartments (up to 2 dwelling units). (See 504) 2. Group homes. (See 508) 3. Day care centers or nursery schools. (See 510)	1. Single-family attached dwelling structures; i.e town-house structures. (See 505) 2. Multi-family dwelling structures; i.e. apartment buildings. (See 506) 3. Mobile home parks. (See 507) 4. Institutional residences. (See 508) 5. Personal care homes. (See 509) 6. Utility supply facilities. (See 529)

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Section 404

R-H HIGH DENSITY RESIDENTIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)

1. **Minimum Lot Area Per Principal Structure or Use:**

   a. Residential Uses -

      1) Single-Family Detached Dwellings - 9,600 sq.ft. per dwelling unit.

      2) Two-Family Dwellings or Conversion Apartments - 6,000 sq.ft. per dwelling unit.

      3) Single-Family Attached Dwelling Structures - 9,600 sq.ft. + 2,500 sq.ft. per dwelling unit.

      4) Multi-Family Dwelling Structures - 9,600 sq.ft. + 2,000 sq.ft. per dwelling unit.

      5) Mobile Home Parks - 1 acre (43,560 sq.ft.)

   b. Parks or Playgrounds - No minimum.
   c. All Other Principal Uses - 1/2 acre (21,780 sq.ft.)
   d. Regardless of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State and local sewage and water regulations.

2. **Minimum Lot Width:** (measured at building setback line)

   a. Single-Family Detached Dwellings - 80 feet.
   b. Single-Family Attached Dwelling Structures - 20 feet per dwelling unit (+ applicable side yard requirement for end units)
   c. Multi-Family Dwelling Structures & Other Principal Uses - 100 feet.
   d. Parks or Playgrounds - No minimum.

3. **Maximum Building Coverage:** 35%.

Minimum Yard Requirements (See Section 603)

1. **Front Yard:** 35 feet from road center-line or 25 feet from edge of road cartway, whichever is less.

2. **Side Yards:** *

   a. Principal Structures - 10 feet each side. (See 603 C.2 for corner lots.)
   b. Accessory Structures - 5 feet each side.

3. **Rear Yard:**

   a. Principal Structures - 25 feet.
   b. Accessory Structures - 5 feet.

   * **NOTE:** No side yard shall be required where approved fireproof common walls are used.

Maximum Height Requirements (See Section 604)

1. **Principal Structures:** 35 feet.

2. **Accessory Structures:** 20 feet.

Section 405

C COMMERCIAL DISTRICT

Uses and Structures *
* (See Section 512)

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Retail & personal service businesses, excluding adult entertainment establishments. (See 512 & Cond. Uses)	1. Uses & structures customarily incidental to an approved principal use.	1. Automotive service stations and/or repair garages. (See 513)	1. Shopping centers. (See 516)
2. Business & professional offices.	2. Essential services.	2. Personal storage warehouses. (See 514)	2. Adult entertainment establishments. (See 515)
3. Banks & financial institutions.	3. Temporary roadside stands. (See 522)	3. Public entertainment facilities.	3. Wholesale businesses.
4. Medical, dental or veterinary clinics.	4. Private or semi-public swimming pools. (See 526)	4. Bars or taverns.	4. Printing establishments.
5. Restaurants. (See 512)	5. Home occupations. (See 527)	5. Lumber yards.	5. Utility supply facilities. (See 529)
6. Commercial lodging facilities. (See 512)	6. Accessory residential uses.	6. Funeral homes or mortuaries.	
7. Grocery stores or convenience markets. (See 512)	7. Accessory warehousing or storage associated with an approved principal use.	7. Nursing homes or personal care centers. (See 509)	
8. Automotive sales facilities	8. Signs. (See Part 8)	8. Outdoor commercial recreation uses. (See 524)	
9. Roadside stands or garden shops, inc. greenhouses.	9. Off-street parking and/or loading areas. (See 901 & 902)	9. Clubs or civic organization facilities.	
10. Government or municipal buildings.			
11. Massage therapy establishments.			
12. Car washes.			

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Section 405

C COMMERCIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)

1. **Minimum Lot Area Per Principal Structure or Use:**

   a. No minimum; however, each lot shall be of sufficient size to provide for all proposed buildings and structures, and shall meet all required service, access, parking, loading and other open space requirements.

   b. All lots shall also meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.

2. **Minimum Lot Width:** No minimum, except that automotive service stations and retail businesses providing drive-through or in-car services shall have a minimum width of 120 feet.

3. **Maximum Building Coverage:** No maximum.

Minimum Yard Requirements (See Section 603)

1. **Front Yard:**

   a. Buildings - 90 feet from road center-line or 75 feet from edge of road cartway, whichever is greater.
   b. Parking Areas - 10 feet from edge of road right-of-way. (No parking shall be permitted in this required setback area.)

2. **Side Yards:**

   a. Buildings (Principal AND Accessory Structures) - 5 feet when abutting a lot in the Commercial or Industrial District; 75 feet when abutting a lot in any other zone. *
   b. Parking &/or Loading Areas - 5 feet when abutting a lot in the Commercial or Industrial District; 15 feet when abutting a lot in any other zone.

3. **Rear Yard:**

   a. Buildings (Principal AND Accessory Structures) 50 feet.
   b. Parking &/or Loading Areas - 10 feet.

* **NOTE:** No side yard shall be required where approved fireproof common walls are used.

Maximum Height Requirements (See Section 604)

1. **Principal & Accessory Structures:** 80 feet.

Section 406

I INDUSTRIAL DISTRICT

Uses and Structures *
* (See Section 517)

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Enclosed manufacturing, processing, assembly, & packaging operations. (See 517)	1. Uses & structures customarily incidental to an approved principal use.	1. Automotive service stations and/or repair garages. (See 513)	1. Multi-tenant industrial facilities or industrial parks. (See 517)
2. Research & development facilities.	2. Essential services.	2. Mobile home or RV sales and/ or service. (See 512)	2. Freight terminals, depots or multi-tenant truck stops.
3. Warehousing or enclosed storage facilities, inc. personal storage warehouses. (See 514)	3. Administrative offices.	3. Contractor's shops & yards. (See 520)	3. Junk yards or auto salvage operations. (See 518)
4. Machine shops.	4. Accessory warehousing or storage associated with an approved principal use.	4. Public recycling centers.	4. Utility supply facilities. (See 529)
5. Printing, binding or publishing operations.	5. Rail spurs.	5. Public utility service centers.	5. Rail yards.
6. Wholesale businesses.	6. Signs. (See Part 8)	6. Billboards or advertising sign boards. (See 805 D.)	
7. Wood products manufacturing.	7. Off-street parking and/or loading areas. (See 901 & 902)		
8. Lumber yards or building material supply stores.			

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Section 406

I INDUSTRIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)

1. **Minimum Lot Area Per Principal Structure or Use:**

   a. No minimum; however, each lot shall be of sufficient size to provide for all proposed buildings and structures, and shall meet all required service, access, parking, loading and other open space requirements.

   b. All lots shall also meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.

2. **Minimum Lot Width:** No minimum, except that automotive service stations and retail businesses providing drive-through or in-car services shall have a minimum width of 120 feet.

3. **Maximum Building Coverage:** No maximum.

Minimum Yard Requirements (See Section 603)

1. **Front Yard:**

   a. Buildings - 90 feet from road centerline or 75 feet from edge of road cartway, whichever is greater.
   b. Parking Areas - 5 feet from edge of road right-of-way. (No parking shall be permitted in this required setback area.)

2. **Side Yards:**

   a. Buildings (Principal AND Accessory Structures) - 5 feet when abutting a lot in the Commercial or Industrial District; 75 feet when abutting a lot in any other zone. *
   b. Parking &/or Loading Areas - 5 feet when abutting a lot in the Commercial or Industrial District; 15 feet when abutting a lot in any other zone.

3. **Rear Yard:**

   a. Buildings (Principal AND Accessory Structures) 50 feet.
   b. Parking &/or Loading Areas - 10 feet.

* **NOTE:** No side yard shall be required where approved fireproof common walls are used.

Maximum Height Requirements (See Section 604)

1. **Principal & Accessory Structures:** 100 feet.

Section 407

A AGRICULTURAL DISTRICT

Uses and Structures

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Land cultivation. (See 521) 2. Raising or livestock or poultry, excluding concentrated animal operations & concentrated animal feeding operations. (See 521 A. and Conditional Uses.) 3. Commercial animal husbandry. (See 521 A.) 4. Horticultural activities, including plant nurseries, greenhouses and/or orchards. 5. Stables or riding academies. 6. Veterinary clinics, animal hospitals or kennels. 7. Roadside stands or garden shops. (See 522) 8. Forestry or forest management activities. 9. Single-family detached dwellings. (See 503) 10. Mobile homes on individual lots. (See 503) 11. Government or municipal buildings, including community centers or grange halls. 12. Parks or playgrounds.	1. Uses & structures customarily incidental to an approved principal use. 2. Essential services. 3. Temporary roadside stands. (See 522) 4. Private swimming pools. (See 526) 5. No-impact home-based businesses or home occupations. (See 527) 6. Farm-related businesses. (See 528) 7. Personal wind energy facilities. (See 531) 8. Signs. (See Part 8) 9. Off-street parking and/or loading areas. (See 901 & 902)	1. Sawmills. 2. Contractor's shops & yards. (See 520) 3. Non-commercial recreation uses.	1. Agri-businesses. (See 512) 2. Concentrated animal operations & concentrated animal feeding operations. (See 521 B.) 3. Commercial communications antennas, towers and/or equipment buildings. (See 530) 4. Utility supply facilities. (See 529)

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Section 407

A AGRICULTURAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)

1. **Minimum Lot Area Per Principal Structure or Use:**
   a. Agricultural Uses, including farm residences, farm or agricultural-related activities - 10 acres.
   b. All Other Principal Uses - 2 acres.
   c. All lots shall meet the requirements of the PA Sewage Facilities Act and all other State and local sewage and water regulations.
2. **Minimum Lot Width:** 200 feet.
3. **Maximum Building Coverage:** 25%.

Minimum Yard Requirements (See Section 603)

1. **Front Yard:** 50 feet from edge of street right-of-way.
2. **Side Yards** (Principal AND Accessory Structures):
   a. Residential Uses - 25 feet each side.
   b. Agricultural Uses -
      1) Land Cultivation - 25 feet.
      2) Concentrated Animal Operations - 100 feet. (See also Section 521 B.)
   c. All Other Principal Uses - 25 feet each side.
3. **Rear Yard** (Principal AND Accessory Structures):
   a. Residential Uses - 25 feet.
   b. Agricultural Uses -
      1) Land Cultivation - 25 feet.
      2) Concentrated Animal Operations - 100 feet.
   c. All Other Principal Uses - 25 feet.

Maximum Height Requirements (See Section 604)

1. **Principal & Accessory Structures:** 40 feet.
2. **Agricultural Structures:** No maximum.

Section 408

O/R OPEN SPACE/RECREATION DISTRICT

Uses and Structures

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Public or private outdoor recreation facilities, inc. hiking, biking or riding trails, fishing or swimming areas, picnic pavilions, or athletic fields. (See 524) 2. Land cultivation. 3. Plant nurseries. 4. Forestry or forest management activities.	1. Uses & structures customarily incidental to an approved principal use. 2. Signs. (See Part 8) 3. Off-street parking and/or loading areas. (See 901 & 902)	1. Nature preserves.	1. Utility supply facilities. (See 529)

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Section 408

O/R OPEN SPACE/RECREATION DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (See Section 603)	Maximum Height Requirements (See Section 604)
1. **Minimum Lot Area Per Principal Structure or Use:** No minimum; however each lot shall be of sufficient size to provide for all proposed activities, and shall meet all required service, access, parking, loading and open space requirements. 2. **Minimum Lot Width:** No minimum. 3. **Maximum Building Coverage:** 10%.	1. **Front Yard:** 25 feet from edge of street right-of-way. 2. **Side Yards:** None required. 3. **Rear Yard:** None required.	1. **Principal & Accessory Structures:** 20 feet.

Section 409

W/C WOODLAND/CONSERVATION DISTRICT

Uses and Structures

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
1. Public or private land conservation areas, inc. wildlife or nature preserves or state game or forest lands.	1. Uses & structures customarily incidental to an approved principal use.	1. Parks and playgrounds.	1. Outdoor commercial recreation uses, including campgrounds & RV parks. (See 524 & 525)
2. Forestry or forest management activities.	2. Essential services.	2. Sawmills.	2. Mineral extraction operations. (See 519)
3. Land cultivation. (See 521)	3. Private swimming pools. (See 526)	3. Bed & breakfast establishments. (See 511)	3. Commercial communications antennas, towers, and/or equipment buildings. (See 530)
4. Horticultural activities, inc. plant nurseries, greenhouses and/or orchards.	4. No-impact home-based businesses or home occupations. (See 527)	4. Stables or riding academies.	4. Commercial wind energy facilities. (See 532)
5. Single-family detached dwellings. (See 503)	5. Farm-related businesses. (See 528)	5. Cemeteries.	5. Raising of livestock or poultry, excluding concentrated animal operations & concentrated animal feeding operations. (See 521A.)
6. Mobile homes on individual lots. (See 503)	6. Personal wind energy facilities. (See 531)		6. Commercial animal husbandry. (See 521 A.)
7. Seasonal dwellings. (See 523)	7. Signs. (See Part 8)		7. Oil and gas operations. (See 536)
	8. Off-street parking and/or loading areas. (See 901 & 902)		

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Section 409

W/C WOODLAND/CONSERVATION DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)

1. **Minimum Lot Area Per Principal Structure or Use:**

   a. Single-Family Detached Dwellings -

      1) On-Lot Sewage AND Water - 1 acre (43,560 sq. ft.) per dwelling unit.
      2) Public Sewer AND On-Lot Water - 30,000 sq.ft. per dwelling unit.
      3) Public Sewer AND Water - 20,000 sq.ft. per dwelling unit.

   b. All Other Principal Uses - 1 acre, except as provided below.

      1) Mineral Extraction Operations - 5 acres.
      2) Commercial Wind Energy Facilities - 25 acres.

2. **Minimum Lot Width:**

   a. Single-Family Detached Dwellings -

      1) On-Lot Sewage AND Water - 200 feet.
      2) Public Sewer AND On-Lot Water - 150 feet.
      3) Public Sewer AND Water - 100 feet.

   b. All Other Principal Uses - 200 feet.

3. **Maximum Building Coverage:** 20%

Minimum Yard Requirements (See Section 603)

1. **Front Yard:** 35 feet from edge of street right-of-way.
2. **Side Yards** (Principal AND Accessory Structures): 25 feet each side.
3. **Rear Yard** (Principal AND Accessory Structures): 25 feet.

Maximum Height Requirements (See Section 604)

1. **Principal & Accessory Structures:** 30 feet.
2. **Agricultural Structures:** No maximum.

Section 410

FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)

Uses and Structures *

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
Same as the underlying district, and in addition: 1. Land cultivation. (See 521) 2. Undeveloped recreational uses, including public or private parks, hiking or biking trails, wildlife or game preserves, or hunting areas. 3. Temporary uses, including carnivals or circuses. (See 535)	Same as the underlying district, and in addition: 1. Uses or structures customarily incidental to an approved principal use.	Same as the underlying district.	Same as the underlying district.

---------- SAME AS THE UNDERLYING DISTRICT ----------

* **NOTE**: All uses, activities and/or development in this District shall be undertaken in strict compliance with the floodproofing requirements contained in Part 7 of this Chapter and Chapter 75 of the Code of Ordinances of Castanea Township and any subsequently enacted floodplain management regulations.

(Continued on Next Page)

Section 410

FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (See Section 603)	Maximum Height Requirements (See Section 604)
SAME AS THE UNDERLYING DISTRICT		

Section 411

FW FLOODWAY DISTRICT
(Overlying District)

Uses and Structures *

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
Same as the underlying district, and in addition: 1. Land cultivation. (See 521) 2. Horticultural activities, including outdoor plant nurseries or orchards. 3. Undeveloped public or private recreation uses, including parks, day camps, picnic grounds, golf courses, boat launching & swimming areas, hiking, biking & horseback riding trails, wildlife or nature preserves, game farms, fish hatcheries, and hunting & fishing areas. 4. Temporary placement of recreational vehicles and other temporary uses, such as carnivals or circuses. (See 535)	Same as the underlying district, and in addition: 1. Accessory residential uses, such as yard areas, gardens, play areas, and pervious parking areas. 2. Accessory agricultural uses, such as yard areas and pervious parking and loading areas.	Same as the underlying district.	Same as the underlying district, and in addition: 1. Mineral extraction operations. (See 519) 2. Docks for water-related uses & activities.

---------- SAME AS THE UNDERLYING DISTRICT ----------

* **NOTE**: No development shall be permitted in this District which will increase the 100 year flood elevation. (See also Part 7 of this Chapter and Chapter 75 of the Code of Ordinances of Castanea Township for floodproofing requirements.)

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Section 411

FW FLOODWAY DISTRICT
(Overlying District)

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (See Section 603)	Maximum Height Requirements (See Section 604)
SAME AS THE UNDERLYING DISTRICT		

Section 412

AH AIRPORT HAZARD DISTRICT
(Overlying District)

Uses and Structures *

Permitted Principal Uses & Structures **(Zoning Officer)**	Permitted Accessory Uses & Structures **(Zoning Officer)**	Special Exception Uses & Structures **(Zoning Hearing Board)**	Conditional Uses & Structures **(Township Supervisors)**
SAME AS THE UNDERLYING DISTRICT			

* **NOTE:** All uses, activities and/or development shall be undertaken in compliance with the airport surface zone requirements contained in Section 702 of this Chapter and any subsequently enacted airport regulations.

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Section 412

AH AIRPORT HAZARD DISTRICT
(Overlying District)

Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (See Section 603)	Maximum Height Requirements (See Section 604)
SAME AS THE UNDERLYING DISTRICT		

PART 5

SUPPLEMENTARY USE REGULATIONS

501 PURPOSE AND APPLICABILITY

The purpose of this Part is to supplement the District Regulations contained in Part 4 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Part 4, the following regulations shall pertain to the identified uses.

502 USES NOT PROVIDED FOR

Whenever, under this Chapter, a lawful use is neither specifically permitted nor prohibited, and an application is made to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Township Supervisors to hear and decide such request as a Conditional Use. The Township Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 1201 of this Chapter; provided however, that this provision shall not be invoked to permit as a Conditional Use any lawful use which could create undue nuisance or serious hazard, or otherwise violate the conditional use criteria. **In addition, the proposed use may only be permitted if:**

A. the use is similar in character to and compatible with the other uses permitted in the zone where the subject parcel is located; and

B. the use is *NOT permitted in any other zone* under the terms of this Chapter; and

C. the use does not conflict with the general purposes of this Chapter.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the health, safety, and welfare of the neighborhood where it is to be located.

503 DWELLING UNITS

All dwelling units, including single-family, two-family, and multi-family units, hereafter erected shall adhere to the following requirements:

A. General Requirements

1. Building Codes. Every dwelling unit hereafter erected, created or altered

shall conform to the applicable requirements of the PA Uniform Construction Code, PA Act 45 of 1999, or as may hereafter be amended.

2. Floodplain Development. Every dwelling unit which is to be located in a Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Part 4 and the floodplain management provisions contained in Part 7 of this Chapter.

B. Foundation Requirements

1. Dwelling Units. Every dwelling unit shall be placed upon and firmly anchored to a solid masonry wall foundation. (See Sub-Part 2 below for foundation requirements for mobile homes.) Such foundation shall be designed to support the maximum anticipated loads for the intended structure and/or use, and no unnecessary open space shall be left between the dwelling unit and foundation, except for windows and other openings as might be necessary for floodproofing purposes. In no case shall any dwelling unit be placed or erected on jacks, loose blocks or other similar temporary materials.

2. Mobile Homes. All mobile homes shall be placed on and anchored to foundations sufficient to meet the requirements of the PA Uniform Construction Code. In addition, all mobile homes shall be installed in accordance with the instructions of the mobile home manufacturer and shall be inspected and approved by the Township Building Code Official.

C. Gross Floor Area Requirements

In the absence of more restrictive codes, every single-family dwelling unit (whether attached or detached, including townhouse or multi-family units, mobile homes or manufactured housing and conversion apartments) shall contain a minimum of 600 square feet of gross floor area.

504 CONVERSION APARTMENTS

The conversion of any dwelling so as accommodate a greater number of dwelling units or households, shall be permitted only within those zoning districts and as specified in the District Regulations, Part 4. Further, all such conversions shall meet the requirements outlined below.

A. The lot upon which a conversion apartment is located shall meet the minimum lot area requirement for the zoning district in which it is to be located.

B. Conversions may only be authorized for structures which were erected prior to

the adoption of this Chapter. Conversions shall be limited to one (1) building or structure per lot.

C. Conversions shall be limited to the number of dwelling units specified in the District Regulations, Part 4.

D. All conversion dwelling units shall meet the gross floor area requirements set forth in Section 503 C. of this Chapter.

E. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a public or community sewage system cannot be made, certification, from the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.

F. No structural alterations designed to increase the gross floor area dimensions of the original structure shall be made in order to achieve the conversion, except as may be necessary to assure adequate emergency egress is provided or to improve handicapped accessibility.

G. The yard, off-street parking, and other applicable requirements of this Chapter shall be met.

505 SINGLE-FAMILY ATTACHED DWELLING STRUCTURES

Single-family attached dwelling structures (i.e. townhouses) may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea*.

A. Minimum Tract Area and Maximum Density Requirements

1. The minimum gross area required for each tract containing a single-family attached dwelling structure shall be as specified in the District Regulations, Part 4. For the purposes of this Chapter, single-family attached dwelling structures proposed to be located in the Medium Density Residential District (R-M) shall contain no more than four (4) dwelling units per structure. There shall be no maximum number of dwelling units per structure where such units are proposed to be located in the High Density Residential District (R-H). Overall density shall not exceed six (6) dwelling units per acre in the R-M Zone and not more than 15 units per acre in the R-H District.

2. Where individual dwelling units of a single-family attached dwelling structure and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met. In such cases, the applicant shall submit sufficient documentation along with the subdivision plans which demonstrate that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Section 505 E.8 below.)

   a. R-M Zone. 4,500 square feet per dwelling unit.
   b. R-H Zone. 4,000 square feet per dwelling unit.

3. Where individual dwelling units of a single-family attached dwelling structure are to be conveyed independently of any land area, the applicant shall demonstrate that all other requirements of the Uniform Condominium Act will be met.

4. Where title to individual dwelling units of a single-family attached dwelling structure is proposed to be conveyed, all dwelling units contained in the structure shall be part of the proposal.

B. Minimum Tract Width Requirements

The minimum width required for a tract containing a single-family attached dwelling structure may vary with each application depending upon the number of units being proposed in each structure. In no case however, shall the width of the tract be less than the minimum lot width required for a single-family detached dwelling in the district where such structure is located. Each dwelling unit of a single-family attached dwelling structure shall maintain the minimum width set forth in the District Regulations for the district in which it is to be located.

C. Minimum Yard Requirements

The minimum yard requirements for each tract containing a single-family attached dwelling structure shall be as specified in the District Regulations, Part 4.

D. Gross Floor Area Requirements

Each dwelling unit located in a single-family attached dwelling structure shall meet the gross floor area requirements set forth in Section 503 C. of this Chapter.

E. Design Standards

Proposals for single-family attached dwelling structures shall be designed to meet the following standards.

1. Maximum Structure Length. No single-family attached dwelling structure shall exceed 200 feet in length.

2. Traffic Access. No individual dwelling unit of a single-family attached dwelling structure may access directly onto a public street. All such units shall access public roadways via an approved private street, driveway or common parking area. All new streets, access drives, and parking areas shall be designed and constructed in accordance with the applicable street standards set forth in the Castanea Township Subdivision and Land Development Ordinance.

3. Off-Street Parking Spaces. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit contained in a single-family attached dwelling structure. One (1) additional off-street parking space shall also be provided for each dwelling unit in the structure for visitor parking.

4. Grading and Landscaping. Where excavation or grading is proposed, or where existing trees, shrubs, or other vegetative cover is to be removed, plans shall be prepared by the developer and submitted to the Township which illustrate that all erosion and sedimentation control requirements will be met. And, where adjacent to existing single-family detached dwellings or non-compatible land uses, buffer yards and/or screening as required in Sections 606 and 607 of this Chapter shall be provided by the developer.

5. Drainage Facilities. All drainage and/or stormwater management standards set forth in the Castanea Township Subdivision and Land Development Chapter shall be met. (See also Section 605 H. of this Chapter.)

6. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Township for approval as a part of the plan submission process.

7. Sewage and Water Facilities. Sewage and water facilities for single-family attached dwelling structures shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection and as follows.

a. Sewage Facilities. A public or community sewerage system or a private package sewage treatment facility shall be utilized to provide sewage service for such developments.

b. Water Supply. Where a public water supply system of satisfactory quantity, quality and pressure is reasonably accessible to the proposed development and there is a willingness on the part of the system owner to serve the proposed development, connection shall be made to this system and its supply shall be used exclusively. Where a public water supply system is not available, a private water supply system shall be designed by the developer to provide service for the development.

The developer shall provide sufficient documentation to the Township, along with his development plans to indicate that such facilities are presently available and will be extended to serve his development or that he has obtained the necessary approvals to construct them.

8. Common Open Space Ownership and Maintenance. The developer shall submit a plan to the Township indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for any common open space/land area associated with the single-family attached dwelling structure (including access drives and driveways). Such plans shall be submitted to the Township for approval as a part of the plan submission process. Where no conveyance of land area is proposed, the developer shall submit a copy of his plan for the maintenance of all common open space areas associated with the structure for the Township's approval.

Where more than one (1) townhouse structure is proposed to be located on a single tract of ground, a minimum of ten (10) percent of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units. Applicants for such developments shall submit a proposal indicating the ultimate ownership and maintenance responsibilities for all common open space areas to the Township for review and approval as part of the plan submission process. Copies of all approved arrangements shall be included in each deed or lease for a unit in such a development.

F. Building Relationships

Where more than one (1) single-family attached dwelling structure is proposed for a single tract of ground, the following minimum standards shall apply.

1. Minimum Tract Area Requirements. A minimum of two (2) contiguous acres of land shall be provided for each development containing more than one (1) single-family attached dwelling structure.

2. Arrangement of Buildings. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.

3. Emergency Access. Building groups must be arranged in order to be accessible by emergency vehicles.

4. Distance Between Buildings.

   a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.

   b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

5. Distance Between Buildings and Driveways.

   a. No driveway or parking lot shall be closer than 15 feet to the front of any building, nor ten (10) feet to the side or rear of any building, except that space may be provided for loading and unloading which is closer to the building it is intended to serve than is herein provided.

   b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

506 MULTI-FAMILY DWELLING STRUCTURES

Multi-family dwelling structures (i.e. apartment buildings, excluding single-family attached dwelling structures) may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea*.

A. Minimum Tract Area and Maximum Density Requirements

The minimum gross area required for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Part 4. For

the purposes of this Chapter, multi-family dwelling structures proposed to be located in the Medium Density Residential District (R-M) shall contain no more than four (4) dwelling units per structure. There shall be no maximum number of dwelling units per structure where such units are proposed to be located in the High Density Residential District (R-H). Overall density shall not exceed eight (8) dwelling units per acre in the R-M Zone and not more than 20 dwelling units per acre in the R-H District.

B. Minimum Tract Width Requirements

The minimum width required for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Part 4.

C. Minimum Yard Requirements

The minimum yard requirements for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Part 4.

D. Gross Floor Area Requirements

Each dwelling unit located in a multi-family dwelling structure shall meet the gross floor area requirements set forth in Section 503 C. of this Chapter.

E. Design Standards

The design standards set forth in Section 505 E. of this Chapter shall also be met for multi-family dwelling structures.

F. Building Relationships

Where more than one (1) multi-family dwelling structure is proposed for a single tract of ground, the standards set forth in Section 505 F. of this Chapter shall apply.

507 MOBILE HOME PARKS

Mobile home parks are permitted only in those zoning districts and as specified in the District Regulations, Part 4. All proposed mobile home parks and extensions to existing parks shall also meet the requirements outlined below as well as the standards set forth in the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea*.

Every mobile home placed in an approved mobile home park in Castanea Township, including replacement units, shall obtain a Zoning Permit prior to its

placement in the mobile home park. In addition, each unit, including replacement units, must obtain a Certificate of Compliance, as required by this Chapter AND an Occupancy Permit from the Township Building Code Official, prior to being used as a dwelling unit. All additions proposed for mobile homes located in mobile home parks shall also require a Zoning Permit prior to being initiated. Zoning Permits for replacement units which do not exceed the length or width of the prior unit or which can be placed on the lot to meet all setback requirements may be authorized by the Township Zoning Officer. Where however, the replacement unit will not meet all setback requirements, Permit authorization must be obtained from the Township Zoning Hearing Board.

A. Design Standards

1. Minimum Tract Area and Maximum Density Requirements. The minimum gross area provided for each mobile home park shall be as specified in Part 4, the District Regulations. Overall density of the park shall not exceed five (5) mobile home lots per acre of gross area of the park provided that all other applicable requirements of this Chapter can be met.

2. Mobile Home Lot Area and Width Requirements. The minimum mobile home lot shall contain no less than 7,500 square feet. The minimum width of any mobile home lot shall be not less than 60 feet.

3. Mobile Home Pad Requirements. All mobile home lots within the mobile home park shall be improved to provide a permanent foundation for the mobile home. Such pads shall be properly equipped to render the parcel useable and shall be maintained in satisfactory condition by the developer or park owner. At a minimum the following requirements shall be met:

    a. The pad shall be equal to the length and width of the mobile home proposed to use the lot, but in no case shall be less than 12 feet in width nor less than 60 feet in length.

    b. The pad shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure, and shall be designed to uniformly support the mobile home in a level position. Each pad shall also be provided with anchors and tie-downs designed to meet at least industry-approved standards for wind resistance and shall be otherwise be designed and installed to meet all applicable Building Code requirements.

    c. Each pad shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electric

service connections.

4. Mobile Home Lot Improvements. In addition to those requirements set forth above for mobile home pads, each mobile home lot shall be improved to provide an entrance patio or porch, not less than 100 square feet in size and a storage shed containing at least 150 cubic feet of storage space. All such improvements shall be maintained in satisfactory condition by the park owner or developer.

5. Mobile Home Lot Yard Requirements. Each mobile home lot shall meet the following minimum yard requirements.

   a. Setbacks from Public Streets. All mobile homes and auxiliary park buildings shall be set back at least 25 feet from the edge of any adjoining street right-of-way, including internal mobile home park streets.

   b. Side and Rear Yard Setbacks. All mobile homes, including attached porches, patios, decks or carports, shall be set back a minimum of ten (10) feet from the side and rear lot lines of the mobile home lot.

   c. Minimum Distance Between Mobile Homes. Each mobile home, including attached porches, patios, decks or carports, shall be located at least 20 feet from any other mobile home in the park.

   d. Minimum Distance Between Mobile Homes and Auxiliary Buildings. All mobile home lots shall be located at least 25 feet from any auxiliary park building.

   e. Park Perimeter Screening Requirements. Screen plantings or fencing may be required to be provided at various points along the perimeter of the mobile home park to separate the park from adjacent land uses. Screening may also be required to effectively conceal auxiliary park buildings from mobile home lots, park streets or public roads.

6. Grading and Ground Cover Requirements (Soil Erosion and Sedimentation Control Plans). The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or be stabilized or otherwise protected with a vegetative cover capable of preventing soil erosion. (See also Section 605 G. of this Chapter.)

7. Mobile Home Lot Access. All mobile home lots shall abut on and have frontage on a street of the mobile home park internal street system. (See

also Section 507 A.9 below.) In addition, at the entrance of the mobile home park, the cartway of the internal street shall be 50 feet in width for a distance of 100 feet measured from the intersection of the internal street and the edge of the cartway of the abutting roadway.

8. Off-Street Parking Requirements. A minimum of two (2) stabilized off-street parking spaces shall be provided on each mobile home lot within the mobile home park. One (1) additional off-street parking space shall be provided for each mobile home lot in the park for visitor parking.

9. Mobile Home Park Internal Street and Drainage System Requirements. Streets and drainage control systems shall be constructed in accordance with the street standards outlined in the Castanea Township Subdivision and Land Development Ordinance except that street widths shall be as follows: (See also Section 605 H. of this Chapter.)

   a. Where parking is permitted on both sides, a minimum road cartway width of 36 feet shall be required.

   b. Where parking is limited to one side, a minimum road cartway width of 28 feet shall be required.

   c. Where no parking is permitted on either side of the street, a minimum road cartway width of 20 feet shall be required.

10. Common Open Space Requirements. A minimum of five (5) percent of the gross park area or 1,000 square feet per unit, whichever is greater, shall be reserved by the developer as common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. Applications for mobile home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space and recreation areas.

B. Utilities and Park Facilities

1. Water Supply System. An adequate supply of water shall be provided by the developer for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the developer shall design, install, and maintain a private water supply system according to the standards of and with the

approval of the PA Department of Environmental Protection.

2. Sewage Disposal System. An adequate and safe sewage system shall be provided by the developer in all mobile home parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the developer shall design, install and maintain an approved private sewage system according to the standards of the PA Department of Environmental Protection.

3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided by the developer in accordance with plans approved by the Township and the appropriate utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.

4. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and for the well-being of park residents may be permitted within the boundaries of the mobile home park. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.

5. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed mobile home park shall be made by the developer and submitted for approval as a part of the plan submission process.

6. Park Management. Each mobile home park shall have a resident manager who shall be responsible for maintaining the park in accordance with the requirements of this Chapter and the terms and conditions of the park's approval.

C. Rules and Regulations of the Park

The developer shall submit a copy of the proposed rules and regulations to be followed by tenants of the mobile home park as a part of his application for such a use. Included shall be regulations requiring that:

1. Each mobile home shall be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials, but shall not include bales of hay, straw, interior plywood, or like materials.)

2. Garbage and trash shall be placed in appropriate receptacles.

3. Each mobile home shall be installed in accordance with all applicable Building Code requirements.

508 GROUP HOMES OR INSTITUTIONAL RESIDENCES

Group homes or institutional residences may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Applications for such uses, whether new construction or a conversion, shall also meet all applicable State regulations, as well as the requirements outlined below.

A. The lot upon which the group home or institutional residence is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Residents of a group home shall maintain a single household unit with shared use of rooms, and shall share mealtimes and housekeeping responsibilities. There shall however be a no more than two (2) persons per bedroom.

C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. *For the purposes of this Chapter, group homes providing accommodations for more than eight (8) residents shall be considered to be institutional residences.* Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Adult supervision shall be provided at the group home or institutional residence on a 24-hour basis.

E. Applicants for group homes or institutional residences shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.

F. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances, or by court order.

G. Evidence shall be provided with the application for a group home or institutional residence indicating that all applicable state certification and/or licensing

requirements have been met. Revocation or suspension of the State Permit shall constitute an automatic revocation of the Township Zoning Permit.

H. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.

I. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.

J. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part the application for such a use.

K. Signs advertising the facility shall meet the requirements of Part 8 of this Chapter.

L. The off-street parking requirements set forth in Part 9 and all other applicable provisions of this Chapter shall also be met.

509 PERSONAL CARE HOMES, NURSING HOMES OR PERSONAL CARE CENTERS

Personal care homes, nursing homes or personal care centers may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the nursing or personal care facility is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. There shall be no more than two (2) persons per bedroom in a personal care home, and adult supervision shall be provided on a 24-hour a day basis.

C. Nursing homes and personal care centers shall meet all applicable state codes regarding patient space requirements, and medical or nursing personnel shall be available on a 24-hour a day basis.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities. In addition, for the purposes of this Chapter, nursing homes and personal care centers must be

served by public or community sewer facilities.

E. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.

F. Signs advertising the facility shall meet the requirements of Part 8 of this Chapter.

G. The off-street parking requirements set forth in Part 9 and all other applicable provisions of this Chapter shall also be met.

510 GROUP DAY CARE HOMES, DAY CARE CENTERS, OR NURSERY SCHOOLS

Group day care homes, day care centers, or nursery schools may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the group day care home, day care center, or nursery school is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Outdoor recreation area shall be provided in accordance with the applicable State regulations. Such areas shall be completely enclosed with a fence, wall, or natural barrier at least six (6) feet in height which is located no less than 10 feet from the edge of any adjoining street right-of-way. A dwelling or other accessory building may also be used as part of the required enclosure.

C. 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.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.

E. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.

F. Signs advertising the facility shall meet the requirements of Part 8 of this Chapter.

G. The off-street parking requirements set forth in Part 9 and all other applicable provisions of this Chapter shall also be met.

511 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments may be permitted only in those zoning district and as specified in the District Regulations, Part 4. Every application for such a use, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the bed and breakfast establishment is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. The operator of the facility shall reside on the lot.

C. Overnight lodging accommodations for any guest shall not exceed 14 continuous nights nor more than 60 days in any calendar year.

D. Lodging accommodations may or may not include arrangements for breakfast or other meals.

E. Dining facilities and food services shall be available only to lodgers, unless approved otherwise by the Zoning Hearing Board.

F. Satisfactory evidence shall be provided to the Township by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and PA Department of Labor and Industry).

G. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.

H. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such use.

I. The Township Zoning Officer shall conduct an annual inspection of the facility to verify that such regulations, in addition to all conditions imposed by the Township at the time of approval of the facility, are being met.

J. Signs advertising the facility shall meet the requirements of Part 8 of this Chapter.

K. The off-street parking requirements set forth in Part 9 and all other applicable

provisions of this Chapter shall also be met.

512 RETAIL ESTABLISHMENTS

Retail establishments, including all those commercial and business establishments set forth in the District Regulations, may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. In addition, every proposed retail establishment shall meet the requirements outlined below as well as the standards set forth in the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea*. Additional documentation may be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents.

A. Applications for **new** retail establishments shall include a site plan, drawn to scale, showing the tract of ground on which the use is situated and the location of all buildings or structures existing or proposed for the site, and other data and documentation sufficient to determine that the proposed use will meet the following standards.

1. Retail establishments shall have no detrimental effect on the character of the area or neighborhood where they are proposed to be located. All applications for such uses shall include details regarding the proposed use of externally broadcast music, public address systems, public announcements, paging, and similar activities.

2. All retail uses shall provide adequate sewage disposal facilities and a safe water supply.

3. Outdoor lighting associated with the proposed establishment shall be mounted and shielded to effectively eliminate direct or reflective glare on adjacent properties and on public streets.

4. Buffer yards and/or screening shall be provided as required in Sections 606 and 607 of this Chapter, unless required otherwise by the regulations of this Part.

5. All signs used to advertise retail activities shall meet the requirements of Part 8 of this Chapter.

6. Off-street parking and loading areas shall be provided in accordance with the requirements of Sections 901 and 902 of this Chapter. Access to all proposed retail uses shall meet the requirements of Section 903.

7. Arrangements for the collection, storage and disposal of solid wastes

generated by the commercial use shall be made by the applicant and submitted to the Township for approval as part of the application for the retail activity. Such arrangements shall indicate the type of screening to be used to conceal waste storage facilities used by the retail operation.

8. Applications for retail establishments shall also include an indication of the activity's proposed hours of operation.

9. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be detected at or beyond the property line of the lot containing the commercial activity.

10. Retail establishments engaged in the sale of alcohol shall provide evidence that they comply with the requirements of the Pennsylvania Liquor Control Board.

B. Applicants proposing to ***change from one commercial use to another*** in an existing building shall apply to the Zoning Officer for a Zoning Permit before changing use. All such applicants shall provide sufficient information to the Permit Officer indicating that the issues raised in Sub-Section A. above will be adequately addressed.

C. No perpetual outside displays or retail sales shall be permitted for commercial uses, except where such display is a necessary part of the use. No merchandise shall be placed on any sidewalk except as part of a periodic sidewalk sale.

513 AUTOMOTIVE SERVICE STATIONS AND/OR REPAIR GARAGES

Automotive service stations and/or repair garages may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall also meet the criteria established in Section 512 of this Chapter for retail uses, as well as the standards outlined below, and all applicable State or federal laws.

A. No automotive service station or repair shop shall be located within 300 feet of any school, playground, nursing home, church or other place of public assembly.

B. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line, nor shall any fuel oil, propane gas, or other similar substance be stored within 30 feet of a street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)

C. All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.

D. Vehicles being stored on-site for more than 48 hours shall be kept within a building or shall be screened from view as set forth in Section 607 of this Chapter. No such storage area shall exceed three (3) times the size of the garage area in which repairs are being conducted.

E. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the PA Department of Labor and Industry and PA Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the operation.

F. Arrangements for the collection, storage and disposal of all waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such use.

514 PERSONAL STORAGE WAREHOUSES

Personal storage warehouses may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall meet the criteria established in Section 512 of this Chapter for retail uses, as well as the standards outlined below.

A. There shall be no commercial or residential use conducted from or occurring within such facilities.

B. Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in the warehouse units.

C. All external storage of boats, RV's, or other vehicles shall be protected by security fencing and shall be shielded or screened from public view as per the requirements of Section 607 of this Chapter.

D. No explosives, toxic, radioactive or flammable materials shall be stored in the warehouse units.

E. Any and all outdoor lighting shall be mounted and shielded to avoid causing glare on adjacent lots or properties.

515 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments or facilities may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall meet the criteria established in Section 512 of this Chapter for retail uses as well as the standards outlined below, and all applicable State or local requirements.

A. No adult entertainment establishment may be situated or located within:
   1. 500 feet of the boundary of any Residential District or residential property line;

   2. 500 feet of the property line of any church, school, day care center, theater, park, playground, or other areas where minors congregate;

   3. 1,000 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages;

   4. 1,000 feet of a restaurant, eating establishment or grocery store; nor within

   5. 1,000 feet of the property line of any other adult entertainment establishment.

B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.

C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

D. Screening shall be provided on both sides and to the rear of the establishment in accordance with the requirements of Section 607 of this Chapter.

E. Business identification signs shall include no promotional advertisement or displays and shall meet the requirements of Part 8 of this Chapter.

516 SHOPPING CENTERS

Shopping centers may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall meet the

criteria established in Section 512 of this Chapter for retail uses, the standards outlined below, as well as the requirements set forth in the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea*.

A. Such facilities may include, but need not be limited to, department stores, chain stores, small-scale retail shops, personal service businesses, grocery stores, theaters, financial institutions, restaurants or other eating establishments. In addition, medical, dental or other professional offices and indoor recreational or entertainment activities may also be permitted, although such uses must occupy less than 50% of the total facility.

B. Building coverage for shopping centers shall not exceed 50% of the total site area for new construction. Proposals for conversion of an existing building shall be evaluated by the Township on a case-by-case basis.

C. The proposed development shall be constructed in accordance with an overall plan and shall be designed in a single architectural style with appropriate landscaping.

D. Shopping centers shall be set back a minimum of 100 feet from all adjoining street rights-of-way and 50 feet from side and rear property lines where such facility involves new construction. No parking, loading, or service areas shall be located closer than 25 feet to any property line. (See also Sub-Section E. below.) Proposals for conversion of an existing building shall be evaluated on a case-by-case basis.

E. A landscaped buffer, at least 50 feet in width, shall be provided along the side or rear of any shopping center or shopping mall site which abuts a Residential District or residential area. Such buffer yard shall be located within the shopping center tract, and may include side or rear setbacks, but may not include any parking, loading, or service areas.

F. Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center.

517 INDUSTRIAL STANDARDS

Industrial operations may be permitted only where specified in the District Regulations, Part 4. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea.* Additional documentation may also be required where it is deemed necessary by the Township to protect the health, safety and welfare of its

residents.

A. Industrial or manufacturing operations shall abut on or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic. Where access is proposed onto a state highway, a copy of the applicant's PennDOT-issued Highway Occupancy Permit shall be provided to the Township as part of the industrial plan submission.

B. Every industrial operation must be contained within a building, except as may be authorized otherwise for a specific type of industrial activity.

C. Adequate sewage and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with development plans to indicate that such service will be provided.

D. Arrangements for the collection, storage and disposal of all solid wastes generated by the operation shall be made by the developer and submitted to the Township for approval as a part of his application for such a use. Where determined appropriate, the Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

E. All accessory warehousing and storage facilities associated with industrial uses shall be contained within an enclosed building or shall be shielded from view by a fence and/or screen plantings. No storage shall be located within any setback or required yard area.

F. Buffer yards and/or screening shall be provided as required by Sections 606 and 607 of this Chapter.

G. All signs proposed for industrial uses shall meet the standards set forth in Part 8 of this Chapter.

H. Off-street parking and loading areas shall be provided in accordance with Part 9 of this Chapter.

I. Accessory sales or retail outlets selling items produced in the manufacturing operation may be permitted in conjunction with an approved principal use. Where such retail facilities are to be established, additional off-street parking spaces shall be provided to satisfactorily accommodate the commercial activity.

J. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air,

water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the industrial use to indicate that each of the applicable performance standards will be met.

1. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.

2. Vibration. No vibrations shall be discernible beyond the property lines of the industry.

3. Odor. No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.

4. Toxic or Noxious Matter. No discharge of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property, businesses, or the surrounding natural environment shall be permitted.

5. Glare. No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.

6. Heat. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.

7. Dust and Fly Ash. No solid or liquid parts shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.

8. Smoke. No smoke shall be emitted in such quantity as would become a nuisance.

9. Fire, Explosion, and Chemical Hazards. In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate fire fighting and fire suppression equipment and devices standard in the industry, or as may be required by the Occupational Safety and Hazards Administration (OSHA). Burning of industrial waste materials in open fires shall be prohibited at all times.

10. Radio Waves or Electrical Disturbances. No activities shall be permitted which emit radio waves or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

518 JUNK YARDS OR AUTO SALVAGE OPERATIONS

All junk yards or auto salvage operations created after the effective date of this Chapter shall comply with the provisions outlined below. Such facilities may be permitted only in those zoning districts and as specified in the District Regulations, Part 4.

A. Such uses shall be conducted within a building or shall be entirely enclosed with a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard of 50 feet shall be provided around the entire perimeter of the facility to maintain adequate separation between the junk yard and adjacent uses. No part of this buffer yard may be used for the storage of any materials or parts associated with the operation. All buffer areas shall also be screened in accordance with the requirements set forth in Section 607 of this Chapter.

B. No junk material, accessory structure, related activity or other enclosure shall be stored, placed, located or conducted within 100 feet of any public street right-of-way, body of water, stream or wetland, or any adjoining property line. No weeds or scrub-growth over eight (8) inches in height shall be permitted to grow within this setback area. And, where determined appropriate by the Township Supervisors, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan for his facility.

C. All junk materials shall be placed so that they are incapable of being transported off the premises by wind, water, or other natural causes.

D. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding six (6) feet.

E. All gasoline and oil shall be drained from junked vehicles prior to being accepted at the facility. All hazardous or toxic materials, including freon and antifreeze shall be drained from appliances prior to their acceptance at the facility.

F. Burning shall be prohibited within a junk yard or auto salvage operation.

G. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vermin that could be hazardous to public health.

519 MINERAL EXTRACTION OPERATIONS

Mineral extraction operations, including the commercial excavation of sand, gravel, clay, shale, rock or other natural mineral deposit as may be defined by State or Federal regulations, may be permitted only where specified in the District Regulations, Part 4. All such operations shall comply with PA Department of Environmental Protection's and applicable Federal permit requirements and evidence of such compliance must be submitted with any application for a mineral extraction operation. In addition, the following standards shall be met. ***(Where however, the requirements of this Chapter conflict with any state or federal law or regulation, such state or federal regulation shall prevail.)***

A. Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties. Where access to a state highway is pro-posed, a copy of the applicant's PennDOT-issued Highway Occupancy Permit shall be provided to the Township as a part of the extraction plan submission.

B. A copy of the applicant's Soil Erosion and Sedimentation Control Plan, reviewed and approved by the County Conservation District, or other designated agency, shall be submitted to the Township to indicate what precautions are to be taken to avoid erosion and sedimentation problems where excavation is proposed. All exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent erosion, unless other erosion control techniques are approved as part of the above-referenced Plan.

C. Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 150 feet and screening in accordance with Section 607 of this Chapter shall be provided. In addition, in the case of open excavation, a fence, at least eight (8) feet in height, shall completely surround the excavated area, except at approved points of ingress and egress. Points of ingress and egress shall have a gate(s) which shall be locked to prevent unauthorized access when the facility is not in operation.

D. Where not specifically regulated by State or Federal standards, no extraction activities, stockpiling or storage of extracted material shall be located within the required buffer (see Section C. above), nor less than 500 feet from a Residential District or residential use or 300 feet from any stream, body of water or designated wetland area. Further, no stockpiles may exceed 50 feet

in height above the original ground surface. All reasonable precautions shall be taken to prevent any materials deposited on stockpiles from being washed, blown, or otherwise transported off the site by natural forces.

E. Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way. Such facilities shall not exceed 65 feet in height and shall be subject to such additional conditions and safeguards deemed necessary by the Township Supervisors to protect the public health, safety and welfare.

F. The applicant shall submit a copy of the state or federally mandated post-closure site restoration plans to the Township as a part of the application for a mineral extraction operation.

G. The applicant shall provide evidence that all required governmental approvals have been granted prior to the issuance of a Zoning Permit. In the event the mining operation is found to be in violation of any governmental regulations which require the operation of the facility to cease, such action shall cause the Zoning Permit to be forfeited. In this case, no resumption of facility operations shall take place unless and until the applicant obtains approval of a new Zoning Permit application.

520 CONTRACTOR'S SHOPS AND YARDS

Contractor's shops and yards may be permitted only in those zoning districts and as specified in the District Regulations, Part 4, and shall be subject to the following requirements.

A. All construction, fabricating and fitting activities shall be conducted within an enclosed building or structure.

B. Buffer yards and/or screening shall be provided around the perimeter of all such activities, including storage yards, meeting the requirements of Sections 606 and 607 of this Chapter. Further, storage yards may not be located within any setback or required yard area, and shall meet the requirements for outdoor, unenclosed storage set forth in Section 533 of this Chapter.

C. All precautions shall be taken to minimize potentially noxious, hazardous or nuisance occurrences from the facility. Applicants for such uses shall show that their potential facility will meet the minimum performance standards set forth in Section 517 J. above.

D. Any and all outdoor lighting shall be mounted and shielded to avoid causing

glare on adjacent properties or lots.

E. All signs proposed for such facilities shall meet the standards set forth in Part 8 of this Chapter.

F. Off-street parking and loading areas shall be provided in accordance with the requirements of Part 9 of this Chapter.

521 AGRICULTURAL USES

Regardless of the specific uses listed or permitted in any of the Township's zoning districts, existing agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in developing a use in conformance with the District Regulations set forth in Part 4. All agricultural uses initiated after the effective date of this Chapter shall however be subject to the following safeguards and regulations.

A. General Agricultural Use Regulations

The following general regulations shall apply to all agricultural uses regardless of the zoning district in which they may be located.

1. Private gardens shall be permitted in all zoning districts.

2. No exotic animals, including but not limited to lions, tigers or bears, may be permitted in any zoning district of the Township.

3. Commercial animal husbandry may be authorized as a principal and/or accessory use only in the Agricultural and Woodland Conservation Districts. (See also Sub-Section B. below regarding Concentrated Animal Operations (CAO) and Concentrated Animal Feeding Operations (CAFO).) The housing or raising of livestock or poultry as farm pets or for domestic purposes pursuant to the requirements of this Chapter shall not be considered animal husbandry. Household pets are exempt from these regulations.

4. Agricultural operations that use or produce manure that are not a CAO or CAFO shall comply with the PA Department of Environmental Protection's requirements applicable to such operations, including the requirements specified in 25 PA Code, Section 91.36 and the manuals and guides referenced in that Section, or as may hereafter be amended.

5. Buildings in which livestock or poultry are to be housed (temporarily or

permanently) shall be set back at least 100 feet from all property lines and no less than 25 feet from the right-of-way of a public street, except as may be provided otherwise in 25 PA Code, Section 91.36. All other agricultural buildings shall be set back in accordance with the standards established in the District Regulations, Part 4. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)

6. No outdoor feedlot, agricultural compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any dwelling (other than the owner's residence), nor closer than 50 feet to any property line, stream, water body, or designated wetland area, except as may be provided otherwise in 25 PA Code, Section 91.36. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)

7. Nothing contained in this Chapter shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure in accordance with the requirements of the PA Nutrient Management Act.

B. Concentrated Animal Operations and Concentrated Animal Feeding Operation Regulations

Concentrated animal operations (CAO's) and concentrated animal feeding operations (CAFO's) may be permitted only where specified in the District Regulations, Part 4. All new or expanded CAO's and CAFO's shall require Conditional Use approval from the Township Supervisors prior to the issuance of a Zoning Permit. In addition, all applications for CAO's and CAFO's shall meet all applicable requirements set forth in the Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea,* and shall satisfy the following criteria.

1. All concentrated animal operations and concentrated animal feeding operations shall meet the requirements set forth in the PA Nutrient Management Regulations and Act 38 of 2005, the ACRE legislation, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards pertaining to nutrient application, manure management, and manure storage facilities.

   Nothing in this Section or Chapter is intended, nor shall be applied or interpreted, to attempt to regulate those aspects of CAO's and CAFO's which are specifically regulated by the PA Nutrient Management Act, Act 38 of 2005, and/or the Agricultural Security Law.

2. All applications to the Township for new or expanded concentrated animal operations and/or concentrated animal feeding operations initiated after the effective date of this Chapter shall include the following information:

   a. a detailed, written description of the type and size of operation being proposed;

   b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence);

   c. a copy of the applicant's Nutrient Management Plan, reviewed and approved by the County Conservation District, designated Nutrient Management Specialist, or other appropriate agency; and

   d. a copy of the applicant's Odor Management Plan, reviewed and approved by the County Conservation District, designated Odor Management Specialist, or other appropriate agency or individual.

3. At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, more restrictive setback requirements are established in the Nutrient Management Regulations, then those standards shall apply.

4. No manure storage facilities shall be permitted to be located within a designated Floodway. Where located within a designated Flood Fringe or General Floodplain area, all such structures shall be elevated or floodproofed to meet the requirements of Part 7 of this Chapter.

5. There shall be no occupancy or use of any facilities related to or associated with a CAO or CAFO until all required approvals and permits have been issued.

522 ROADSIDE STANDS

Temporary or permanent roadside stands or shelters may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall also meet the standards outlined below. (See also Section 535 regarding other temporary uses.)

A. Temporary stands shall not exceed 400 square feet in size and shall be removed from the site during the season(s) when they are not in use for the

sale or display of products.

B. Where a temporary roadside stand is established, a minimum of five (5) off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided. The standards set forth in Section 901, TABLE 1, of this Chapter shall apply to all permanent facilities.

C. Temporary stands and temporary signs shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection. Permanent stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located.

D. Seasonal Zoning Permits shall be required for temporary roadside stands.

E. All signs used to advertise such facilities shall meet the requirements set forth in Part 8 of this Chapter and shall be removed from the site when the temporary stand is removed.

F. Accessory roadside stands shall be limited to the sale of farm, nursery, or greenhouse products.

523 SEASONAL DWELLINGS

Seasonal dwellings may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall also meet the requirements outlined below.

A. Every lot to be utilized for a seasonal dwelling shall meet the minimum area and yard requirements set forth in the District Regulations, Part 4.

B. Every seasonal dwelling or shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been issued shall be submitted to the Township as part of an application for such a use.

C. No seasonal dwelling shall be converted to a permanent, full-time dwelling unit unless the same conforms to all applicable Township codes and ordinances. Where seasonal structures are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in Section 503 of this Chapter shall be met and adequate sewage and water supply systems must be provided.

D. Where such uses are proposed to be located within an identified Flood Fringe or General Floodplain area, all requirements regarding floodproofing contained in Part 7 of this Chapter shall be met.

E. No more than one (1) permanent seasonal dwelling shall be erected or placed on one lot, unless such structures are part of an approved land development.

F. Recreational vehicles, campers, travel trailers, motor homes, or other similar units may be used as seasonal dwellings subject to the following standards. (No buses, trucks, truck trailers, or similar vehicles or parts of vehicles may however be permitted as seasonal dwellings.)

1. Units to be Placed in a Floodplain. Recreational vehicles or similar units to be placed on a lot in any floodplain district shall meet the following requirements.

   a. A Seasonal Zoning Permit shall be required for all such units to be placed on a lot in any identified floodplain in the Township for more than seven (7) consecutive days. Such Permits shall be renewed annually.

   b. Such units may only be placed or situated on their site from April 1 to October 1 of each year and shall be removed from the floodplain during the remainder of the year.

   c. Such units shall remain on wheels and shall be capable of being towed or transported from the site at all times.

   d. A workable evacuation plan shall be submitted to the Township as part of the application for the Seasonal Zoning Permit indicating how the unit will be removed from the site if there is a threat of flooding or a flood warning is issued.

   e. Each application for a Seasonal Zoning Permit shall include: 1) an indication of the sewage facilities to be used by the unit or 2) an executed arrangement for dumping at a State-approved dump station.

2. Units to be Located Outside of a Floodplain. Recreational vehicles or similar units being placed on a lot outside of an identified floodplain area shall meet the following requirements.

   a. A Seasonal Zoning Permit shall be required for all such units to be placed on any lot in the Township for more than 30 days in any calendar year. Such Permits may be issued for up to 180 days, but must be renewed annually.

b. All such units must be removed from the site during the off-season.

c. Each application for a Seasonal Zoning Permit shall include: 1) an indication of the sewage facilities to be used by the unit or 2) an executed arrangement for dumping at a state-approved dump station.

d. One (1) additional camping unit may be permitted to visit the site of the original unit periodically during the life of the Seasonal Permit so long as adequate lot space is available to accommodate both units and all required off-street parking, and adequate arrangements can be made for sewage disposal.

524 OUTDOOR COMMERCIAL RECREATION USES

Outdoor commercial recreation uses, including golf courses, golf driving ranges, sporting clays or skeet shooting ranges, ski resorts, and similar activities, may be permitted only in those districts and as specified in the District Regulations, Part 4. Applications for such uses shall also meet the requirements outlined below. (See also Section 525 below for campground and RV park regulations.)

A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his Zoning Permit application.

B. All buildings, structures, and/or active recreation facilities shall be located at least 50 feet from all property lines and shall be screened in accordance with the standards set forth in Section 607 of this Chapter.

C. Sewage disposal facilities, when proposed, shall be provided by the applicant in accordance with the standards of the PA Department of Environmental Protection and applicable local sewage regulations.

D. Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application process.

E. Off-street parking facilities shall be provided in accordance with the requirements of Part 9 of this Chapter.

F. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.

G. No public address system shall be permitted, except where such system will be inaudible at all property lines.

H. The proposed hours, rules, and security arrangements for the facility shall be included with the application for the use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.

I. Where the proposed activity involves a use which presents a potentially hazardous situation, such as a trap, skeet, or sporting clays range, additional safeguards or precautions shall be taken by the applicant to ensure the safety of the public. In all such instances, the applicable approving Board (Zoning Hearing Board or Township Supervisors) shall review the precautions being proposed and shall determine their adequacy before granting approval to the proposed use.

525 CAMPGROUNDS OR RV PARKS

Campgrounds or RV parks may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Every application for such use shall also meet the requirements outlined below as well as the standards set forth in the Castanea Township Subdivision and Land Development Ordinance.

A. General Requirements

1. A Zoning Permit shall be required prior to the establishment of a campground or recreational vehicle park. Additional permitting requirements are also applicable for campgrounds located in floodplain areas. (See Subsection D. below.)

2. Campgrounds shall be designed for intermittent recreational use. There shall be no year-round residential occupancy of any unit in a campground.

B. Design Standards

1. Minimum Campground Tract Area. Campgrounds shall have a gross tract area equal to the minimum area requirement for set forth for the district in which it is to be located.

2. Camping Space Requirements.

a. Gross Density. The maximum number of camping spaces within each campground shall be no more than ten (10) per acre of gross area of the campground.

b. Minimum Camping Space Size. Each camping space shall contain a

minimum of 2,400 square feet. The minimum width shall not be less than 40 feet.

c. Camping Units. No more than one (1) camping unit (recreational vehicle) shall be located on each camping space. (Tents shall not be governed by this limitation.)

d. Accessory Structures. No accessory structures, including sheds, storage buildings, porches, etc. shall be placed on camping spaces located in floodplain areas.

3. Setbacks, Buffer Yards and Screening Requirements.

a. Park Perimeter Buffer Yard. All camping spaces and auxiliary park structures shall be located at least 40 feet from the campground boundary lines, including public rights-of-way. Where screening, either man-made or of natural plantings, meeting the requirements of Section 607, is provided along the perimeter, the minimum buffer yard may be reduced to 25 feet.

b. Minimum Distance Between Camping Units. Individual camping units shall be separated by a minimum of 15 feet. (Tents shall not be governed by this limitation.)

4. Camping Space Access. All camping spaces shall abut and have 40 feet of frontage on a street in the campground internal street system.

5. Campground Internal Street System Requirements. The internal street system shall be designed and constructed in accordance with the applicable street standards outlined in the Castanea Township Subdivision and Land Development Ordinance. It shall be the responsibility of the campground owner to maintain all such streets within the campground.

6. Off-Street Parking Requirements. A minimum of two (2) vehicle off-street parking spaces shall be provided for each camping space plus one (1) additional off-street parking space shall be provided for every two (2) camping spaces in the campground.

7. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). All grading, soil erosion and sedimentation control requirements set forth in the Township Subdivision and Land Development Ordinance. (See also Section 605 G. of this Chapter.)

8. Drainage Facilities. All drainage and/or stormwater management standards

set forth in the Township Subdivision and Land Development Ordinance shall be met. (See also Section 605 H. of this Chapter.)

9. Common Open Space Requirements. A minimum of ten (10) percent of the gross area of the campground shall be reserved by the developer/ owner as common open space for the use of all occupants of the park. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or service lanes. At least a portion of the open space shall be set aside for recreational use. Such recreation area shall be suitable for outdoor recreation activities and shall be easily accessible to all camping spaces. Applications for all campgrounds shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space and recreation areas.

C. Utilities and Park Facilities

1. Sewage and Water Facilities. The standards of the PA Department of Environmental Protection (DEP) for the provision of sewage and water facilities shall be met. Documents and approvals indicating that these standards have been met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the Township by the applicant. (No Zoning Permit shall be issued for the campground until the sewage and water supply systems have been approved by DEP.) Where individual sewer hook-ups are not provided for each camping site, a DEP approved community dump station must be provided by the developer for sewage disposal within the campground. It shall be the responsibility of the campground developer to maintain all such facilities and comply with all local sewage regulations.

2. Other Utility Systems. Where electric or other utilities are to be provided, plans, made by the developer and approved by the applicable utility company, shall be included as part of the campground plan submission.

3. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the users of the campground shall be made by the developer and included as part of the campground plan submission.

4. Service and Other Campground Buildings. Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. Structures may be located within the Flood Fringe or General Floodplain District as long as they are adequately floodproofed, but no structures may

be located within the Floodway District. (See Part 7 for floodproofing standards.)

D. Campgrounds in Floodprone Areas

1. Each campground proposed to be located within a Flood Fringe or General Floodplain District shall be required to obtain an annual, Seasonal Zoning Permit. Such Permits shall be valid from April 15 through October 15 of each year. All units must be removed from the floodplain during the remainder of the year.

2. Where campgrounds are proposed to be located within a Flood Fringe or General Floodplain District, a workable evacuation plan shall be submitted as a part of each application for a Seasonal Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.

3. Camping units being placed in campgrounds located within a Flood Fringe or General Floodplain District must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.

526 SWIMMING POOLS

A. Private Swimming Pools

Private swimming or bathing pools (pools used by the occupant and his/her guests) may be permitted as accessory uses in all zoning districts, but shall be subject to the following requirements.

1. Every outdoor in-ground private swimming pool and those exceeding 36 inches in height shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of four (4) feet of the walls around the entire perimeter of the pool are located above the ground; provided, that steps, ladders and other means of access to the pool are removed or secured to a minimum of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or automatic locking devices.

   Where the slope of a site within five (5) feet of a pool equals or exceeds the height of the walls of the pool fence, then an additional four (4) foot fence

shall be required.

2. A dwelling or accessory structure may be used as part of the required enclosure.

3. No pool shall be located within any required front yard, and all pools shall be set back at least ten (10) feet from all side and rear lot lines.

B. Public Swimming Pools

Public swimming or bathing pools, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with commercial lodging facilities, mobile home parks, or similar uses, may be permitted only as specified in the District Regulations, Part 4. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection and the PA Department of Health.

527 HOME OCCUPATIONS

No-impact home-based businesses and other home occupations may be permitted subject to the following requirements.

A. No-Impact Home-Based Businesses

No-impact home-based businesses may be permitted in all zoning districts subject to the following standards. (Where deed restrictions or other covenants or agreements limit or prohibit home occupations, it shall be the responsibility of those individuals whose property is governed by such restrictions to enforce the limitations. The Township shall have no responsibility for said enforcement.)

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business activity shall be conducted *entirely within the owner's dwelling* and may occupy no more than 25% of the floor area of the residence, not to exceed 400 square feet.

3. The business shall employ no employees other than family members residing in the dwelling.

4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

6. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

7. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

8. The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.

9. The business shall not involve any illegal activity.

B. Home Occupations

Home occupations meeting the following standards may be located within any zoning district in the Township.

1. The home occupation shall be clearly secondary to the use of the principal residential nature or use of the dwelling where it is to be located.

2. The area devoted to the permitted home occupation may be located within the owner's dwelling.

3. The home occupation shall occupy no more than 25% of the gross floor area of the dwelling. (No maximum gross floor area standards shall apply to family day care homes.

4. The home occupation shall be owned and operated by the individual who is the owner and resident of the dwelling in which the occupation is located. There shall be no more than one (1) non-resident employee engaged in the home occupation.

5. The home occupation shall in no way alter the residential character of the neighborhood where it is to be located, nor shall it in any way adversely affect the safety of individual properties in that neighborhood.

6. The home occupation shall not create any adverse impact on existing

vehicular traffic or pedestrian circulation patterns in the neighborhood.

7. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.

8. There shall be no exterior display or sign advertising the home occupation, except as may be permitted in Part 8 of this Chapter, and no outdoor, unenclosed storage of materials associated with the occupation on the site.

9. Off-street parking spaces shall be provided for home occupations as set forth in Part 9 of this Chapter.

10. The majority of all goods or products sold on the premises must be produced on the site, or must be related to a service offered on the site.

11. The home occupation shall not involve the use of commercial vehicles over two (2) tons for delivery of materials to and from the premises. Delivery vehicles, such as United Parcel Service trucks, may be permitted but tractor trailers and other large commercial vehicles shall be prohibited.

12. Permitted home occupations shall include the following "low-intensity", service-oriented activities which do not meet the criteria for a no-impact, home-based business as set forth above:

    a. Professional offices for physicians, dentists, architects, engineers, real estate or insurance agents, lawyers, and accountants;

    b. Home offices for seamstresses, fine artists, tutors, and musicians giving lessons;

    c. Barber and beauty shops;

    d. Family day care homes;

    e. Custom baking and catering operations; and

    f. Small appliance or non-automotive electronic equipment repair facilities.

13. Requests for other home occupations not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Township, and that the proposed use would not be detrimental to the health, safety and welfare of

the residents of the neighborhood where it is to be located, such use may be approved.

528 FARM-RELATED BUSINESSES

Farm-related businesses may be permitted only in those zoning districts and as specified in the District Regulations, Part 4, and shall be subject to the following requirements.

A. For the purposes of this Chapter, a farm-related business shall be defined as an accessory commercial enterprise conducted on a farm parcel which is related to and/or supportive of an on-going agricultural operation located on the same tract of ground. All such operations shall remain secondary to the principal agricultural use of the property.

B. Farm-related businesses shall be conducted entirely within an enclosed building(s) typical of farm buildings, but may not be located within the farm residence. All buildings used for farm-related businesses shall be located in proximity to other farmstead buildings and must remain compatible with the character of the farm and the rural setting in which they are located.

C. The farm-related business must be owned and operated by the individual who is the owner and resident of the farm on which it is located.

D. The area devoted to production, storage and sales associated with the farm-related business shall be limited to a total of 2,500 sq. feet of gross floor area.

E. No outdoor, unenclosed storage associated with a farm-related business shall become a nuisance or create a safety hazard. All such storage shall meet the requirements set forth in Section 533 of this Chapter.

F. All signs used to advertise such facilities shall meet the requirements of Part 8 of this Chapter.

G. Off-street parking spaces shall be provided for each farm-related business as set forth in Part 9 of this Chapter.

H. Farm-related businesses may include, but need not be limited to, any of the following activities:

   1. Processing, storage, and/or sale of products raised or produced on the premises;

   2. Dairy stores;

3. Custom butcher shops;

4. Horticultural nurseries, greenhouses, and/or garden shops;

5. Feed or seed sales;

6. Tack shops or blacksmithing operations; and

7. Livestock or animal grooming services.

I. Requests for other farm-related businesses not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Township, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

529 UTILITY SUPPLY FACILITIES

Utility supply facilities may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Applications for such uses shall also meet the requirements outlined below.

A. There shall be no specific minimum lot size or lot width requirements applied to these uses. Each application shall be evaluated on a case-by-case basis by the Township Supervisors as they review the Conditional Use application. Appropriate setback and building coverage requirements, designed to protect the public health, safety and welfare will be determined at that time.

B. Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.

C. Structures may be permitted for the housing of transformers, pumps, and similar equipment, but shall house only that equipment that is necessary to provide normal maintenance and repair for the systems. Office space may only be provided in the Commercial District and service centers may only be located in the Industrial District.

D. Where, in the opinion of the Township Supervisors, potential safety hazards exist with such facilities, additional precautions (such as buffering, screening or fencing) may be required.

E. Outdoor or unenclosed storage yards associated with utility supply facilities

shall be secured with a fence and shall be shielded from view by the use of screen planting. In addition, where adjacent land use dictates, in the opinion of the Township Supervisors, buffer yards of 25 feet or more may also be required to provide sufficient separation between uses. (See also Sections 606 and 607 of this Chapter.)

530 COMMUNICATIONS ANTENNAS, TOWERS, AND/OR EQUIPMENT BUILDINGS

Communications antennas, towers, and/or receiving equipment buildings may be permitted only in those zoning district and as specified in the District Regulations, Part 4. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. **Residence-mounted satellite dishes and television reception devices, and ham or citizen band radio antennas may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Chapter.**

A. General Requirements

1. No person or entity shall construct, install or otherwise operate a commercial communications antenna or erect a communications tower or equipment building without first securing a Zoning Permit from the Township Zoning Officer, except as provided above.

2. The applicant shall provide sufficient documentation that is it licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennas. The applicant shall also demonstrate that all antennas proposed to be mounted on such towers will comply with the applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation, and applicable Airport Zoning regulations.

3. The applicant shall demonstrate that the proposed antennas will not cause radio frequency interference with other communications facilities located in or adjacent to the Township.

4. Within 30 days after a change of ownership of any communications antenna, tower, or equipment building, the new owner shall notify the Township in writing of such ownership change.

5. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any FCC-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the

Supervisors of Castanea Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

B. Building-Mounted Communications Antennas

Communications antennas may be mounted to any **existing** building or structure in the Commercial, Industrial, Agricultural and Woodland/Conservation Districts subject to the following standards.

1. Building-mounted communications antennas shall NOT be located on any single-family, duplex, or multi-family dwellings, but may be attached to government or municipal buildings, water tanks, agricultural buildings, electrical transmission poles or towers, or other non-residential buildings.

2. Building-mounted antennas shall not exceed 15 feet in height above the building to which they are attached. Omni-directional or whip antennas shall not exceed a height of 20 feet and a diameter of seven (7) inches. Directional or panel antennas shall not exceed 5 feet in height and three (3) feet in width.
3. Any applicant proposing to mount a communications antenna on a building or other structure shall submit evidence to the Township from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antennas location.

4. Building-mounted antennas shall be located on those building elevations which do not face public rights-of-way, and shall not project more than three (3) feet from the vertical face of the building to which they are attached.

5. Applicants for building-mounted antennas shall submit evidence to the Township that all necessary agreements and/or easements have been secured to provide access to the building or structure on which the antenna is located.

C. Communications Towers and Tower-Mounted Antennas

Communications towers and antennas mounted on those towers may be located in the Agricultural and Woodland/Conservation Districts subject to the following standards.

1. Any applicant proposing construction of a new communications tower shall provide documentation to the Township which demonstrates need for the

tower in the proposed location. Such documentation shall include, but need not be limited to, coverage diagrams and technical reports prepared by a qualified professional engineer indicating that the proposed location is necessary to achieve the desired coverage and that co-location on an existing tower, building or structure is not possible. (See also Sub-Section C.2 below for additional co-location requirements.)

2. Any applicant proposing construction of a new communications tower shall document that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (.25) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons applies for not selecting such structure.

    a. The proposed antennas and related equipment would exceed the structural capability of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

    b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that structure and the interference could not be prevented at a reasonable cost.

    c. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

    d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the FCC governing human exposure to such radiation.

    e. A commercially reasonable agreement could not be reached with the owners of such structure.

3. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the district in which the tower is to be located. Joint use of a site shall be prohibited however, when an existing or proposed use involves the storage, distribution, or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.

4. The maximum height of any communications tower shall be 180 feet

measured from the ground elevation around the tower to the highest point on the tower, including antennas mounted thereon, unless the applicant can demonstrate, to the satisfaction of the Township Supervisors, that a greater height is necessary to perform the intended function.

5. The foundation and base of any communications tower shall be set back from all property lines and public street rights-of-way a distance equal to or greater than the intended height of the tower.

6. All tower applicants shall provide evidence that at least one (1) antenna contract agreement has been secured to locate on the proposed tower. In addition, the tower shall be designed to accommodate at least four (4) antennas, and shall allow for future rearrangement of antennas or the acceptance of antennas mounted at varying heights.

7. All communications towers shall be designed and constructed in accordance with currently accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the required fenced enclosure. The applicant shall supply the Township with certification from a registered professional engineer indicating that such practices will be met.

8. Towers and antennas located thereon shall be finished with a non-reflective surface treatment. Materials used in such construction shall not detract from the appearance of the area surrounding the tower. Where possible, applicants are encouraged to design or camouflage towers as trees, farm buildings, or other natural features. (See also Sub-Section C.12 below for landscaping requirements.

9. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public. All towers shall be fitted with anti-climbing devices approved by the manufacturer for the type of installation proposed.

10. No tower or antenna located thereon shall be illuminated except as may be required by the FAA or FCC, in which case the Township may review the available lighting options and approve the design that would cause the least disturbance to surrounding uses and views.

11. No signs shall be mounted on a communications tower, except as may be required and approved by the FCC, FAA, or other governmental agency and the Township. No advertising is permitted on a tower or antenna, or

other building or structure accessory thereto.

12. The tower and any antennas located thereon shall be located, designed, and screened to blend in with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible. In addition, the base of the tower shall be landscaped to screen the foundation, base, and equipment building from abutting properties.

13. Access to the communications tower and/or equipment building shall be provided by means of a public street or private right-of-way or easement to a public street. Any such right-of-way or easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten (10) feet for its entire length.

14. The applicant shall submit a copy of his FCC license, together with the name, address and emergency telephone number of the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the amount of $1 million per occurrence and property damage coverage in the amount of $1 million per occurrence covering the tower and antennas thereon, with a $3 million aggregate.

15. The tower shall be regularly maintained and inspected for structural safety at least annually by a properly qualified professional. The owner of the tower shall submit such inspection report to the Township by June 30 of each year as a condition of Permit approval.

16. The Township may require a tower removal performance bond be posted by the owner to ensure removal of the tower should it become abandoned or is no longer used to support communication antennas. When required, such bond shall be in an amount no less than 20% of the cost of the tower and shall remain with the Township for the life of the tower. Any change in the status of the bond must be reported to the Township by the applicant within 30 days.

17. If a communications tower remains unused for a period of 12 consecutive months, the Township may consider the use abandoned and may therefore instruct the Zoning Officer to issue a notice to the tower owner to dismantle and remove the facility and associated equipment from the site within 6 months following the date of the notice. Municipal enforcement proceedings and procedures to invoke use of a tower removal bond may be initiated following the 6-month period if the tower has not been satisfactorily removed.

D. Communications Equipment Buildings

Communications equipment buildings may be permitted as an accessory use to any communications tower located within the Township and shall be subject to the following standards.

1. Structures permitted for the housing of equipment, transformers, and other similar hardware, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations, and shall generally be unmanned.

2. Communications equipment buildings shall be subject to the maximum height requirements of the district in which they are to be located.

531 PERSONAL WIND ENERGY FACILITIES

Personal wind energy facilities may be permitted only as specified in Part 4, the District Regulations. Every application for a personal wind energy facility shall also meet the requirements outlined below.

A. Personal wind energy wind turbines shall be set back from all property lines no less than a distance equal to their height.

B. No personal wind energy turbine shall exceed a maximum of 60 feet in height measured from the elevation of the existing ground surface.

C. All such wind turbines shall have a demonstrated survival wind speed of 140 miles per hour.

D. No personal wind energy turbine shall exceed 7.5 kW in capacity.

E. To avoid creating safety issues, personal wind energy turbines shall not be climbable up to 15 feet above ground surface. Further, all access doors to turbine electrical equipment shall be locked to prevent unauthorized entry.

F. All personal wind energy facilities shall be designed, installed and inspected in accordance with the requirements of the PA Uniform Construction Code.

G. The number of personal wind energy turbines permissible per lot shall be as follows:

Lot Size	Maximum Number of Turbines
< 1 acre to 5 acres	1 turbines
5+ acres to 10 acres	2 turbines
+10 acres	3 turbines

H. If a personal wind energy wind turbine is unused or generates no electricity for a period of 12 consecutive months, the Township may consider the turbine to be at the end of its useful life and may therefore instruct the Zoning Officer to issue a notice to the property owner to dismantle or remove the turbine and associated equipment from the site.

532 COMMERCIAL WIND ENERGY FACILITIES

Commercial wind energy facilities may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Applications for such uses shall also be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.

A. Purpose and Applicability

The purpose of these regulations is to provide for the construction and operation, and decommissioning of commercial wind energy facilities in Castanea Township, subject to reasonable conditions that will protect the public health, safety and welfare. The regulations are intended to apply to all new wind energy facilities to be constructed after the effective date of this Chapter, except personal wind energy facilities as defined herein. Wind energy facilities constructed prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter; provided however, that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall comply with the stated provisions of this Section.

B. Application and Plan Requirements

Applications for wind energy facilities shall, at a minimum, include the following information.

1. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

2. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the facility.

3. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to the site of the facility.

4. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations, electrical cabling from the facility to the substations, ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of all applicable setbacks.

5. Documents related to decommissioning, including a schedule for such process and financial security.

6. Other relevant studies, reports, certifications and approvals as may be reasonably required by Castanea Township to ensure compliance with this Section.

C. Design and Installation

1. Code Requirements and Safety Certifications.

   a. To the extent applicable, the wind energy facility shall comply with the PA Uniform Construction Code, Act 45 of 1999, as amended, and the regula-tions adopted by the PA Department of Labor and Industry. In addition, the applicant shall provide sufficient documentation showing that the wind energy facility will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.

   b. The design of the facility shall conform to all applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

2. Control and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed

controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

3. Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

4. Visual Appearance; Power Lines.

   a. Wind energy facilities shall be a non-obtrusive color such as white, off-white or gray.

   b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

   c. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.

   d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

5. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

6. Climb Protection/Locks. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

D. Setback Requirements

1. Property Lines. All wind turbines shall be set back from the nearest property line a distance not less than 1.1 times the turbine height, as measured from the center of the turbine base.

2. Occupied Buildings. Wind turbines shall be set back from the nearest occupied building a distance not less than 1.1 times the turbine height, as measured from the center of the turbine base to the nearest point on the

foundation of the occupied building. For occupied buildings located on a non-participating landowner's property, wind turbines shall be set back a distance of five (5) times the turbine height, measured from the center of the turbine base to the nearest point on the foundation of the occupied building.

3. Public Roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

E. Use of Public Roads

1. The applicant shall identify all state and local public roads to be used within Castanea Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.

2. The Township's Engineer, or other qualified third party, hired by the Township and paid for by the applicant, shall document road conditions prior to construction and again 30 days after construction is complete, or as weather permits.

3. The Township may post and bond such local roads in compliance with state regulations, including Chapter 49 of the PA Vehicle Code and Chapter 189 of the PA Transportation Code.
4. Any road damage caused by the applicant or his contractors shall be promptly repaired at the applicant's expense.

5. The applicant shall demonstrate to the Township that he has appropriate financial security to ensure the prompt repair of damaged roads.

F. Local Emergency Services

The applicant shall provide a copy of the project summary and site plan to local emergency services providers, including paid and volunteer fire departments. At the request of such emergency services providers, the applicant shall cooperate in the development and implementation of an emergency response plan for the wind energy facility.

G. Noise and Shadow Flicker

Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions

from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 -1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

H. Signal Interference

The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

I. Liability Insurance

A current general liability policy (adjusted annually to the rate of inflation) covering bodily injury and property damage with limits of at least $1 million per occurrence and $3 million in the aggregate shall be maintained by the facility owner or operator. Certificates of insurance shall be provided to the Township as a part of the applicant's application.

J. Decommissioning

1. The facility owner or operator shall, at his expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or wind turbines. Such facility or wind turbines shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the land owner requests in writing that the access roads or other land areas not be restored.

4. An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to Castanea Township after the first year of operation and every fifth year thereafter.

5. The facility owner or operator shall post and maintain decommissioning

funds in an amount equal to the identified decommissioning costs; provided, that at no point shall decommissioning funds be less than 25% of the decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township.

6. Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Castanea Township.

7. If the facility owner or operator fails to complete decommissioning within the period prescribed by paragraph J(1) above, then the land owner shall have six (6) months to complete the decommissioning.

8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described by paragraphs J(1) and J(7) above, then Castanea Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

K. Public Inquiries and Complaints

The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The facility owner and operator shall make every reasonable effort to respond to the public's inquiries and complaints.

533 OUTDOOR, UNENCLOSED STORAGE

The outdoor or unenclosed storage of materials, equipment, or items of personal property may be permitted as an accessory use on any lot, in all zoning districts in the Township, but shall be subject to the following standards.

A. Such storage shall be located on a lot occupied by the owner of the materials or items of personal property.

B. Such storage shall not constitute a nuisance nor create of safety hazard, nor shall it occupy more than 400 square feet of the area of any lot, except for products or equipment used in the performance of agricultural activities.

C. No storage shall be permitted in any front yard and shall be situated so as to meet the applicable side and rear yard setback requirements for the district in which it is to be located.

D. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.

E. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except those directly connected to heating devices, appliances located on the same premises, or facilities authorized to sell or distribute such products.

F. All materials or wastes which might cause fumes or dust or which constitute a potential fire hazard or which may be attractive to rodents or insects shall be stored only in properly closed and sealed containers.

G. All outdoor, unenclosed storage associated with commercial or industrial uses shall be screened or shielded from view from adjacent properties and/or public streets or rights-of-way by a fence, wall, or screen plantings as provided in Section 607 of this Chapter.

H. No outdoor, unenclosed storage shall be permitted in a Floodway District. Where permitted with a Flood Fringe or General Floodplain District, all such storage shall be floodproofed to avoid being transferred from the site during times of flooding.

534 OUTDOOR FURNACES

Outdoor furnaces may be permitted as an accessory use in all zoning districts, but shall be subject to the requirements outlined below.

A. Applicability

The regulations of this Section shall apply to all outdoor furnaces situated within Castanea Township, but shall exclude the following:

1. grills or cooking stoves using charcoal, wood, propane or natural gas; or

2. stoves, fireplaces, furnaces or other heating devices located within a building or structure used for human or animal habitation.

B. Existing Furnaces

Outdoor furnaces that were installed prior to the effective date of these provisions may continue to be operated provided that they meet the following standards.

1. All existing outdoor furnaces that do not meet the yard or setback requirements of this Chapter shall be considered existing nonconforming structures.

2. If an existing outdoor furnace becomes a verifiable nuisance, as defined by local or state law, the following steps shall be taken to correct or abate such nuisance.

   a. The unit shall be modified by the owner to eliminate the nuisance by extending the chimney or relocating the furnace or both; or

   b. Operation of the unit shall be discontinued until reasonable steps can be taken to ensure the furnace will not be a nuisance.

3. Replacement furnaces shall comply with all requirements of this Chapter, including setback and chimney requirements.

C. Setback Requirements

All new outdoor furnaces shall be set back in accordance with the following requirements regardless of the zoning district in which they are to be located.

1. All outdoor furnaces shall be located on the property in compliance with the manufacturer's recommendations with respect to clearance for combustible materials. Due consideration shall also be given to prevailing wind directions when locating any furnace.
2. No outdoor furnace shall be located in front of the building to which it is accessory, except in the A or W/C District where the lot exceeds 10 acres.

3. Outdoor furnaces shall be set back at least ten (10) feet from all side and rear property lines, unless greater setback is required in the applicable District Regulations.

D. Furnace Use and Installation Standards

1. General Regulations.

   a. All furnaces shall comply with emission standards established for outdoor furnaces by the Environmental Protection Agency (EPA). All such emission standards currently required by the EPA, or as may hereafter be amended or modified, are included by reference in this Chapter.

   b. Ashes or waste generated by the furnace may be disbursed on the property where the unit is located; however, all such applications shall meet the requirements established by the PA Department of Environmental Protection.

   c. Any person utilizing or maintaining an outdoor furnace shall be responsible for any and all fire suppression costs and any other liability resulting from damage caused by a fire.

2. Materials That May Be Burned. Only natural untreated wood, wood pellets, charcoal, peat, coal and similar materials, including pellets made from corn, wheat, rye and other grains may be burned in a new or existing outdoor furnace. Burning of any other materials shall be prohibited.

   In particular, the following materials may NOT be burned. (See also Sub-Section E. below.)

   a. Wood that has been painted, varnished or coated with similar material or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products;

   b. Rubbish or garbage, including but not limited to, food wastes, food packaging, or food wraps, animal carcasses, shingles, demolition debris, or other household or business wastes;

   c. Any plastic material, including but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers;

   d. Rubber, including tires or other synthetic rubber-like products;

   e. Newspaper, cardboard, or other paper with ink or dye products;

   f. Waste oil or other oily wastes;

g. Asphalt and products containing asphalt; and

h. Any other items not specifically recommended by the unit manufacturer.

E. Chimney Requirements

1. All outdoor furnaces installed subsequent to enactment of these regulations shall have a minimum chimney height of 20 feet above the average finished grade of the site upon which the furnace is located.

2. All chimneys shall be firmly secured to prevent toppling and shall be fitted with a spark arrestor.

3. A draft induced blower shall be installed on the chimney to create a positive draft.

F. Permit Requirements

After the effective date of these provisions, no person shall construct, install, establish or maintain any outdoor furnace without first obtaining a Zoning Permit.

535 TEMPORARY USES

A. Mobile Homes or Construction Site Trailers

Mobile homes providing temporary quarters, either for residential, commercial, or industrial uses, or construction site trailers may be authorized by the Zoning Officer, but only for limited periods of time. When so authorized, such units shall be subject to the following standards.

1. A Temporary Zoning Permit shall be required, and when issued, shall indicate the specific period of time for which the authorization is granted. No Temporary Permit for such uses shall be issued for a period of time exceeding six (6) months, except as provided in Sub-part 2 below.

2. The Zoning Officer may authorize an extension to or renew the Temporary Permit for as many as two (2) additional 6-month periods, if, in the Zoning Officer's opinion, the applicant encountered unforeseen circumstances in carrying out the operation for which the original Temporary Permit was issued; or if the Permit covered residential use, the refusal of an extension would cause an undue hardship to the applicant.

3. Information concerning water supply and sewage disposal facilities to be

used shall be presented by the applicant as part of his Zoning Permit application, along with assurance from the PA Department of Environmental Protection or Township Sewage Enforcement Officer that these arrangements are adequate.

4. All mobile homes being used to provide temporary quarters shall meet the minimum setback requirements for the district in which they are to be located.

5. All such mobile homes shall be removed from the site by the applicant upon expiration of the Permit at no cost to the Township.

6. Mobile homes shall not be placed in the Floodway District. Every such unit to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Part 7 of this Chapter.

B. Other Temporary Uses

Other low-impact or no-impact temporary uses deemed beneficial to the public health or general welfare of the Township residents or necessary to promote proper development of the municipality, including yard, garage or porch sales; flea markets; auctions; or periodic parking lot sales, may be permitted to be located in any zoning district in the Township. No Zoning Permit shall be required for these uses or activities. Temporary uses shall however be subject to the following standards. (See also Section 522 for requirements for temporary roadside stands.)

1. All such temporary uses shall be limited to three (3) continuous days no more than four (4) times in any calendar year.

2. If the temporary use is to take place on a lot or land not owned by the applicant, the applicant shall obtain written permission from the owner of the property to conduct the proposed activity.

3. Adequate off-street parking shall be provided to accommodate the proposed temporary activity.

4. All temporary uses located within an identified 100 year floodplain shall be completely removed from the floodplain by the user if there is a threat of flooding or a flood warning is issued.

536 OIL AND GAS OPERATIONS

Oil and gas operations may be permitted in the Woodland/Conservation

District, but shall be subject to the following standards, as well as all other applicable State and Federal requirements.

A. A Zoning Permit shall be required prior to the commencement of all such operations.

B. As part of the application for the Zoning Permit, the applicant shall provide a copy of all applicable State and Federal Permits and/or approvals issued for the proposed operation. Revocation of any required State, Federal or municipal approvals shall constitute an automatic revocation of the Zoning Permit.

C. The applicant shall identify all State and local roads to be used within Castanea Township to transport equipment and parts for the construction, operation and maintenance, and disassembly of the drilling operation as part of the application for the facility. In addition, the process set forth below shall be followed regarding the use of local roads.

   1. The Township Engineer, or other qualified third party engineer, hired by the Township and paid for by the applicant, shall document the condition of all affected Township roads prior to initiation of the operation and again 30 days after construction is complete, or as weather permits. (The Township may post or bond such local roads in compliance with applicable State regulations, including Chapter 49 of the Vehicle Code and Chapter 189 of the PA Transportation Code.

   2. Any damage caused by the applicant or his contractors shall be promptly repaired at the applicant's expense.

   3. The applicant shall demonstrate to the Township that he has appropriate financial security to ensure the prompt repair of damaged roads.

D. Upon receipt of the completed Zoning Permit application, including the required compliance documentation, roadway information and the appropriate filing fee, the Zoning Officer shall forward the application to the Supervisors for Conditional Use consideration, and when directed by the Supervisors, shall issue the Zoning Permit for the activity. A copy of the Permit shall be conspicuously posted by the applicant at the nearest point of public access to the proposed operation.

E. All residential structures shall be located at least 500 feet from any DEP-permitted oil or gas pad site.

F. A buffer yard, at least 100 feet in width, and meeting the requirements of Section 606 of this Chapter, shall be provided around the perimeter of the oil and gas well in order to shield the well from other uses.

G. Noise levels to be associated with the proposed oil or gas operation will be evaluated and approved by the Township Supervisors as part of the Conditional Use process.

PART 6

SUPPLEMENTARY LOT REGULATIONS

601 PURPOSE

The provisions of this Part represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common in all zoning districts or are to be applied to specific situations as stated herein.

602 GENERAL LOT REQUIREMENTS

A. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established in Part 4, the District Regulations, of this Chapter.

B. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other land developments approved pursuant to the requirements of the Castanea Township Subdivision and Land Development Ordinance, Chapter 135 of the *Code of the Township of Castanea*.

C. Every lot created hereafter shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the Township's Subdivision and Land Development Ordinance.

D. Lot width shall be measured at the minimum required front setback line, except that lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have widths less than those required provided that the average of the front and back lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 50 feet measured at the front setback line.

E. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.

F. No space applied or necessary under this Chapter to satisfy the yard and area

requirements in relation to any building or use, whether now or subsequently built or conducted, shall be counted or used as part of the required open space or area in relation to any other building or use.

603 YARD REQUIREMENTS

A. Projections

1. Chimneys, fireplace flues, air conditioner condenser units, cornices, eaves, gutters, steps, or bay windows may project into any required yard, but not more than 24 inches. Handicapped ramps may however project as needed into any required yard

2. Porches, patios, decks, loading docks, and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.

B. Front Yards

1. Front yard setbacks shall be as set forth in Part 4, the District Regulations, and shall be measured from the edge of the adjoining street right-of-way or from the centerline of the adjoining road, as indicated. Where however, a lot has no road frontage, the front yard setback shall be measured from the edge of the front property line, or in the case of a "flag lot", the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.

2. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.

3. In any district, where 50% or more of the frontage of the block upon which a proposed building is to be located is already improved with buildings having front yards less than the depth required for the district, then the front yard of the unimproved lot may be the same depth as the average of the front yards for the remainder of the block.

4. Where an addition is proposed for an existing principal residential building which extends into the required front yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required front yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to the edge of the adjoining street right-of-way (or front property line

where the lot has no road frontage). (See also Section 1001 D.2 and D.3 of this Chapter for extensions or enlargements proposed for nonconforming buildings or structures.)

5. Accessory buildings or structures may not be erected or located within any required front yard setback area, except for fences (as provided in Section 605 C. below), signs (as regulated in Part 8), or as may be provided otherwise in Part 5, the Supplementary Use Regulations, for specific uses. (See also Section 605 B. for additional standards pertaining to accessory buildings or structures.)

6. Off-street parking and loading areas may be located within the required front yard setback area, but only as provided in the District Regulations, Part 4.

C. Side Yards

1. Side yards shall be measured from the edge of the side property line or from the edge of the right-of-way of any adjoining street or alley.

2. On a corner lot, the side yard abutting the street shall have a width of no less than 15 feet measured from the edge of the adjoining street cartway.

3. Where an addition is proposed for an existing, principal residential building which extends into the required side yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required side yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet any property line. (See also Section 1001 D.2 and D.3 of this Chapter for exten-sions or enlargements proposed for nonconforming buildings or structures.)

4. Accessory buildings or structures may not be erected or located within any required side yard setback area, except for fences (as provided in Section 605 C. below), signs (as regulated in Part 8), or as may be provided otherwise in Part 5, the Supplementary Use Regulations, for specific uses. Where a side yard is adjacent to a street or alley, all accessory structures shall be set back a minimum of five (5) feet from the edge of the adjoining street or alley cartway. (See also Section 605 B. for additional standards pertaining to accessory buildings or structures.)

5. Off-street parking and loading areas may be located within the required side yard setback area, but only as provided in the District Regulations, Part 4.

D. Rear Yards

1. Rear yards shall be measured from the rear property line or from the edge of the right-of-way of any adjoining street or alley.

2. Where an addition is proposed for an existing, principal residential building which extends into the required rear yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required rear yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to any property line. (See also Section 1001 D.2 and D.3 for extensions or enlargements proposed for nonconforming buildings or structures.)

3. Accessory buildings or structures may be erected or located within a rear yard, but only as set forth in Part 4, the District Regulations. No accessory buildings or structures shall however be located within a required rear yard setback area except for fences (as provided in Section 605 C. below), signs (as regulated in Part 8), or as may be provided otherwise in Part 5, the Supplementary Use Regulations, for specific uses. Where a rear yard is adjacent to a street or alley, all accessory structures shall be set back a minimum of five (5) feet from the edge of the adjoining street or alley cartway. (See also Section 605 B. for additional standards pertaining to accessory buildings or structures.)

4. Off-street parking and loading areas may be located within the required rear yard setback area, but only as provided in the District Regulations, Part 4.

604 HEIGHT REGULATIONS

A. The maximum height regulations set forth in Part 4, the District Regulations, shall not apply to spires, belfries, cupolas, chimneys, ventilators, skylights, flag poles, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as is necessary to accomplish their intended purpose and shall not be used for human occupancy.

B. Agricultural or industrial structures such as barns, silos, grain elevators, water storage or cooling tanks, discharge stacks, or similar types of structures generally erected to heights exceeding the maximum limits established in the District Regulations for the zones where they may be located, may also exceed the designated height regulations, provided that such appurtenances are erected only to such height as is necessary to accomplish their intended

purpose, and in the case of structures being proposed for location adjacent to a Residential District or residential use, are set back a distance equal to their height from all property lines.

C. Commercial communications towers or commercial wind energy facilities may also exceed the maximum height regulations set forth in Part 4, the District Regulations, provided that they meet the height and setback provisions set forth in Sections 530 and 532 of this Chapter.

D. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration (FAA). Further any application for a structure designed to have a height of 75 feet or more above ground level shall include a documented review and/or approval, as applicable, from the FAA. (See also Part 7 of this Chapter for additional airport hazard regulations.)

605 MISCELLANEOUS REGULATIONS

A. Two or More Principal Uses in Same Building

When two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 527 B.) sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Chapter OR authorized as part of a land development approved pursuant to the requirements of the Township Subdivision and Land Development Ordinance.

B. Accessory Buildings or Structures

An accessory building(s) or structure(s) may be maintained in conjunction with a permitted, principal use provided that the following standards are met:

1. Accessory buildings or structures shall be set back in accordance with the yard requirements established in Part 4, the District Regulations and the supplemental requirements provided in Section 603 above.

2. An accessory structure shall be considered “attached” to and a part of a principal structure when the two structures share: 1) a common roof line; 2) a common foundation; or 3) a common wall, whether or not the connecting area is open on the sides or is fully enclosed.

3. In the Residential Districts, no accessory structure, utility shed, swimming pool, RV, camper or boat shall be located or stored in front of the front

building line of its principal structure.

4. No manufactured housing, mobile home units, buses, van bodies, or truck trailers may be used as accessory buildings or structures, except that temporary storage trailers may be permitted in the Commercial and Industrial Districts.

5. The height of all accessory buildings or structures shall be as set forth in Part 4, the District Regulations, except as may be provided otherwise in Part 5, the Supplementary Use Regulations.

C. Fences and Walls *(See also Section 607 B.)*

1. Fences or walls may be permitted to be located within any of the required yard setback areas, unless otherwise restricted or prohibited by provisions of this Chapter.

2. Fences or walls erected in the Residential Districts shall not exceed three (3) feet in height when located within a required front yard, nor more than eight (8) feet in height when located within a required side or rear yard. In any other district, security fencing may be permitted up to ten (10) feet in height.

3. In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 605 D. below.

4. All fences to be placed in an identified floodplain area shall also meet the floodplain management regulations set forth in Part 7 of this Chapter.

D. Clear Sight Triangle Requirements

No obstructions or plantings measuring higher than 36 inches or hanging lower than ten (10) feet above the established grade or the street at the property line shall be permitted within the clear sight triangle of any street intersection. A clear sight triangle shall be defined as that area of unobstructed vision at a street intersection formed by lines of sight between points at a given distance from the intersection of the street centerlines. (See also TABLE 3 of this Chapter for minimum sight distance requirements.) These distances shall be as follows:

1. For the intersection of a local street and an alley or two (2) local streets, the distance from the intersection of the street centerlines shall be 50 feet.

2. For the intersection of a local street and a collector street, the distance from the centerline intersection shall be 100 feet.

3. For the intersection of two (2) collector streets, the distance required shall be 150 feet.

E. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in Part 4, the District Regulations, for the district in which the lot is located. For the purposes of this Chapter, swimming pools shall be excluded from the calculation of maximum building coverage.

F. Maximum Impervious Surface

The percentage of the lot covered by impervious surfaces, including buildings, structures, and any area in asphalt, concrete or similar materials which will not absorb water (including parking lots, driveways, roads, and sidewalks) shall not be greater than is permitted in Part 4, the District Regulations, for the district in which the lot is located.

Where however, stormwater runoff from the roof of a building is diverted into underground detention basins or sump areas (designed and constructed in accordance with the recommendations provided in the PA Stormwater Management Best Management Practices Manual and reviewed and approved by the Clinton County Conservation District), the space occupied by such building may be considered as “pervious” for the purposes of calculating the tract’s maximum impervious surface.

G. Erosion and Sedimentation Control

All erosion and sedimentation control requirements set forth in the Castanea Township Subdivision and Land Development Ordinance and the Department of Environmental Protection's Title 25, Chapter 102 "Erosion Control", or as may hereafter be amended, shall be met to the satisfaction of the Township Zoning Officer prior to the issuance of a Zoning Permit.

H. Drainage and Stormwater Management

All drainage and stormwater management standards set forth in the Castanea Township Subdivision and Land Development Ordinance, Act 1978-167 (the PA Stormwater Management Act), and any Watershed Stormwater Management Ordinance in effect in Castanea Township or as may hereafter be

enacted, shall be met to the satisfaction of the Township Zoning Officer prior to the issuance of a Zoning Permit.

I. Outdoor Lighting

All outdoor flood lighting and spot lighting, whether on public or private premises, shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets. No moving or flashing lights shall be permitted in any zoning district.

606 BUFFER YARDS/LANDSCAPING

A. Where a commercial or industrial use (commenced after the effective date of this Chapter) abuts a residential district, a buffer yard of at least 75 feet shall be provided at the side lot line and a minimum 50 foot setback shall be provided for the rear lot line, unless provided otherwise in Part 5, the Supplementary Use Regulations. Such buffer yard shall be a part of the commercial or industrial installation and shall be parallel and adjacent to the residential district boundary.

B. All required buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within or in place of buffer yards, screening shall be accomplished in accordance with Section 607 below.

C. A buffer yard may be considered as part of the required yard space.

D. No structure, storage of materials, or off-street parking and loading areas shall be permitted within any required buffer yard; however, utilities and access drives may cross such yards, but shall do so as closely to perpendicular as possible.

607 SCREENING

Where required, screening may be accomplished through the use of any one or a combination of the following methods.

A. Screen Plantings

1. Screen planting, also known as a natural living fence for the purposes of this Chapter, shall be provided as set forth in Part 5, the Supplementary Use Regulations, or where determined necessary by the Township Supervisors or Zoning Hearing Board, as applicable, to serve as barrier to visibility, glare, and/or noise between adjacent properties.

2. Plant or vegetative materials, including shrubs or evergreens, used in screen plantings shall be of such species as will produce, within two (2) years, a complete visual screen six (6) feet in height and shall be of such density as is necessary to achieve the intended purpose.

3. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.
4. Screen planting shall be placed so that, at maturity, it will be no closer than five (5) feet to any street right-of-way or property line.

5. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements. In accordance with the provisions of Section 605 D. however, a clear sight triangle must be maintained at all street intersections.

6. Where a commercial or industrial use abuts an existing residential use or residential district, all required screen plantings shall extend the entire length of the common boundary.

B. Fences or Walls

1. In lieu of, or in addition to, screen plantings as set forth above, the Township Supervisors or Zoning Hearing Board, as applicable, may consider the use of a fence or wall as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.

2. Fences or walls used to provide required screening shall be at least six (6) feet in height and be of such type as is necessary to achieve the intended purpose.

3. Fences or walls used to provide required screening shall meet the requirements set forth in Section 605 C. of this Chapter.

4. Any fence or wall used to provide required screening shall be owned and maintained in a structurally sound condition by the property owner.

C. Berms or Other Natural Landforms

1. In lieu of, or in addition to, screen plantings as set forth above, the Township Supervisors or Zoning Hearing Board, as applicable, may consider the use of an earthen berm or other existing or proposed landform as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.

2. Berms or landforms used to provide required screening shall be of such height and of such type as is necessary to achieve the intended purpose.

3. Any berm or landform used to provide required screening shall be owned and maintained in satisfactory condition by the property owner, and may not be altered except for usual maintenance.

PART 7

OVERLAY DISTRICT REGULATIONS

701 FLOODPLAIN OVERLAY

A complete set of the municipality's floodplain management regulations, enacted August 4, 2008, are contained in Chapter 75 of the *Code of Ordinances of Castanea Township*. The provisions set forth in this Section are intended to supplement the standards established in that Chapter and to provide a formal connection between the floodplain management regulations and the Zoning Ordinance. In all cases, the standards have been designed to satisfy state and federal floodplain management requirements and to provide protection from flood hazards.

A. Basis for Floodplain Areas.

1. Identification of Floodplain Areas. The identified floodplain shall be those areas of Castanea Township which are subject to the 100 year flood, as identified in the Flood Insurance Study (FIS), dated February 26, 2008, and the accompanying maps, or the most recent revision thereof, as issued by the Federal Emergency Management Agency (FEMA), including all data developed as part of the FIS.

   For the purposes of this Chapter, **the Floodway Area and the Flood Fringe and General Floodplain Areas shall be overlays to the existing underlying zoning districts** as shown on the Township's Official Zoning Map. As such, the provisions set forth for these floodplain areas shall serve as a supplement to the underlying zoning districts. Where there happens to be any conflict between the provisions or requirements of the floodplain areas and those of any underlying zoning district, the more restrictive provisions and/or those pertaining to the floodplain areas shall apply.

2. Description of Floodplain Areas. The identified floodplain shall consist of the following specific areas:

   a. The **Floodway Area** includes all those areas of the 100 year floodplain identified as "floodway" in the AE Zone in the FIS prepared by FEMA. The term shall also include those areas which have been identified as floodway in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.

b. The **Flood Fringe Area** includes all the remaining portions of the 100 year floodplain as an AE Zone in the FIS where a floodway has been delineated. The basis for the outermost boundary of this district shall be the 100 year flood elevations as shown in the flood profiles contained in the FIS.

c. The **General Floodplain Area** includes area identified as Zone A in the FIS for which no 100 year flood elevations have been provided. When available, information from other Federal, State, or other acceptable sources shall be used to determine the 100 year flood elevation, as well as a floodway area, if possible. When other such acceptable information is not available, the 100-year flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

   In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

(See also Sections 410 and 411 in Part 4, the District Regulations, of this Chapter for a listing of the uses permitted in the identified floodplain areas and the Floodplain Map attached at the end of this Chapter.)

B. Administration

The administrative procedures set forth in Chapter 75 of the *Code of Ordinances of Castanea Township* shall be followed to ensure that the enumerated floodplain management regulations are employed in all new construction, development and substantial improvement within all designated floodplain areas. A Zoning Permit shall be issued by the Township Zoning Officer when he is satisfied that all requirements of both this Chapter and the Floodplain Management Ordinance [Chapter 75] have been met.

702 AIRPORT OVERLAY

The airport regulations found in this Section (previously identified as Part XXII of the Castanea Township Zoning Ordinance) are intended to benefit the public health, safety and welfare by regulating and restricting the height of manmade and natural objects in the vicinity of the William T. Piper Memorial Airport.

A. Declaration of Policy

1. It is hereby found that an obstruction has the potential for endangering lives and property of uses of the William T. Piper Memorial Airport and property and occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the William T. Piper Memorial Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the William T. Piper Memorial Airport and the public investment therein. Accordingly, it is declared that:

   a. the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the William T. Piper Memorial Airport;

   b. it is necessary in the interest of public health, safety, morals, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

   c. the prevention of this obstruction should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

2. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

B. Airport Surface Zones

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the William T. Piper Memorial Airport. Such zones are shown on the Castanea Township Airport Surface Areas Map, which is incorporated into this Chapter and made a part hereof.

For the purpose of this Chapter, the airport surface zones shall be overlays to the existing underlying zoning districts as shown on the Township's Official Zoning Map. As such, the provisions of these airport zones shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the airport zones and those of any underlying district, the more restrictive provisions shall apply.

Any area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Surface Zone. This zone is established beneath the visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Surface Zone. The transitional surface zone is the area beneath the transitional surface adjacent to each runway and approach surface.

3. Horizontal Surface Zone. The horizontal surface zone is established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

4. Conical Surface Zone. The conical surface zone is established beneath the conical surface and commences at the periphery of the horizontal surface zone and extends outward therefrom a horizontal distance of 4,000 feet.

C. Airport Surface Zone Height Limitations

Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Surface Zone. Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet

above the airport elevation, which is 555 feet above mean sea level.

3. Horizontal Surface Zone. Established at 150 feet above the airport elevation or at a height of 555 feet above mean sea level.

4. Conical Surface Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or at a height of 555 feet above mean sea level.

5. Exceptions. Nothing in this Section shall be constructed as prohibiting the construction or maintenance of any structure growth of any tree to a height p to 35 feet above the surface of the land.

D. Zoning Requirements

1. Reasonableness. All airport zoning regulations adopted under this Section shall be reasonable; none shall impose any requirements or restriction unless it is reasonably necessary to effectuate the purpose of the Section in determining what regulations to adopt, Castanea Township shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

2. Use Restrictions. Notwithstanding any other provisions of this Chapter, no use may be made on land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

3. Nonconforming Uses.

   a. Regulations Not Retroactive. The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or

alteration of which was begun prior to the effective date of this Chapter, and is diligently executed.

b. Marking and Lighting. Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration (FAA) and/or the City of Lock Haven to indicate to the operators of aircraft obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the William T. Piper Memorial Airport.

E. Permits and Variances

1. Notification. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a), as amended, any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object , natural or manmade, in the vicinity of the airport, **shall first notify PennDOT's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 day prior to commencement thereof**. The BOA's response must be included with the permit application for it to be considered complete. If the BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of the overlay. If the BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined below in Sub-Section E.5 below.

2. Future Uses. Except as specifically provided in Sub-Sections E.2.a., b., and c. hereunder, no material change shall be made in the use of land, no structure, shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to allow it to be determined; whether the resulting use, structure, or tree would conform to the regulations prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with Sub-Section E.5 below.

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure

would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except where such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing in the exceptions above shall be construed as permitting, or intending to permit, any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Section, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of any existing structure.

3. Existing Uses. Before any nonconforming structures may be replaced, substantially altered or rebuilt or tree may be allowed to grow higher or replanted, a permit must be secured from Castanea Township, authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of any obstruction, or permit a nonconforming use or structure; or a tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all application for such a permit shall be granted.

4. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

5. Variances.

a. Any person desiring to erect or increase the height of any structure, or

permit the growth of any tree, or use property, in violation of the regulations of this Section may apply to the Zoning Hearing Board for a variance for such regulation. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest.

b. The application for variance shall be accompanied by a determination from the FAA and BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

   1) No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

   2) Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Sub-Section 6 below.

   3) Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

c. Additionally, no variance to the requirements of this Section may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manger (or other person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

d. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this

Section.

6. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board this condition may be modified to require the owner to permit the airport owner, at its own expense, to install operate and maintain the necessary markings and lights as may be required by guidelines or regulations adopted by the FAA.

F. Acquisition of Air Rights

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary can not, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than be airport zoning regulations, Castanea Township or the William T. Piper Memorial Airport may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such as air rights, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this Section. In the case of purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of a y structure or any public utility which is required to be moved to a new location.

G. Enforcement

1. Local Enforcement. The Zoning Officer shall administer and enforce the regulations contained herein. Applications for permits and variances shall be made to the Zoning Officer upon the appropriate form. Applications required by this Section shall be considered in a timely manner and be approved or denied. Appeal shall be to the Zoning Hearing Board, in compliance with the procedures set forth in Part 11, of this Chapter.

3. Notice to PennDOT. Notwithstanding any other provision of law, where the Castanea Township Zoning Officer or the Township Zoning Hearing

Board decide to grant a permit or variance under the terms of this Chapter, they shall notify the PA Department of Transportation, Bureau of Aviation, of their decision. This notice shall be sent to the Department no less than ten (10) days before the date that the decision is to be issued.

H. Conflicting Regulations

Where there exists a conflict between any of the regulation or limitations in this Part and any other regulation applicable to the same area, whether the conflict is with respect to the height of structure or tress, and the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

PART 8

SIGN REGULATIONS

801 APPLICATION

Signs may be erected and maintained only in compliance with this Part and any and all regulations of the Township relating in any way to the erection, location, size, height, use, number, lighting, operation, alteration or maintenance of signs.

802 GENERAL INTENT

The sign regulations, controls and provisions set forth in this Part are made in accordance with an overall plan and program for the public safety, area development, preservation of property values and the general welfare of Castanea Township and are intended to aid in traffic control and traffic safety; preserve and protect property values, lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, highways; preserve the wholesome and attractive character of Castanea Township and to recognize that the general welfare includes a community plan that shall be beautiful as well as healthy, spacious as well as clean and well balanced in its growth and development.

The following requirements apply to all signs:

A. Signs must be constructed of durable material and maintained in good condition.

B. No sign shall be maintained within the Township in such a state of disrepair or the appearance of complete neglect.

C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises that such sign be made safe or removed within five (5) days.

D. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.

E. Each sign shall be removed when the circumstances leading to its erection no longer apply.

F. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public right-of-ways.

G. No sign shall be of the intermittent flashing or rotating type.

H. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.

I. Signs must be positioned so that they do not interfere with a clear sight triangle or create a traffic danger.

J. No sign shall be permitted which is permanently attached to the public utility poles or trees within the right-of-way of any street.

K. In cases where signage is required by a franchiser, the minimum required sign shall be permitted.

L. Any advertising sign on a premise must advertise goods/services which represent a significant portion of the business conducted at the site.

M. Sign area shall include the entire face of a single side of a sign, including all advertising surface, trim and border area, but excluding any supporting framework or bracing. A double-faced sign shall be considered a single sign, unless the interior angle formed by the two sides of the sign is greater than 45 degrees, then each side of the sign shall be considered a separate sign. Where a sign consists of individual letters or symbols attached to a building, the area of sign shall be considered to be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

803 **<u>SIGNS PERMITTED IN ALL ZONING DISTRICTS</u>** (Unless Otherwise Restricted).

Signs listed in this Part are permitted in all Zoning Districts and shall not require permits and shall not be counted when calculating the number of signs on a premises. Such signs must conform to the general regulations for signs enumerated hereafter.

A. Contractor, engineer or architect signs placed on premises where construction, repair, or renovation is in progress shall not exceed 12 square feet in sign area. Such signs shall be removed within ten (10) days after final

inspection. Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.

B. Flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

C. Fund raising sale signs used by or on behalf of nonprofit organizations indicating the location and occurrence of a special event. The sign area shall not exceed 64 square feet with no more than two (2) signs per premises. Such signs shall be removed at the completion of the event.

D. Garage sale, yard sale, porch sale or other similar signs which indicate the location and occurrence of a sale. The sign area shall be limited to no more than four (4) square feet with no more than two (2) signs per property and said signs are to be removed within 24 hours after the sale.

E. Government signs or signs erected under the direction of a governmental body such as traffic signs, safety signs, approved kiosk or trash receptacle signs and public area identification signs. Special events signs or banners may be erected on a temporary basis after proper approval is granted.

F. Memorial signs or tablets.

G. Name plate and/or address identification signs provided that no more than two (2) are erected per premises, with each sign area being no more than two (2) square feet.

H. Political signs may be erected but shall not exceed 12 square feet in residential zoning districts. In all other zoning districts, political signs shall not exceed 200 square feet. Political signs must be removed within five (5) days following an election.

I. Real estate signs (for sale and for rent) located on the property and limited to two (2) per street side, and sign area of not more than eight (8) square feet in Residential Zoning Districts and 32 square feet in all other Zoning Districts. Such signs shall not be illuminated. Sale and rental signs shall be removed within 30 days after the rental of the property.

J. Traffic, pedestrian or property functional on-premises signs such as parking, no parking, entrance, exit, telephone, restrooms, etc., when the sign area is less than five (5) square feet and bearing no commercial advertising. For sight distance situations, these signs shall be erected to a height either less than three (3) feet or greater than ten (10) feet from ground grade.

K. Real estate development signs advertising the development of the premises upon which they are erected, may be erected and maintained in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development; provided:

1. The size of any such sign shall not exceed 16 feet in area and shall be located not less than 15 feet from any side property line in a residential district.

2. No such sign may be illuminated nor shall it exceed 32 square feet in all other Zoning Districts.

3. Not more than two (2) signs may be placed upon any property.

L. No trespassing signs or other such signs regulating the use of a property, such as "No Hunting", "No Fishing", etc., of no more than two (2) square feet in sign area in residential Zoning Districts and five (5) square feet in all other Zoning Districts.

M. Permanent residential development signs at major entrances designed to identify a residential subdivision and containing no commercial advertising. Maximum sign area shall not exceed 32 square feet.

N. An identification sign located on the premises or building which serves only to tell the name or use of any public or semipublic building or recreational place, fire department, lodge, club, church, apartment building, farm or estate, school, hospital, sanitariums or other institution of a similar approved nature may be erected and maintained, provided:

1. The size of any such sign shall not exceed 32 square feet.

2. No more than one (1) such sign shall be erected on a property in single or separate ownership, which sign may be either freestanding or wall mounted.

3. Such signs may be illuminated.

804 PROHIBITED SIGNS

The following signs shall NOT be permitted, erected or maintained in any district.

A. Any sign or sign structure which constitutes a hazard to public safety or health by interfering with the clear sight triangle as defined in Section 605 D. of this Chapter.

B. Signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device. Signs which contain or are an imitation of an official traffic signal.

C. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

D. Signs incorporating misleading or confusing words to traffic. Such words, symbols, or phrases shall include "Stop", "Look", "Danger", etc., or hide from view any traffic street signal or sign.

E. Discontinued nonconforming signs, and signs becoming obsolete in that they no longer advertise a bona fide business or product sold on the premises shall be removed within one (1) year, except that signs painted on walls shall not be subject to this provisions.

F. No sign shall be painted, erected, affixed or maintained on a tree, stone (except for ornamental or architectural stones that may be used to identify a business or personal property), or other natural object, except for property posting signs, nor shall any sign be painted, erected, affixed, supported or maintained on a storage trailer. Any advertisement proposed to be painted or displayed upon a barn or other building shall be regarded as a sign, and as such shall meet the requirements set forth in this Chapter for the district in which it is to be located.

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G. String lights or bare bulb illumination of signs other than temporary holiday decorations. (New and used car lots are exempt from this regulation.)

H. Temporary signs, search lights, banners, streamers or balloons except, for occasions such as grand openings, and then only with special written permission of the Zoning Officer. Such permission shall be limited to a 45-day period and shall not be erected again for a period of 30 days thereafter. Automobile sales lots shall be exempt from the 45-day time period on banners and streamers, provided they are maintained in a safe condition.

I. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:

   1. Any graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

   2. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.

805 SIGNS REQUIRING SPECIAL EXCEPTION APPROVAL

The following signs may be permitted in all zoning districts except Residential Districts, with approval of a Special Exception, and must adhere to the general and specific sign regulations of Sections 806 of this Part:

A. Flashing Signs. Signs which flash, have moving illumination or which vary in intensity or which vary in color, except for digital time and temperature devices.

B. Portable Signs (Larger than 8 square feet). Signs constructed on a movable or portable base, sled, trailer vehicles or devices of any type where the principal use of the base, sled, trailer vehicle or device is for the purpose of displaying a sign which is capable of being moved or transported from one (1) location to another.

C. Moving or Revolving Signs. Signs which have any visible moving part, visible revolving parts or visible mechanical movement, except barber poles.

D. Billboards or Advertising Sign Boards.

1. Billboards or advertising sign boards shall be permitted by Special Exception within the Industrial District.

2. No billboard or advertising sign board shall be located within 1,000 feet (measured on the same side of the street) of another billboard or advertising sign board.

3. All billboards or advertising sign boards shall be setback a minimum of 50 feet from all side and rear property lines.

4. All billboards or advertising sign boards shall be set back at least 35 feet from any street right-of-way line.

5. All billboards or advertising sign boards shall be setback at least 100 feet from any land within a Residential District.

6. No billboard or advertising sign board shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.

7. No billboard or advertising sign board shall exceed an overall size of 300 square feet, nor exceed 25 feet in height.

806 SIGN REGULATIONS FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

A. General Sign Regulations

1. Business Identification Signs.

a. No more than two (2) business identification signs and/or permanent promotional signs may be erected or maintained on any premises except that a business located on a corner lot may have one (1) additional sign. Signs permitted in all districts shall not be counted in calculating the total. Premises having a public entrance at the rear or side may have an additional business identification sign for each entrance with sign area to be limited to one (1) square foot per lineal foot of rear or side building dimension, but not to exceed a maximum of 32 square feet per sign. Each awning, used as a sign, shall be considered one (1) sign and shall be included when calculating the total number of business signs but not in the total square footage for sign area.

b. The total sign area of all business identification signs per premises (excluding signs for rear or side entrances) shall not exceed two (2) square feet per front lineal foot of the main frontage of the premises. A business which is totally located within another building shall be permitted a total of 32 square feet of exterior sign area. No premises, however, shall be limited to less than 32 square feet of total sign area. For corner buildings, the front dimension shall be that towards the street with the greater right-of-way, unless obviously otherwise. If the rights-of-way are equal, the premises owner shall determine the front. In no case shall the total sign area per premises exceed 100 sq. feet.

c. The total business identification sign area per premises with no building on the property shall not exceed one (1) square foot per front lineal foot of the lot. No premises, however, shall be limited to less than 32 square feet of total sign area. For corner lots, the front dimension shall be towards the street with the greater right-of-way, unless obviously otherwise. If the rights-of way are equal, the premises owner shall determine the front. In no case shall the total sign area per premises exceed 100 square feet.

B. Specific Sign Regulations.

1. Projecting Signs.

a. A projecting sign is any sign mounted upon a building so that its prin-

cipal face is at right angles to the building wall.

b. Projecting signs shall be located upon the building so that the lower edge is a minimum of ten (10) feet above grade.

c. Projecting signs may project a maximum of ten (10) feet from the building wall, provided however, that no sign shall project to a point nearer than 12 feet from the street right-of-way.

d. No projecting sign shall extend above the top of the wall to which it is attached.

e. Projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of the canopy or marquee.

2. Wall Signs.

a. No wall sign shall extend above the top of the wall to which it is attached.

b. Wall signs may occupy a maximum of 15% of the area of the wall to which they are to be attached or erected.

c. No part thereof shall project more than 12 inches from the wall to which it is attached.

d. No part thereof shall extend beyond the wall to which it is attached.

e. Where the sign projects more than three (3) inches from the wall to which it is attached, it shall be located so that its lower edge is a minimum of eight (8) feet above the average grade of the site.

3. Freestanding Signs.

a. Every part of a freestanding signs shall be located entirely behind the property line and shall not project over public rights-of-way or other adjoining lands.

b. Sign area shall be limited to a maximum of 50 square feet, and no single dimension shall exceed ten (10) feet.

c. No premises shall contain more than one (1) freestanding sign, except that corner premises or premises with a public entrance on two (2) or more public ways may erect an additional freestanding sign for and toward each public way.

d. No sign or part thereof shall be more than 20 feet above grade.

4. Shopping Center Identification Signs.

a. Such signs shall be limited to two (2) square feet per lineal foot of building structure frontage up to a maximum of 300 square feet. One (1) additional sign shall be permitted for either a public side or rear entrance, the size of which signs shall be limited to 55 square feet.

b. Signs shall be freestanding or wall-mounted. The provisions of Section 806 B.2 and 3 above, shall apply.

c. Advertising of individual businesses, in conjunction with the shopping center identification sign, shall be permitted.

d. Portable signs are allowed in private entrances, on private property, and on public sidewalks, advertising a product or service offered on the premises. Such signs shall not exceed eight (8) square feet in size and shall be limited to two (2) per premises. Portable signs larger than eight (8) square feet may be permitted for special events by written approval of the Zoning Officer. Such use is allowed for a period of two (2) weeks and no more than four (4) times per year.

807 SIGN REGULATIONS IN ALL ZONING DISTRICTS

A. Family Daycare Signs, Home Occupation Signs and Bed and Breakfast Signs

1. Such signs shall be limited to one (1) per premises, except that corner lots or lots with public entrances on two (2) or more public rights-of-way may erect two (2) signs.

2. Such signs shall be nonilluminated.

3. Each sign shall be limited to a maximum sign area of six (6) square feet.

4. No sign shall be larger than six (6) feet in height.

B. Signs for Non-Residential Uses in Residential Zoning Districts**.** (Unless spec-

ified otherwise in this Part)

1. Such signs shall be limited to one (1) per premises, except that corner lots or lots with public entrances on two (2) or more public rights-of-way may erect two (2) signs.

2. In no case shall the total sign area per premises exceed 16 square feet.

3. Freestanding signs shall be limited to a maximum height of six (6) feet.

4. The use of flashing, pulsating, and moving lights shall be prohibited.

5. The use of back-lit and internally lit signs shall be prohibited.

6. External lighting for signs shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the sign or site.

7. External lighting for signs shall be extinguished at the time of closing of such operation until the time of opening.

C. Signs for Businesses in other than Residential, Commercial and Industrial Zoning Districts

1. The use of flashing, pulsating, and moving lights shall be prohibited.

2. The use of external lighting for signs shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the sign or site.

3. In no case shall the total sign area per premises exceed 50 square feet.

4. Freestanding signs shall be limited to a maximum height of ten (10) feet.

5. External lighting for signs shall be extinguished at the time of closing of such operation until the time of opening.

808 PERMITS AND FEES

A. All signs except, those enumerated in Section 803, *"Signs Permitted in All Zoning Districts,"* shall require a Zoning Permit in accordance with this Chapter. Permit issuance by the Zoning Officer can only be made when such sign complies in every respect with all applicable provisions of this Chapter.

B. An application for a sign permit shall be made on a form provided by the Zoning Officer. Any additional relevant information and material may also be required by the Zoning Officer.

C. Permits are valid indefinitely unless the sign is structurally altered, moved or replaced. A new permit is required prior to any structural alteration, movement or replacement, and its issuance by the Zoning Officer can only be made when such signs comply in every respect with all applicable provisions of this Chapter.

D. Exceptions to permits are as follows:

1. Replacing copy or advertising message on an approved sign such as a billboard, theater marquee or similar approved sign device which is specifically designed for the use of replaceable copy. This provision does not apply to painted lettering, symbols, etc., which utilizes a building for the sign surface. Any such sign shall be considered a new sign and requires a permit.

2. Maintenance, including cleaning and normal repair, unless a structural change is made.

3. Signs in existence when this Chapter was adopted, unless they are structurally altered, moved, replaced or painted.

809 MISCELLANEOUS PROVISIONS

Nonconforming signs to be replaced, moved or structurally altered shall be considered new signs and must conform in every respect to the provisions of this Chapter. Nonconforming signs which are damaged in excess of 50% of their value, as calculated before the damage, shall not be restored or replaced. They must be removed from the premises within three (3) months of damage.

PART 9

OFF-STREET PARKING AND LOADING REQUIREMENTS

901 OFF-STREET PARKING REQUIREMENTS

In all districts, in accordance with every use, there shall be provided at the time any new building or structure is erected or any existing building is converted to a new use or increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

A. All off-street vehicle parking spaces shall contain a minimum of 200 square feet of useable area, exclusive of any drives, entrances or exits, and shall have a minimum width of not less than ten (10) feet.

B. Off-street parking spaces for residential uses shall be located on the same lot or contiguous lot as the dwelling unit(s) being served, either inside or outside of a building. Off-street parking spaces for non-residential uses may be located on a lot other than that containing the principal use, but shall be located within 300 feet of the use being served. Such remote parking shall however remain under the control and care of the owner or operator of the use to which it is accessory, and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the proposed use and sets forth appropriate maintenance responsibilities for the parking area.

C. All off-street parking areas shall be designed to provide for the orderly and safe parking or storage of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition.

D. All off-street parking spaces and parking areas shall be graded for proper drainage and shall be stabilized with a durable, all-weather wearing surface, such as compacted gravel, concrete or bituminous pavement.

E. All lighting which is used to illuminate off-street parking areas shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing direct glare on adjacent properties.

F. All non-residential off-street parking areas shall be set back a minimum of five (5) feet from all side property lines when such parking is proposed to be located adjacent to another non-residential lot. Where however, such parking

abuts a residential lot, a side setback of not less than 15 feet shall be required. Regardless of the adjoining use, non-residential off-street parking areas shall be setback a minimum of ten (10) from all rear property lines. Screening, as provided in Section 607 of this Chapter, shall be used to effectively screen non-residential parking areas from residential uses.

G. Adequate provisions shall be made for ingress and egress to all off-street parking spaces and parking areas. Access shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted, except where the parking area is less than 35 feet in depth. Non-residential parking spaces and parking areas shall be designed so there will be no need for motorists to back over public walkways or street rights-of-way.

H. A buffer strip, at least ten (10) feet in width, shall be reserved as open space between any street right-of-way line and any commercial off-street parking area. A minimum buffer strip of five (5) feet shall be provided between any street right-of-way line and any industrial off-street parking area. Said buffer shall be protected by wheel bumpers or curbs, and shall by planted as provided in Section 606 of this Chapter. No parking or vehicular traffic circulation shall be permitted within this required buffer area (except designated points or ingress and egress), nor shall any planting or sign located within such area be placed within the clear sight triangle of any intersection (as per the requirements of Section 605 D. of this Chapter), nor at any other location within the required buffer area that could obstruct or impair a driver's clear vision.

I. Required parking spaces for any number of separate uses may be combined into one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except as may be recommended otherwise by the Township Planning Commission and approved by the Township Supervisors.

J. Off-street parking shall be provided as set forth in TABLE 1 below. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one building, the total number of required parking spaces shall be the sum of the number of spaces required for each use.

Off-street parking spaces for handicapped persons shall be provided as per the requirements of the Americans with Disabilities Act.

TABLE 1

OFF-STREET PARKING SCHEDULE

USE CLASSIFICATION	MINIMUM SPACES REQUIRED
Residential Uses	
1. Single & two-family dwelling units (detached or attached), inc. mobile homes.	2 for each dwelling unit.
2. Multi-family dwelling units, including conversion apartments, or multi-family housing developments.	2 for each dwelling unit.
3. Elderly housing complexes.	1 for each dwelling unit + 1 for each employee in the maximum work shift.
4. Mobile home parks.	2 for each mobile home lot + 1 visitor space for each lot in the park.
5. Bed & breakfast establishments.	2 for the dwelling unit + 1 for each guest room.
Institutional Uses	
6. Day care facilities.	
a. Family day care homes or accessory group day care homes.	2 for the dwelling unit + 1 for each 3 students/clients.
b. Day care centers, group day care homes or nursery schools.	1 for each 3 students/clients + 1 for each employee.
7. Schools. (Public or private)	
a. Elementary schools.	5 for each classroom + 1 for each employee.

b. Middle or high schools or post-secondary education facilities.	1 for each 3 seats of auditorium, Gymnasium or stadium capacity, whichever is greater.
USE CLASSIFICATION	**MINIMUM SPACES REQUIRED**
8. Places of public or private assembly, design such as churches, or government or municipal bldgs., community centers or grange halls. (See also # 23 below.)	1 for each 3 seats of facility capacity.
9. Personal care or nursing homes; & em-personal care centers.	1 for each 3 beds + 1 for each ployee in the max. work shift.
10. Group homes or institutional residences.	1 for each 2 residents + 1 for each employee in the max. work shift.
11. Medical or dental clinics.	5 for each service provider + 1 for each employee in the maximum work shift.
12. Veterinary clinics or animal hospital and/or kennels.	3 for each service provider + 1 for each employee in the maximum work shift.
13. Cemeteries.	5 visitor spaces + 1 per employee.
Commercial/Retail Uses	
14. Retail stores or personal service business establishments, ***except as provided below.***	1 for each 100 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
15. No-impact home-based businesses or home occupations.	2 for the dwelling unit + 2 customer spaces + 1 for each non-occupant employee.
16. Farm-related businesses.	4 for each business + 1 for each employee.

17. Roadside stands, plant nurseries or greenhouses.	5 for each facility +1 for each employee.
18. Restaurants; bars or taverns; &. clubs or civic organization facilities.	1 for every 3 persons of facility design capacity + 1 for each employee in the maximum work shift.

USE CLASSIFICATION	**MINIMUM SPACES REQUIRED**
19. Grocery stores or convenience markets.	1 for each 100 sq.ft. of retail floor area + 1 for each employee in the maximum work shift.
20. Automotive sales facilities or automotive service stations &/or repair garages.	1 for each 300 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. (This shall be in addition to space allocated for normal storage of motor vehicles.)
21. Business, professional or financial offices. (See also # 11 above.) institutions; and office buildings.	1 for each 300 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
22. Commercial lodging facilities.	1 for each guest room + 1 for each employee in the max. work shift.
23. Public or adult entertainment establishments, inc. theaters.	1 for each 100 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
24. Funeral homes or mortuaries.	1 for each 3 seats of facility design capacity + 1 for each employee.
25. Shopping centers.	3 for each 1,000 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.

Industrial Uses

26. Industrial uses or manufacturing operations; warehousing or storage facilities, ***except as provided below.***	1 for each employee in the maximum work shift + 5 visitor spaces.
27. Sawmills, lumber yards, contractor's shops & yards, machine shops; or wood products manufacturing.	1 for each employee + 3 customer spaces.
28. Mineral extraction operations; and junk yards or auto salvage operations.	1 for each employee in the maximum work shift + 3 visitor spaces.

USE CLASSIFICATION	**MINIMUM SPACES REQUIRED**
29. Wholesale businesses & printing establishments.	1 for each employee + 3 customer spaces.
30. Freight terminals or depots; or multi-tenant truck stops.	As recommended by the Institute of Traffic Engineers for specific facilities.

Recreational or Open Space Uses

31. Parks or playgrounds.	1 for each 5 persons of total facility design capacity.
32. Stables or riding academies.	1 for each 3 persons of total facility design capacity + 1 for each employee.
33. Outdoor commercial & non-commercial recreation uses. (See also # 34 below.)	1 for each 3 persons of total facility design capacity + 1 for each employee in the maximum work shift.
34. Campgrounds or RV parks.	1 for each camping space + 1 additional space for every 2 camping spaces for visitor parking.
35. Seasonal dwellings.	2 for each seasonal unit.

902 OFF-STREET LOADING REQUIREMENTS

Off-street loading space or area shall be provided in connection with every commercial, industrial, or institutional building or use or part thereof hereafter erected which requires the delivery or shipment of merchandise or materials. Such accommodations shall be provided in accordance with the requirements of this Section and shall meet the following standards.

A. Each off-street loading space shall be of sufficient size to adequately accommodate the use being served and shall be located entirely on the subject lot. At a minimum, each loading space shall be 12 feet in width, 45 feet in length, and shall have an overhead clearance of no less than 15 feet, exclusive of drives or maneuvering area. Where possible, such spaces shall be designed so that there will be no need for drivers to back over public walkways or street rights-of-way.

B. Loading spaces shall be graded for proper drainage and shall be designed and constructed in accordance with the standards set forth in Section 901 D. for parking areas.

C. All lighting used to illuminate off-street loading spaces shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing direct glare on adjacent properties.

D. No off-street loading space or loading dock may extend into any required off-street buffer yard or setback area (see Section 606), nor shall the area provided for off-street parking be included in the calculation of required loading or unloading space.

E. Off-street loading spaces shall be set back a minimum five (5) feet from all side property lines when loading is proposed to be located adjacent to another non-residential lot. Where however, such loading abuts a residential lot, a side setback of not less than 15 feet shall be required. Regardless of the adjoining land use, off-street loading shall be set back a minimum of ten (10) feet from all rear property lines. Screening, as provided in Section 607 of this Chapter, shall be used to effectively screen off-street loading areas from residential uses.

F. The number of off-street loading spaces required shall be as set forth in TABLE 2 below.

TABLE 2

OFF-STREET LOADING SCHEDULE

Gross Floor Area	Minimum Number of Spaces Required
Up to 5,000 square feet	1
5,001 - 40,000 square feet	2
40,001 - 100,000 square feet	3
Over 100,000 square feet	3 + 1 for each additional 50,000 square feet of gross floor area.

903 DRIVEWAY AND ACCESS DRIVE REQUIREMENTS

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all **new** driveways and access drives.

A. Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road. Access onto State roadways shall require a Highway Occupancy Permit in accordance with PennDOT standards and access onto a Township road shall require a Driveway Permit in accordance with municipal requirements.

B. All new driveways or access drives proposed for construction shall adhere to the clear sight triangle requirements set forth in Section 605 D. of this Chapter and shall meet or exceed the design standards established in TABLE 3 below to the greatest extent possible. In addition, all such driveways or access drives should be located where street alignment and profiles are favorable, and should avoid sharp curves and steep grades where feasible.

C. Where a driveway or access drive is to be installed in conjunction with a proposed use, the Zoning Permit application for such use shall include a scaled drawing showing the location, construction material(s), and the sight distance proposed for the driveway or access drive.

D. Driveways or access drives for residential development shall be limited to one (1) point of intersection, and access for non-residential development shall be limited to two (2) drives or intersections. When however, a residential lot's frontage exceeds 100 feet or a non-residential lot exceeds 300 feet in width, or other exceptional circumstances exist, the Zoning Hearing Board may authorize additional access intersections. (See also TABLE 3 below.)

E. Except in the case of single- and two-family dwellings, all driveways and access drives shall be designed so that there will be no need for motorists to back over public walkways or street rights-of-way.

F. No driveway or access drive shall be closer than five (5) feet to a side or rear property line min a residential area, unless the two adjoining property owners mutually agree to a common driveway. In such an instance, a written agreement shall be prepared by the property owners and submitted to the Township for review prior to the issuance of a Driveway and/or Zoning Permit, where applicable. In the case of commercial or industrial uses, no driveway or access drive shall be closer than ten (10) feet to a side or rear property line. Further, all such assesses shall be set back a minimum of five (5) feet from fire hydrants, catch basins and drain inlets.

G. Driveways and access drives shall be designed and constructed in such manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by the appropriate Township official(s), a drainage pipe shall be installed under the driveway or access drive by the property owner. The length and diameter of such pipe shall be as established and approved by the Township.

H. In addition to the requirements set forth above, the Driveway and Access Drive Design Guidelines contained in TABLE 3 (next page) should be utilized to the greatest extent possible in the design and construction of such facilities.

TABLE 3

DRIVEWAY AND ACCESS DRIVE DESIGN GUIDELINES

Type of Development	Min. Width	Max. Grade [1]	Min. Curb Radius [2]	Min. Intervals [3]	Min.Sight Distance [4]

[1] All driveways and access drives shall provide a stopping or leveling area having a grade of 5% or less for a distance of 25 feet from the edge of the cartway or paved surface of the intersecting street. This leveling area shall intersect the street at an angle of no less than 60 degrees, preferably 90 degrees.

[2] Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be 20 feet for single-family residential uses and 35 feet for multi-unit and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin ten (10) feet back from the edge of the curb for single-family residential and 15 feet back for multi-unit and non-residential uses.

[3] Minimum intervals for single-family residential units shall apply between a street intersection and the first driveway only. Minimum intervals for other types of uses shall be measured between any two points of access, including driveways and public

Single-Unit Residential	10 ft.	15%	10 ft.	40 ft.	150 ft.
Multi-Unit Residential [5]	20 ft.	12%	15 ft.	75 ft.	200 ft.
Non-Residential Uses	15 ft./lane	8%	15 ft.	100 ft.	300 ft.

streets.

[4] Minimum sight distance shall be measured from the point of intersection of the driveway or access drive centerline and the street right-of-way line to a point at the specified distance on the cartway centerline. No significant obstructions or plantings measuring higher than 36 inches or hanging lower than ten (10) feet above road grade shall be permitted within this area. (See also Section 605 D. of this Chapter.)

[5] For the purposes of driveway or access drive design, the multi-unit residential design criteria shall be used for driveways or access drives serving five (5) or more lots or dwelling units.

PART 10

NONCONFORMITIES

1001 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the time of adoption of this Chapter 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 Chapter to permit these nonconformities to continue until they are removed, discontinued or abandoned. (See Section 1002 below for nonconforming lots.)

A. General Application of Provisions

Nothing contained herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a Zoning Permit was granted and/or where the construction shall have started before the date of adoption of this Chapter or applicable amendment thereto.

B. Abandonment

If any nonconforming use, or building or structure occupied by a nonconform-ing use, is abandoned for a period of one (1) year, the future use of such building, structure or land shall be in conformity with the District Regulations of this Chapter. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or 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.

C. Repairs, Restoration and Reconstruction

1. Exterior repairs, non-structural alterations, and other general maintenance adjustments may be made to a nonconforming building or structure or to a building or structure occupied by a nonconforming use. Such work shall however be subject to all applicable Zoning Permit and/or Building Code requirements. (See also Section 1303.)

2. Where less than 50% of the volume or gross floor area of a nonconform-ing building or structure or building or structure occupied by

a nonconforming use is destroyed by fire, flood or other natural cause, that

building or structure may be reconstructed, restored and used as before, provided that:

a. the Zoning Officer approves the application for restoration or reconstruction as meeting the requirements of this Chapter;

b. the restoration or reconstruction commences within one (1) year after the completion of all claims, legal actions and investigations related to the damage (See also Section 1303 G.);

c. the proposed restoration or reconstruction does not exceed the size, bulk, height and area of the structure that existed prior to the damage; and

d. the restoration or reconstruction will comply with all floodproofing requirements contained in Part 7 of this Chapter where the nonconformity is located within any identified floodplain area.

3. Where 50% or more of the volume or gross floor area of a nonconforming use or building or structure or building or structure occupied by a nonconforming use is damaged or destroyed by fire, flood or other natural cause, that building or structure may be reconstructed, restored and used as before, provided that:

a. the Zoning Hearing Board approves said restoration or reconstruction;

b. said restoration or reconstruction commences within one (1) year after the completion of all claims, legal actions and investigations related to the damage;

c. the proposed restoration or reconstruction does not exceed the size, bulk, height and area that existed prior to the damage, unless approved otherwise by the Zoning Hearing Board; and

d. the restoration or reconstruction will comply with all floodproofing requirements contained in Part 7 of this Chapter where the nonconformity is located within any identified floodplain area.

D. <u>Extensions and Enlargements</u>

1. A **nonconforming use** of a building or structure may be extended

throughout the interior of the building provided that no structural alterations are made therein. Prior to the initiation of any such extension however, a Zoning Permit shall be obtained from the Township Zoning

Officer and all applicable Zoning Permit and Building Code requirements shall be met.

2. Exterior structural alterations proposed to extend or enlarge a **noncomforming building or structure** may be approved by the Zoning Officer where such proposed alterations meet the yard, height and other requirements of this Chapter, except as authorized otherwise in Sections 603 B.4., 603 C.3., and 603 D.2.

3. All other exterior structural alterations proposed to extend or enlarge a **nonconforming building or structure,** or building or structure occupied by a **nonconforming use,** shall be **submitted** to the Zoning Hearing Board for consideration. The Hearing Board may approve such application provided that:

   a. the extension or enlargement does not extend the structure or use beyond the remainder of the lot or parcel as it existed at the effective date of this Chapter, nor extend the structure or use by more than a cumulative total of 50% of the gross floor area occupied by such use at the time it became nonconforming, regardless of ownership;

   b. in the case of a nonconforming use, the extension is attached or contiguous to the existing building or structure containing the nonconforming use;

   c. the extension or enlargement conforms to the yard, height, and other requirements of the district in which it is located; and,

   d. adequate off-street parking can be provided in conformance with the requirements of Part 9 of this Chapter to serve both the original use plus the extension or enlargement.

   In reviewing applications for extension or enlargement, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Chapter.

4. For **nonconforming uses** whose normal operations involve non-structural expansion (i.e quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25% of the volume of area

of the nonconformity which existed at the effective date of this Chapter. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board. Prior to the initiation of any expansion how

ever, a Zoning Permit shall be obtained from the Zoning Officer.

5. Any **nonconforming building or structure**, or building or structure occupied by a **nonconforming use**, which is moved for any reason, must meet all requirements of the district in which it is to be located.

E. Change of Use

1. The change of a nonconforming use of a building, structure or land to a nonconforming use of the same or a more restricted classification may be approved by the Zoning Hearing Board provided that the applicant can show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:

   a. traffic generation and congestion, including truck, passenger car, and pedestrian movement;

   b. noise, smoke, dust, fumes, vapor, gases, heat, odor, glare or vibration;

   c. outside, unenclosed storage, and waste collection and disposal; and,

   d. appearance, character, and nature of the neighborhood or area.

2. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

F. Application to Agricultural Structures

The regulations governing nonconformities set forth in this section shall not apply to agricultural structures when such structures are a part of an active agricultural use. It is not the intent of these regulations to create hardships for on-going agricultural activities.

G. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before the effective date of this Chapter, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the

process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

1002 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of the adoption of this Chapter 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 Chapter 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.

A. Discontinuance/Lot Changes

Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land shall not hereafter be changed back to a nonconforming lot.

B. Existing Undeveloped Lots of Record

In the case of an undeveloped lot of record which lawfully existed at the effective date of this Chapter which cannot accommodate a principal building or structure and meet the requirements for the district in which it is located, a **permissible, principal building or 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 or less nonconforming lot;

2. each side yard is not less five (5) feet in a Residential District (except that corner lots shall meet the requirements set forth in Section 603 C.2 of this Chapter); not less than 15 feet in an Agricultural or Woodland/Conservation District; and the yard requirements of all other districts are met in full;

3. the rear yard is not less than ten (10) feet in a residential District; and not less than 15 feet in the Agricultural or Woodland/Conservation District; and the yard requirements of all other districts are met in full;

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; and,

6. provided that the site and its intended use comply with all other applicable provisions of this Chapter.

C. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming lot on or before the effective date of this Chapter, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

PART 11

RESPONSIBILITIES OF THE ZONING HEARING BOARD

1101 ORGANIZATION AND PROCEDURE

A. Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, a Zoning Hearing Board is hereby established in Castanea Township, Clinton County.

B. Appointment and Membership

1. The Zoning Hearing Board shall consist of three (3) residents of Castanea Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.

2. The Township Supervisors may also appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board may designate alternate members of the Board to replace any absent or disqualified members, and if, by reason of absence or disqualification, a quorum is not reached, the Chairman shall designate as many alternates as necessary to reach a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other elected or appointed office in the municipality, including service as a member of the Township Planning Commission or as a zoning officer, nor shall any alternate be an employee of the Township.

3. A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days' advance notice of the Township's intent to take such a vote. A Hearing shall be held in connection with the vote if requested in writing by the member.

C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

D. General Grant of Power

The Zoning Hearing Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, as amended, and as herein described.

1102 POWERS AND DUTIES

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

A. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Chapter, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the issuance or refusal to issue a Certificate of Nonconformance for any nonconforming use, structure, or lot.

2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Parts V and VII of the PA Municipalities Planning Code.

3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions with a land use ordinance.

4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the

interpretation of any provision of this Chapter, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to Sections 609.1 and 916.1(a) (2) of the PA Municipalities Planning Code, as amended.

2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Chapter in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. **The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.**

The Board's decision to approve or deny a variance request shall be made only after public notice and hearing. (See Section 1103.) (See also Appendix C for an illustration of the variance procedure.)

No variance in the strict application of any provisions of this Chapter shall be granted by the Zoning Hearing Board unless all of the following findings are made, where relevant, in a given case:

1. that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of

the Zoning Ordinance [this Chapter] in the neighborhood or district in which the property is located;

2. that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance [this Chapter] and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. that such unnecessary hardship has not been created by the appellant;

4. that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,

5. that the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

D. <u>To Hear and Decide Request for Special Exceptions</u>

The Zoning Hearing Board may grant Special Exceptions only for such uses as are provided for in Part 4, the District Regulations, and pursuant to express standards and criteria outlined in Part 5. The Board's decision to approve a Special Exception shall be made only after public notice and public hearing. (See Section 1103.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception request. (See also Appendix D for a chart illustrating the Special Exception procedure.)

The Zoning Hearing Board, at its discretion, may also request that the Township Planning Commission review the Special Exception application. Where such review is requested, the Township Planning Commission shall have 30 days from the date of its receipt of the application from the Board within which to conduct its review and file its report. In the event that the Commission fails to complete its review or file its report within 30 days, such application shall be deemed to have been approved by the Commission. Further, the Commission may have representation at the hearing held by the

Hearing Board on such application.

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Township Planning Commission and the following requirements, in addition to the standards set forth in Part 5, and in other applicable sections of this Chapter.

1. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;

2. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;

3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;

4. that adequate landscaping and screening is provided as required herein;

5. that adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,

6. that the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

In approving a Special Exception, the Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Chapter.

1103 HEARING PROCEDURES

A. Parties Appellant Before Zoning Hearing Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for a variance or special exception must however be filed with the Board by any landowner or an authorized agent of such landowner.

B. Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing

Board later than 30 days after an application for development, whether preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

C. Applications Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Chapter and shall exactly set forth the interpretation that is claimed or shall include the plans or details of the variance or special exception that is requested, in addition to the following information:

1. the name and address of the applicant or appellant;

2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;

3. the name and address of all adjacent property owners;

4. a brief description and location of the parcel to be affected by such proposed change or appeal;

5. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,

6. a reasonably accurate description of any existing buildings, structures, or improvements located on the site and the additions or changes intended to be made under this application, indicating the size of such proposed improvements. In addition, the applicant shall provide the Zoning Hearing Board with an accurate plot plan, drawn to scale, of the property to be affected, indicating the location and size of the lot and size and location of all existing buildings, structures, trees, or other physical features thereon and those additional improvements proposed to be erected.

D. Procedure for Zoning Officer

1. The notice of appeal in any case where a Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers

constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.

2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Within 60 days of the date of receipt of an applicant's application for such hearing, the Board shall fix a reasonable time and place for and commence the first hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Part 2 of this Chapter.

2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;

3. Give written notice to the applicant, the Zoning Officer, the Township Secretary or Township Manager, as applicable, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing; and

4. In the case of an appeal or a request for a variance or Special Exception, notify all land owners adjoining the affected tract at least seven (7) days prior to the date of the hearing.

Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. The applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.

F. Rules of Conduct

1. The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Chapter and shall commence, conduct and complete all hearings in accordance with the requirements of the PA Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall

be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

2. All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

3. A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or disqualification or a member, the Chairman of the Board shall designate as many alternate members as necessary to reach a quorum.

G. Decisions

1. The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Chapter.

2. In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

3. A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and

address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board at the time of their action, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning and/or Building Permit(s) and start construction, or fails to comply with the conditions of said decision, within 12 months from the date of said decision.

I. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Chapter, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

J. Failure to Hold Required Hearing or Render Decision

Where the Board fails to commence, conduct, or complete the required hearing or fails to render a decision within the prescribed time period (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board fails to provide such notice, the applicant may do so.

K. Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency

certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Clinton County pursuant to the procedures established in Part X-A of the PA Municipalities Planning Code, as amended.

PART 12

RESPONSIBILITIES OF THE TOWNSHIP SUPERVISORS

1201 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Chapter, including the Zoning Map, by proceeding in the following manner. (See Appendix E of this Chapter for an illustration of the amendment procedure.) For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Part VI of the PA Municipalities Planning Code.

A. Public Hearing and Notice Requirements

1. The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication should appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

2. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the municipality along the affected tract at least seven (7) days prior to the date of the hearing. Further, where a proposed amendment involves a zoning map change, other than a comprehensive municipal rezoning, the Township shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

3. If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning

Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

C. Opportunity to be Heard

At the public hearing, any citizen and all parties in interest shall be given the opportunity to be heard.

D. Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage is to be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendments

The adoption of an amendment shall be by simple majority vote of the Township Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

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

1202 CONDITIONAL USES

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Part 4 of this Chapter, the District Regulations, pursuant to the express standards and criteria outlined in Part 5, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Chapter. (See Appendix F of this Chapter for a chart illustrating the Conditional Use procedure.)

A. Application Procedure

Applications for any Conditional Use permitted by this Chapter shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors or Township Manager, as applicable. Upon receipt of a Conditional Use application, the Secretary or Manager, as applicable, shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.

B. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;

2. the present use of the tract for which the conditional use is requested;

3. the present use of adjoining tracts;

4. the type of conditional use for which the application is made;

5. a brief description of the type and extent of the proposed activities;

6. an estimate of the total development cost of the conditional use; and,

7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. Site Plan

All applications for a Conditional Use shall include a site plan of the proposed development as set forth below. Such site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include the following information:

1. a title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession 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, easements, means of access and setback lines;

5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;

6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;

7. a proposed grading and drainage plan;

8. a proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;

9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,

10. the location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Supervisors, upon recommendation of the Township Planning Commission, may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. Hearing Requirements

Within 60 days of the date of receipt of an applicant's application for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold the first public hearing on the proposal. Hearings shall be conducted in accordance with the procedures set forth in Section 1103 F.2 of this Chapter for Zoning Hearing Board hearings. ***The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.***

E. Criteria for Review of Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Chapter:

1. the purpose of the zone in which the requested conditional use is to be

   located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;

2. whether the specific site is an appropriate location for the use, structure or condition;

3. whether the use developed will adversely affect the neighborhood;

4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,

7. whether satisfactory provision and arrangement has been made concerning the following:

   a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;

   b. off-street parking and loading areas;

   c. waste collection, storage and disposal;

   d. utilities, with reference to location, availability and compatibility;

   e. screening and buffering with reference to type, dimensions and character;

   f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,

   g. required yards and open spaces.

F. <u>Decisions</u>

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or

denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the

PA Municipalities Planning Code, this Chapter, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Supervisors fail to commence, conduct, or complete the required hearing or fail to render a decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning and/or Building Permit(s) and start construction, or fails to comply with the conditions of said authorization, within 12 months from the date of said authorization.

I. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

PART 13

ADMINISTRATION AND ENFORCEMENT

1301 DUTIES OF THE ZONING OFFICER

The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors and hold no elective office in the municipality. Said Officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of this Chapter. The Zoning Officer may be compensated for his work and shall have the following duties:

A. to receive and process applications for permits, certificates, variances, conditional uses, special exception uses, appeals and other applications required under the terms of this Chapter;

B. to prescribe the form of all applications, permits and certificates required under the terms of this Chapter;

C. to issue or deny applications for Zoning Permits in accordance with the procedure set forth in Section 1303 of this Chapter. **In cases involving a request for a Conditional Use, a Special Exception, or a variance, Zoning Permits shall be issued only upon written order of the appropriate approving agency.** It shall be the responsibility of the Zoning Officer to process requests for such hearings before the Township Supervisors and Zoning Hearing Board, as applicable;

D. to issue or deny requests for Certificates of Compliance in accordance with the procedure set forth in Section 1304 of this Chapter;

E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;

F. to issue written enforcement notices as specified in Section 1305 A. of this Chapter where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations;

G. to maintain and update the official Zoning Map as amendments are made by the Township Supervisors;

H. to maintain a log of all applications, permits or certificates issued, variances

granted, inspections made, reports rendered and notices or orders issued;

I. to post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in Section 1103 E.2. and to post notice of proposed zoning district boundary changes as per the requirements of Section 1201 A.2;

J. to present facts, records, and other information to the Township Supervisors and/or Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications;

K. to present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the Township's position, interpretation, and procedures in application of the provisions of this Chapter;

L. to issue Certificates of Nonconformance as requested (See also Sections 1001 G. and 1002 C.); and,

M. to perform such other duties as may be provided or made necessary by the terms of this Chapter.

1302 GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building, structure, or land shall apply to the Zoning Officer for a Zoning Permit by completing the appropriate application form and by submitting the required fee. The Zoning Officer shall then either issue or deny the Zoning Permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as applicable. After the applicant has received his Zoning Permit, he shall contact the Township Building Code official and make application for a Building Permit. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Compliance. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit, he shall issue a Certificate of Compliance, after which the Building Code official shall inspect the premises and issue or deny an Occupancy Permit allowing the premises to be occupied or used. (The specifics of each step of the zoning procedure are presented in Sections 1303 and 1304 below and in chart form in Appendix G of this Chapter.) **Nothing in this Chapter shall exempt the applicant from obtaining any Permits which may be required by other regulations or codes in effect in Castanea Township.**

1303 ZONING PERMITS

A. Requirements for Zoning Permits

Zoning Permits shall be required:

1. prior to the placement, erection, construction, addition, or alteration of any building, structure, or land;

2. prior to the use or change in use of a building, structure, or land;

3. prior to the erection or alteration of signs except as specified in Part 8;

4. prior to the change or extension of a nonconforming use;

5. prior to the demolition or razing of any building or structure; AND

6. prior to development in any Floodplain District, ***except as listed below***.

It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, *the change from one use to another use in an existing building (regardless if structural alterations are proposed or necessary to accommodate the change)*, or for a change in the use of land, until a Zoning Permit has been duly issued therefor. **No Zoning Permit shall be issued however until all appropriate sewage, driveway, and other related Permits have first been issued for the proposed use.** (See also Sub-Section D. below for compliance requirements.) **Upon issuance of the Zoning Permit, the applicant may apply for a Building Permit.**

Exemptions

Zoning Permits shall **not** be required for the following activities *unless they are proposed within a floodplain district*:

1. non-commercial or non-industrial interior alterations when there is no increase in exterior dimension and no change in use;

2. general maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition of storm windows, and similar activities;

3. land cultivation, including crop or tree farming;

4. landscaping or clearing woodlands, excluding commercial timber harvesting;

5. placement or location of transmission, distribution and/or collection lines for utilities.

B. Application for Zoning Permits

Each request for a Zoning Permit shall be made by completing the appropriate

application form obtained from the Zoning Officer and submitting it along with the

required fee to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 30 working days after receipt of a complete application to issue or deny requests for a Zoning Permit. Any denial shall be in writing and shall state the reason(s) for such action.

C. Description of Work and Plan Requirements

All applications for Zoning Permits shall be accompanied by a sketch or plans, drawn to scale, which show the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Chapter and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

All applications and accompanying plans and documents shall become a matter of public record once a Permit has been either issued or denied.

D. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate documentation and to certify that the proposed use will comply with all requirements of this Chapter, and all other applicable Federal, State, or local regulations. Such documentation may include copies of sewage permits, PennDOT Highway Occupancy or Township Driveway Permits, Department of Labor and Industry or Public Welfare approvals, or other regulatory agency reviews, where such permits, approvals or reviews are appropriate.

E. Changes

After the issuance of a Zoning Permit, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted

to the Zoning Officer for consideration.

F. Display of Permit Placard

In addition to the Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be visibly displayed or posted on the premises during the time that construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Zoning Permit, the date of its issuance, and the signature of the Zoning Officer.

G. Time Limitations for Permit

Work on the construction authorized by the Zoning Permit shall be completed within six (6) months after the date of the issuance of the Permit of the Permit shall expire and become null and void. Additional work on the proposed project shall require the issuance of a new Zoning Permit. A time extension of the original Permit may however by granted by the Zoning Officer where the applicant submits a written request prior to the expiration of the original Permit setting forth sufficient and reasonable cause for the Zoning Officer to grant such a request. No more than two (2), 90-day extensions may be granted. Additional time shall require the issuance of a new Zoning Permit.

For the purposes of this Chapter, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Chapter.

I. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that

the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for

in the application. In such case, the Zoning Officer shall issue a cease and desist order to the owner, corporation, or person holding the Permit to immediately discontinue the illegal action and surrender the Permit. No case however, shall the person so served abandon the premises in an unsafe condition. The premises shall be secured, to the satisfaction of the Zoning Officer, to avoid potentially hazardous conditions. A report of such revocation shall be submitted to the Township Building Code Official and to the Township Supervisors for whatever additional action may be deemed necessary.

J. Temporary Zoning Permits

A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use where it is deemed beneficial to the public health or general welfare or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. (See also Section 535 A. and 535 B. of this Chapter for additional temporary use permit requirements.)

K. Seasonal Zoning Permits

A Seasonal Zoning Permit may be authorized by the Zoning Officer for 1) the placement or establishment of a temporary roadside stand; 2 the placement of a recreational vehicle on a lot situated within a designated floodplain in the Township for more than seven (7) consecutive days; and 3) for the placement of a campground within a designated floodplain. Seasonal Permits may be valid for no more than 180 days in any calendar year. Before issuing a Seasonal Permit the Zoning Officer shall be satisfied that the requirements of Sections 522, 523 F., and 525 D. and all other applicable provisions of this Chapter, including Part 5, the District Regulations, have been met.

1304 CERTIFICATES OF COMPLIANCE

A. Requirements for Certificates of Compliance

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part, or shall be changed in use until a Certificate of Compliance has been issued by the Zoning Officer. Such requirement shall include proposals to *change one use to another use* in an existing building (regardless if structural alterations are proposed or necessary to accommodate the change).

The issuance of a Certificate of Compliance is not intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of this Certificate is only to

certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Chapter.

B. Issuance and Effect

The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Zoning Officer shall inspect the construction or change of use within ten (10) days of the notification. The Zoning Officer shall then issue or deny the Certificate within ten (10) days after the last inspection thereof. If the Zoning Officer is satisfied that the work has been completed in accordance with the issued Zoning Permit and is in compliance with the provisions of this Chapter, then the Certificate of Compliance shall be issued. If, however, any part of the construction is found in violation, the Certificate shall be denied and the applicant shall be notified in writing of the deficiencies or the reasons for denial of the Certificate. Once granted, the Certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants.

1305 VIOLATIONS AND ENFORCEMENT

Failure to secure a Zoning Permit when required hereunder or failure to secure a Certificate of Compliance, or failure to carry out the provisions of this Chapter, shall be considered a violation of this Chapter.

A. Enforcement Notice

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Chapter, the Zoning Officer, on behalf of the Township, shall give **written notice** of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be served upon the property owner or sent to him by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;

2. include the name of the owner of record and any other person against whom the Township intends to take action;

3. include the location of the property in violation;

4. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Chapter;

5. contain an outline of remedial action which, if taken, will effect compliance;

6. specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed;

7. notify the recipient of his right to appeal to the Township Zoning Hearing Board prior to the expiration of the time period provided in the enforcement notice; and,

8. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township Zoning Officer may institute in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Township Supervisors at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Castanea Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation

by the district justice. If the defendant neither pays nor timely appeals the judgment, Castanea Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate

violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Castanea Township.

1306 FEES

Fees for the issuance of Zoning Permits, Certificates of Compliance, ordinance amendments, Conditional Uses, Special Exception Uses, variances, and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors and as may be amended hereafter by subsequent Resolution.

Further, any fees paid by a party for the appeal of an enforcement notice to the Township Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

PART 14

MISCELLANEOUS PROVISIONS AND ENACTMENT

1401 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. The Chapter is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Chapter imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Chapter shall control, except as may be provided otherwise by such rule, regulation, or ordinance.

1402 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Castanea Township Zoning Ordinance [Chapter 155 of the *Code of the Township of Castanea*], enacted March 7, 1977 and all amendments subsequently made thereto. Nothing in this Chapter 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 accrued or existing under any Ordinance repealed by this Chapter. Nor shall any right or remedy of any character be lost, impaired or affected by this Chapter.

1403 SEVERABILITY AND VALIDITY

The provisions of this Chapter are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Supervisors, that this Chapter would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted there from.

1404 ENACTMENT AND EFFECTIVE DATE

ENACTED and **ORDAINED** into an Ordinance on the 15th day of November, 2010, by the Supervisors of Castanea Township, Clinton County, PA.

TO BECOME EFFECTIVE on the 20th day of November, 2010.

CASTANEA TOWNSHIP SUPERVISORS

_____

Chairman

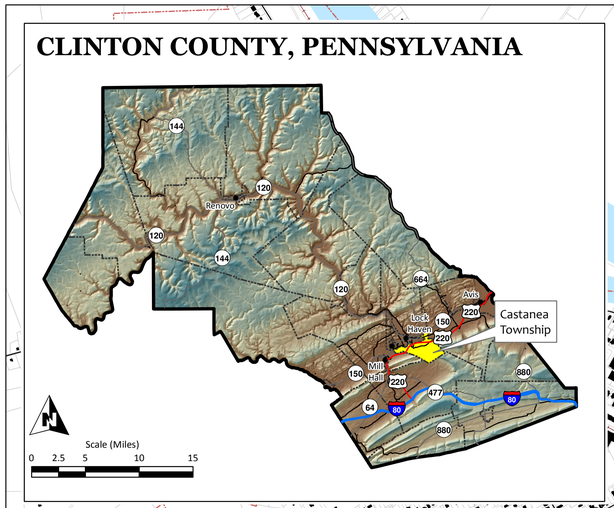
_____

_____

ATTEST: _____
Castanea Township Secretary

TOWNSHIP SEAL:

CLINTON COUNTY, PENNSYLVANIA



WOODWARD TOWNSHIP

DUNNSTABLE TOWNSHIP

WAYNE TOWNSHIP

LOCK HAVEN CITY

FLEMINGTON BOROUGH

CASTANEA TOWNSHIP

BALD EAGLE TOWNSHIP

LAMAR TOWNSHIP

West Branch River

Susquehanna River

Pennsylvania Canal

Bald Eagle Creek

Kommerdiner Run

Upper Castanea Reservoir

A

C

O/R

R-M

R-H

W/C

NOTES

- This Map is part of the Castanea Township Zoning Ordinance which was enacted on November 15, 2010 and became effective on November 20, 2010.

- All parcel and municipal boundaries shown on this map are approximate and should not be considered as legal boundary locations.

- All Zoning District boundary lines follow existing or projected property lines or road or stream centerlines, except as otherwise noted.

- See the following pages for Castanea Township Airport Surface Areas and Castanea Township Floodplain Districts.

Legend

- Castanea Township Boundary
- Buildings
- Waterbodies
- Waterways
- Tax Parcels

Zoning District

- A — Agricultural District
- C — Commercial District
- R-H — High Density Residential District
- I — Industrial District
- R-M — Medium Density Residential District
- O/R — Open Space/Recreation District
- W/C — Woodland/Conservation District

CASTANEA TOWNSHIP
ZONING MAP

Gannett Fleming
Your Trusted Advisor Since 1915

Scale (Feet)
0 225 450 900 1,350 1,800

November 2010

ALLISON TOWNSHIP

WOODWARD TOWNSHIP

DUNNSTABLE TOWNSHIP

WAYNE TOWNSHIP

FLEMINGTON BOROUGH

CASTANEA TOWNSHIP

CITY OF ROCK HAVEN

CONICAL

HORIZONTAL

TRANSITIONAL

PRIMARY

APPROACH

Susquehanna River

West Branch

Pennsylvania Canal

Eagle Rock Creek

Bonnie Run

Kommerdiner Run

Upper Castanea Reservoir

BUS 220

NOTES

- This Map is part of the Castanea Township Zoning Ordinance which was enacted on November 15, 2010 and became effective on November 20, 2010.

- All parcel and municipal boundaries shown on this map are approximate and should not be considered as legal boundary locations.

- Airport hazard area information is taken from the Airport mapping prepared by the PA Department of Transportation, Bureau of Aviation, for the William T. Piper Memorial Airport, June 2010.

Legend

- Municipal Boundaries
- Buildings
- Waterbodies
- Waterways
- Tax Parcels
- Airport Surface Areas

CASTANEA TOWNSHIP

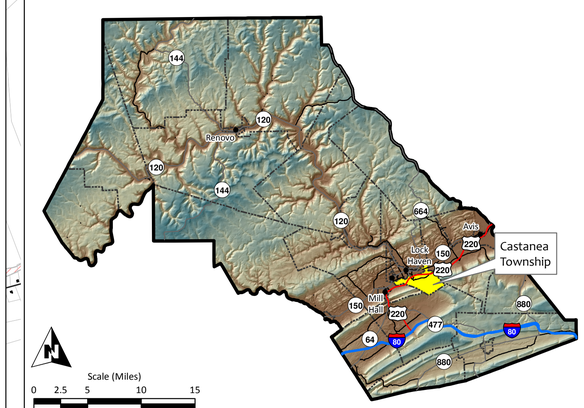
AIRPORT SURFACE AREAS

Gannett Fleming
Your Trusted Advisor Since 1915

Scale (Feet)
0 250 500 1,000 1,500 2,000

November 2010

CLINTON COUNTY, PENNSYLVANIA



WOODWARD TOWNSHIP

DUNNSTABLE TOWNSHIP

WAYNE TOWNSHIP

LOCK HAVEN CITY

FLEMINGTON BOROUGH

CASTANEA TOWNSHIP

BALD EAGLE TOWNSHIP

LAMAR TOWNSHIP

Upper Castanea Reservoir

NOTES

- This Map is part of the Castanea Township Zoning Ordinance which was enacted on November 15, 2010 and became effective on November 20, 2010.

- All municipal boundaries shown on this map are approximate and should not be considered as legal boundary locations.

- Floodplain information is taken from National Flood Insurance Program Rate Maps, prepared by the Federal Emergency Management Agency for Castanea Township, dated September 26, 2008.

Legend

- Castanea Township Boundary
- Buildings
- Waterbodies
- Waterways
- Tax Parcels
- Flood Fringe & General Floodplain District
- Floodway District
- 500-Year Floodplains

CASTANEA TOWNSHIP
FLOODPLAIN DISTRICT

Gannett Fleming
Your Trusted Advisor Since 1915

Scale (Feet)
0 225 450 900 1,350 1,800

November 2010

APPENDIX A

CASTANEA TOWNSHIP ZONING ORDINANCE

TABLE OF USES *

USES	DISTRICTS							
	R-M	R-H	C	I	A	O/R	W/C	FF& FW
Residential								
Bed & breakfast establishments	-	-	-	-	-	-	SE	-
Conversion apartments	SE	SE	-	-	-	-	-	-
Group homes	-	SE	-	-	-	-	-	-
Mobile homes on individual lots	P	-	-	-	P	-	P	-
Mobile home parks	-	C	-	-	-	-	-	-
Multi-family dwelling structures	C	C	-	-	-	-	-	-
Single-family detached dwellings	P	P	-	-	P	-	P	-
Single-family attached dwellings	C	C	-	-	-	-	-	-
Two-family dwellings; i.e. duplexes	SE	P	-	-	-	-	-	-
Institutional								
Animal hospitals	-	-	-	-	P	-	-	-
Cemeteries	-	-	-	-	-	-	SE	-
Churches or places of worship	P	-	-	-	-	-	-	-
Clubs or civic organ. facilities	-	-	SE	-	-	-	-	-
Day care centers or nursery schools	-	SE	-	-	-	-	-	-
Government or municipal bldgs.	P	-	P	-	P	-	-	-
Group day care homes	SE	-	-	-	-	-	-	-
Institutional residence	-	C	-	-	-	-	-	-
Medical or dental offices or clinics	-	-	P	-	-	-	-	-
Nursing homes or personal care centers	-	-	SE	-	-	-	-	-
Personal care homes	-	C	-	-	-	-	-	-
Public collection recycling point	P	-	-	-	-	-	-	-
Public utility service centers	-	-	-	SE	-	-	-	-
Schools, public or private	C	-	-	-	-	-	-	-
Utility supply facilities	C	C	C	C	C	C	C	-
Veterinary offices or clinics	-	-	P	-	P	-	-	-
Commercial								
Adult entertainment establishments	-	-	C	-	-	-	-	-
Agri-businesses	-	-	P	-	C	-	-	-
Automotive sales facilities	-	-	P	-	-	-	-	-
Auto service stations &/or repair garages	-	-	SE	SE	-	-	-	-

(Continued on Next Page)

USES	DISTRICTS							
	R-M	R-H	C	I	A	O/R	W/C	FF& FW
Commercial (Continued)								
Banks or financial institutions	-	-	P	-	-	-	-	-
Bars or taverns	-	-	SE	-	-	-	-	-
Business or professional offices	-	-	P	-	-	-	-	-
Car washes	-	-	P	-	-	-	-	-
Communications antennas, towers, &/ equipment bldgs. (commercial)	-	-	-	-	C	-	C	-
Entertainment estab., public (inc. theaters)	-	-	SE	-	-	-	-	-
Funeral homes or mortuaries	-	-	SE	-	-	-	-	-
Grocery stores or convenience markets	-	-	P	-	-	-	-	-
Kennels	-	-	-	-	P	-	-	-
Lodging facilities, commercial	-	-	P	-	-	-	-	-
Lumber yards	-	-	SE	P	-	-	-	-
Massage therapy establishments	-	-	P	-	-	-	-	-
Mobile home or RV sales &/or service	-	-	-	SE	-	-	-	-
Personal service businesses	-	-	P	-	-	-	-	-
Personal storage warehouses	-	-	SE	P	-	-	-	-
Restaurants	-	-	P	-	-	-	-	-
Retail business establishments	-	-	P	-	-	-	-	-
Roadside stands or garden shops	-	-	P	-	P	-	-	-
Sawmills	-	-	-	-	SE	-	SE	-
Shopping centers	-	-	C	-	-	-	-	-
Wind energy facilities, commercial	-	-	-	-	-	-	C	-
Industrial								
Assembly & packaging operations	-	-	-	P	-	-	-	-
Contractor's shops & yards	-	-	-	SE	SE	-	-	-
Freight terminals	-	-	-	C	-	-	-	-
Industrial parks	-	-	-	C	-	-	-	-
Junk yards or auto salvage operations	-	-	-	C	-	-	-	-
Machine shops	-	-	-	P	-	-	-	-
Manufacturing operations	-	-	-	P	-	-	-	-
Mineral extraction operations	-	-	-	-	-	-	C	C
Multi-tenant industrial facilities	-	-	-	C	-	-	-	-
Multi-tenant truck stops	-	-	-	C	-	-	-	-
Oil & gas operations	-	-	-	-	-	-	C	-
Printing, binding or publishing operations	-	-	C	P	-	-	-	-
Rail yards	-	-	-	C	-	-	-	-
Recycling centers, public	-	-	-	SE	-	-	-	-
Research & development facilities	-	-	-	P	-	-	-	-
Warehousing or enclosed storage	-	-	-	P	-	-	-	-
Wholesale businesses	-	-	C	P	-	-	-	-
Wood products manufacturing	-	-	-	P	-	-	-	-
Agricultural								
Animal husbandry, commercial	-	-	-	-	P	-	C	-
Raising of livestock or poultry	-	-	-	-	P	-	C	-
Concentrated animal operations (including CAFO's)	-	-	-	-	C	-	-	-

(Continued on Next Page)

USES	DISTRICTS							
	R-M	**R-H**	**C**	**I**	**A**	**O/R**	**W/C**	**FF& FW**
Agricultural (Continued)								
Forestry or forest management	-	-	-	-	P	P	P	-
Horticultural activities	-	-	-	-	P	-	P	P
Land cultivation	-	-	-	-	P	P	P	P
Orchards	-	-	-	-	P	-	P	P
Plant nurseries or greenhouses	-	-	-	-	P	P	P	P
Stables or riding academies	-	-	-	-	P	-	SE	-
Recreational								
Campgrounds or RV Parks	-	-	-	-	-	-	C	-
Conservation areas/nature preserves	-	-	-	-	-	SE	P	P
Docks or water-related uses	-	-	-	-	-	-	-	C
Non-commercial recreation uses	-	-	-	-	SE	P	-	P
Outdoor commercial recreation uses	-	-	SE	-	-	-	C	-
Parks or playgrounds	P	P	-	-	P	P	SE	P
Seasonal dwellings	-	-	-	-	-	-	P	-
Accessory								
Accessory residential uses	-	-	P	-	-	-	-	-
Accessory warehousing or storage	-	-	P	P	-	-	-	-
Administrative offices	-	-	-	P	-	-	-	-
Building mounted or co-located antennas	-	-	P	P	P	-	P	-
Essential services	P	P	P	P	P	-	P	-
Family day care homes	P	P	P	-	P	-	P	-
Farm-related businesses	-	-	-	-	P	-	P	-
Home occupations	P	P	P	-	P	-	P	-
Incidental uses & structures	P	P	P	P	P	P	P	P
No-impact home-based businesses	P	P	-	-	P	-	P	-
Off-street parking & loading	P	P	P	P	P	P	P	P
Outdoor furnaces	P	P	P	P	P	-	P	-
Personal wind energy facilities	-	-	-	-	P	-	P	-
Rail spurs	-	-	-	P	-	-	-	-
Roadside stands (temporary)	P	-	P	-	P	-	-	-
Signs	P	P	P	P/SE	P	P	P	-
Swimming pools	P	P	P	-	P	-	P	-
Temporary uses	P	P	P	P	P	-	P	P

* **NOTE:** This Table is intended to illustrate various uses provided by zone; it is not meant to be all inclusive. For a complete listing of uses provided for each zoning district, see Part 4, the District Regulations.

R-M – Medium Density Residential District; R-H – High Residential District; C – Commercial District; I – Industrial District; A – Agricultural District; O/R – Open Space/Recreation District; W/C – Woodland/Conservation District; FF & FW – Flood Fringe & Floodway Districts

P – Permitted Use
SE – Special Exception Use
C – Conditional Use

APPENDIX B

TABLE OF GENERAL DIMENSIONAL REQUIREMENTS*

Zone	Minimum Lot Area	Minimum Lot Width[1]	---- Minimum Yard Setbacks ---- Front[2]	Side[3] (each)	Rear[3]	Maximum Height[3]	Max. Bldg. Coverage
R-M	On-Lot S & W - 1 acre (43,560 sq.ft.) (SF)	120 feet	35/25 ft.	10/5 ft.	30/5 ft.	35/20 ft.	35%
	Public S & W - 9,600 sq.ft. (SF)	80 feet	35/25 ft.	10/5 ft.	30/5 ft.	35/20 ft.	35%
R-H	Public S & W - 9,600 sq.ft. (SF)	80 feet	35/25 ft.	10/5 ft.	25/5 ft.	35/20 ft.	35%
C	No minimum	No minimum	90/75 ft.	5/75 ft. [4]	50 ft.	80 ft.	No maximum
I	No minimum	No minimum	90/75 ft.	5/75 ft. [4]	50 ft.	100 ft.	No maximum
A	10 acres / 2 acres[5]	200 feet	50 ft.	25 ft.	25 ft.	40 ft.	25%
O/R	No minimum	No minimum	25 ft.[6]	none	none	20 ft.	10%
W/C	On-Lot S & W - 1 acre (43,560 sq.ft.) (SF)	200 feet	35 ft. [6]	25 ft.	25 ft.	30 ft.	20%
	Public S & On-Lot W - 30,000 sq.ft. (SF)	150 feet	35 ft. [6]	25 ft.	25 ft.	30 ft.	20%
	Public S & W - 20,000 sq.ft. (SF)	100 feet	35 ft. [6]	25 ft.	25 ft.	30 ft.	20%
FF, FP, & FW	---------- Same as the Underlying District ----------						

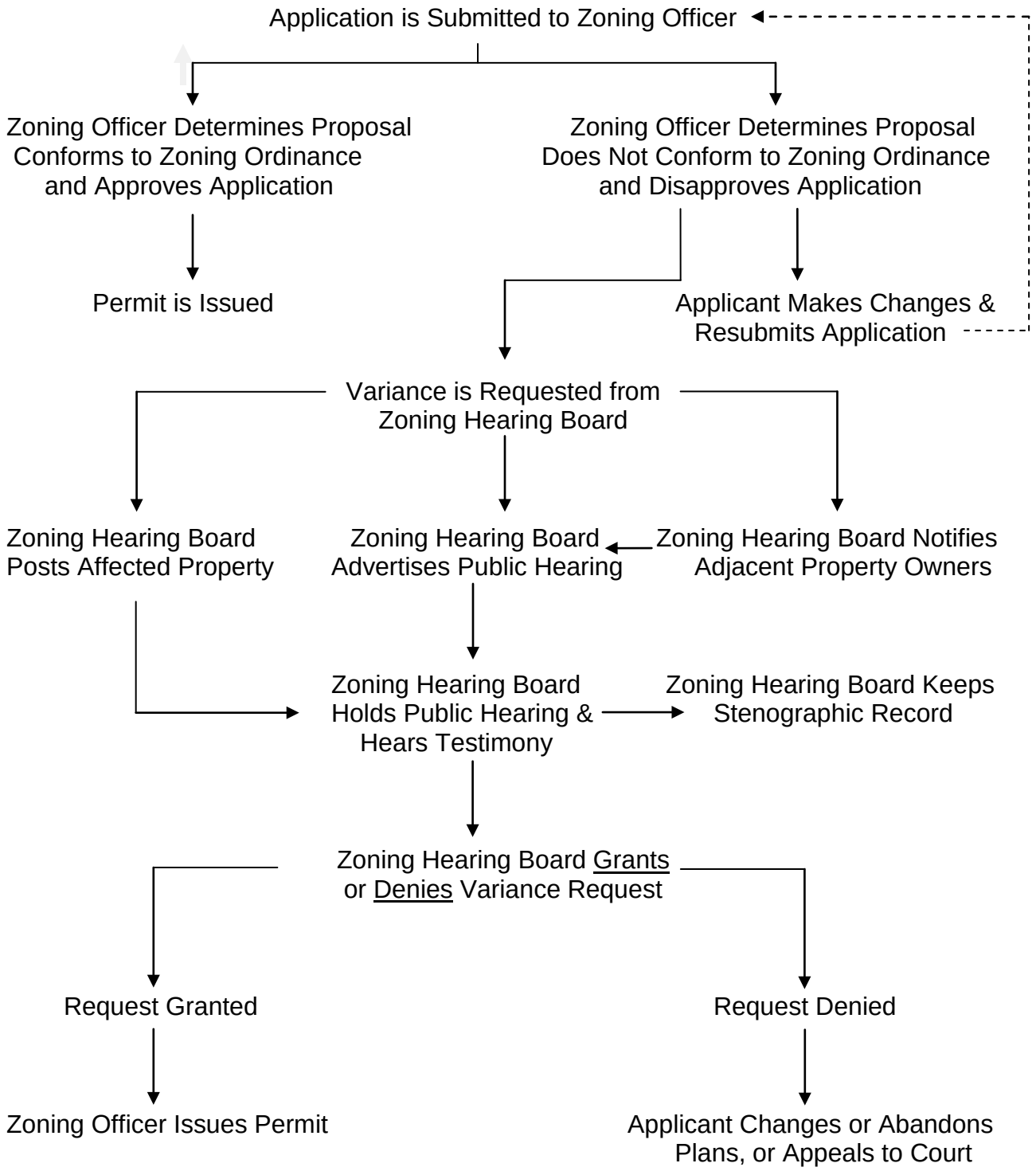
* **NOTE:** See also Lot, Yard, & Open Space Requirements in Part 4 for each zoning district and the Supplementary Use Regulations in Part 5 for dimensional standards for specific uses.

[1] Measured at minimum building setback line.
[2] Measured from road center-line/edge of road cartway
[3] Principal structures/Accessory structures
[4] Abutting Commercial or Industrial District/Abutting any other Zone.
[5] Agricultural uses/All other principal uses.
[6] Measured from edge of street right-of-way line.

S - Sewer
W - Water
SF - Single Family

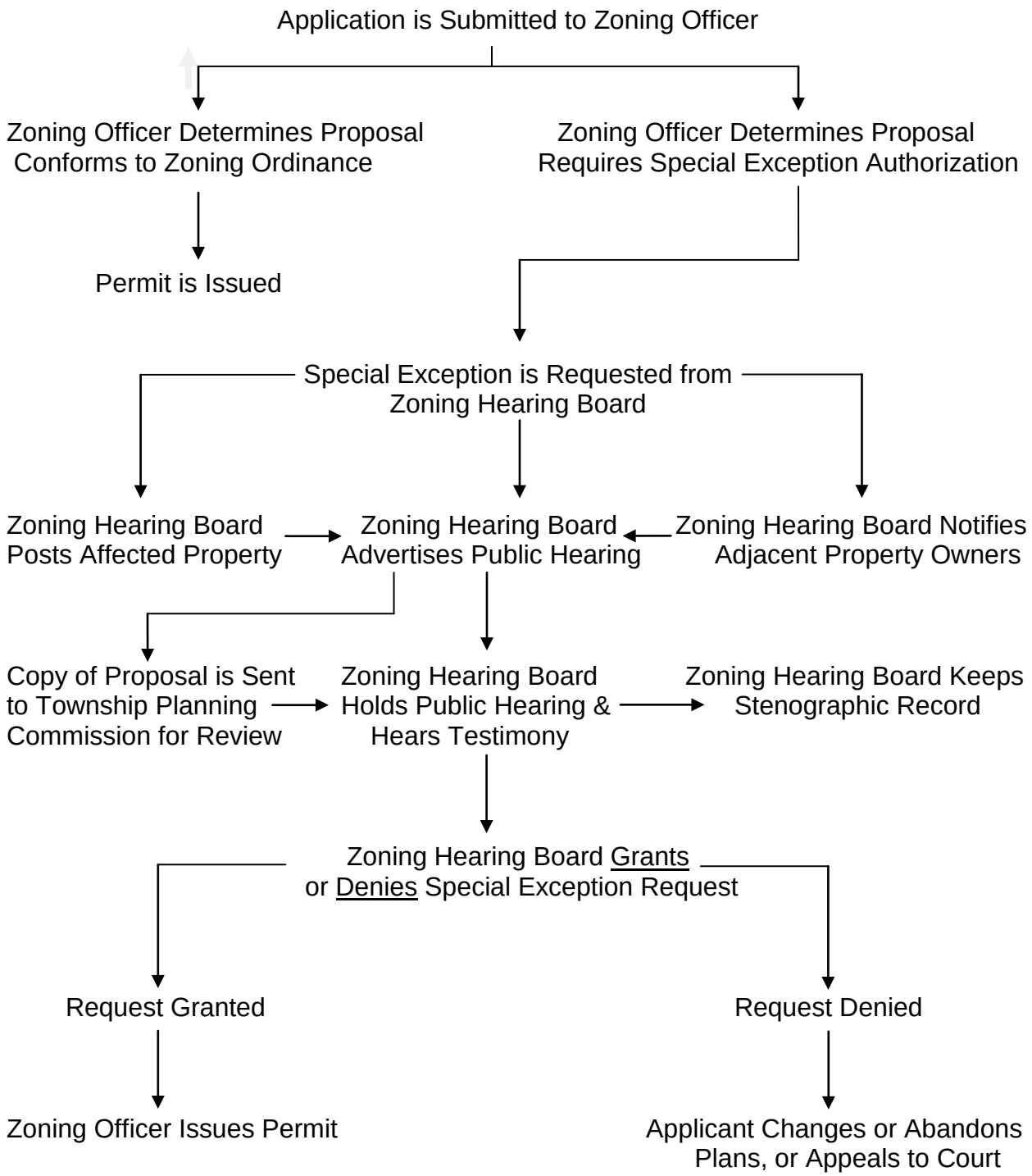
APPENDIX C

VARIANCE PROCEDURE



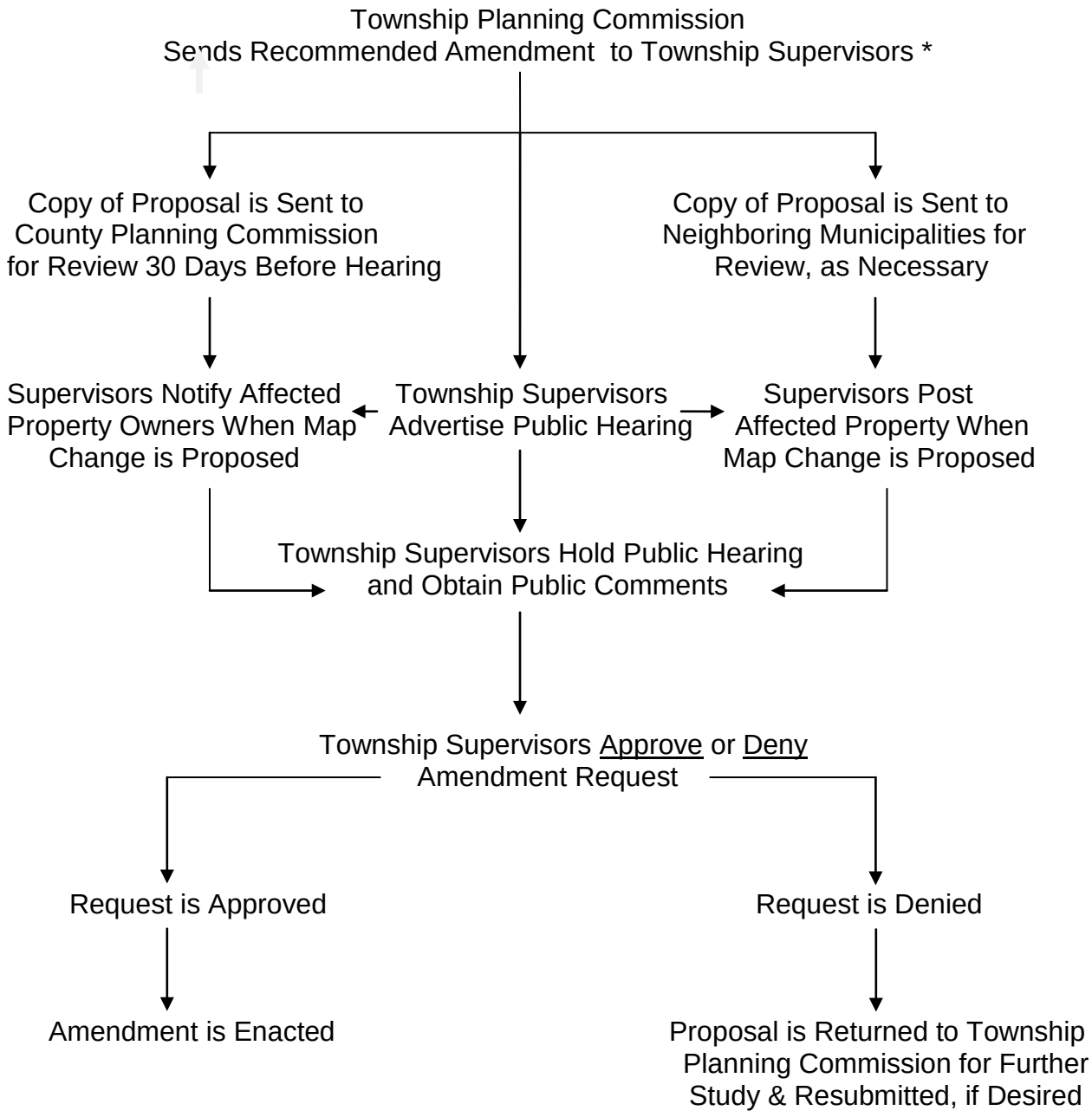
APPENDIX D

SPECIAL EXCEPTION PROCEDURE



APPENDIX E

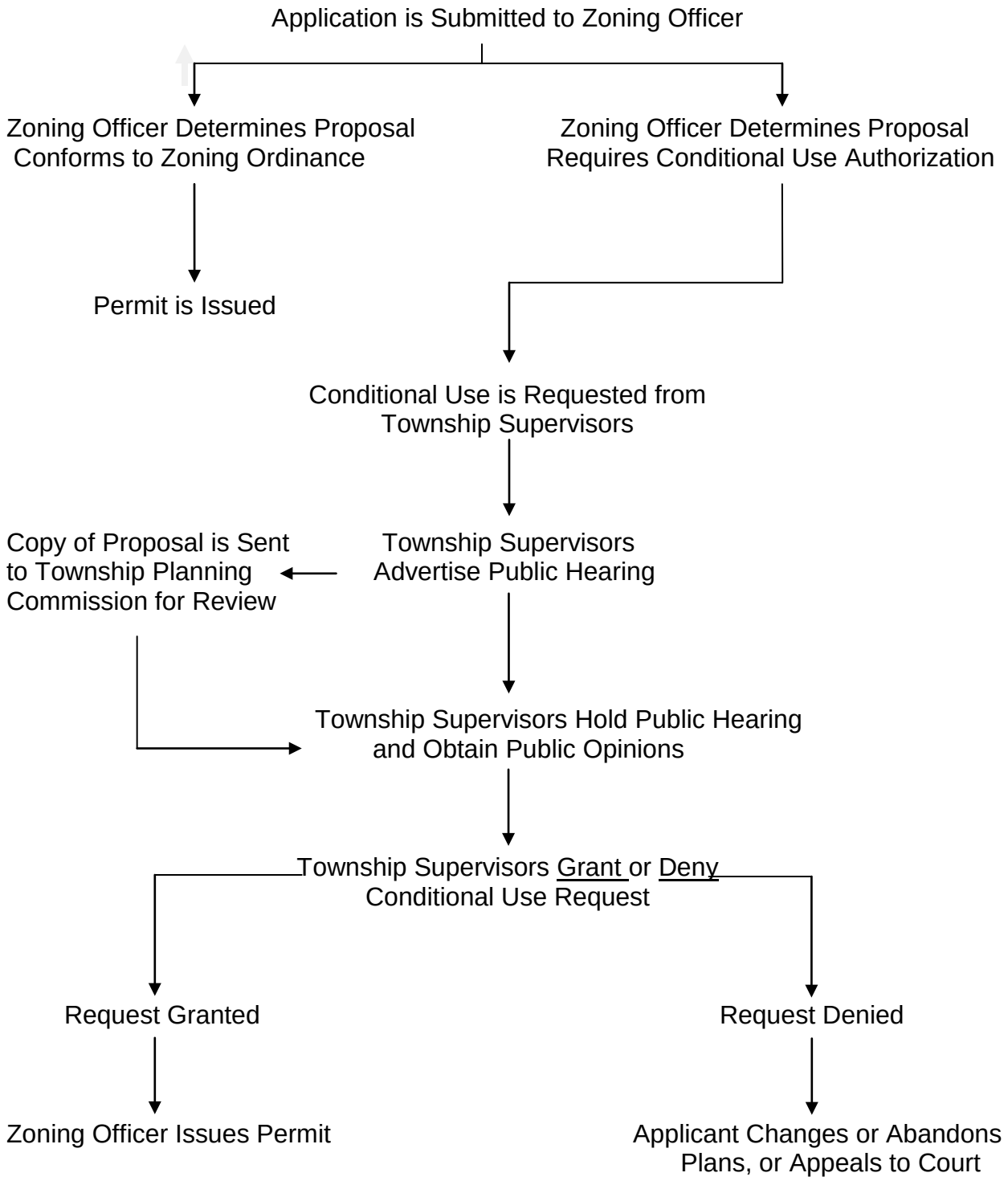
PROCEDURE FOR AMENDING THE ZONING ORDINANCE OR MAP



* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendation at least 30 days prior to the public hearing.

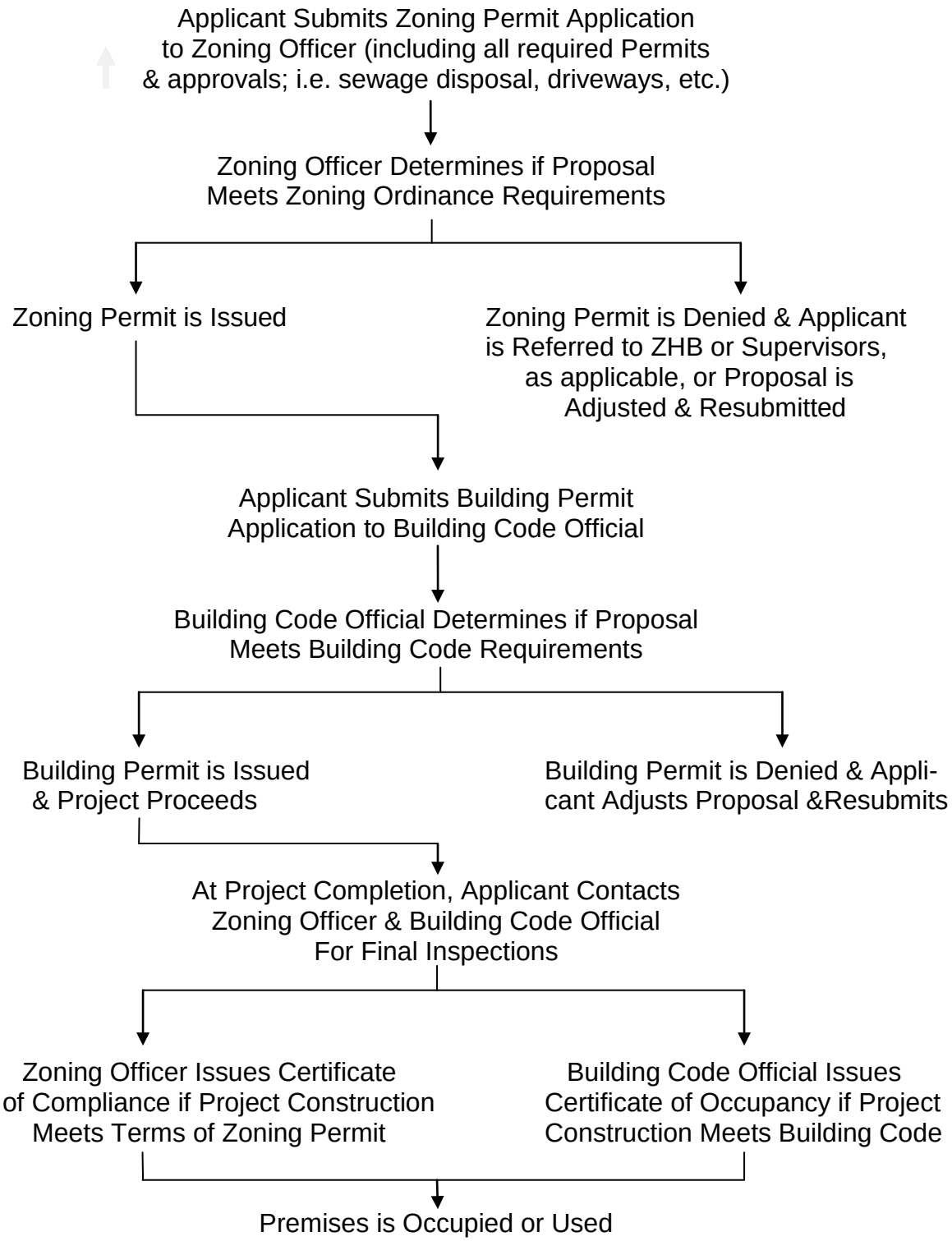
APPENDIX F

CONDITIONAL USE PROCEDURE



APPENDIX G

GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS



ORDINANCE NO. 6 - 2014

AN ORDINANCE AMENDING CHAPTER 155 PART 4, SECTION 405 ALLOWING CHURCHES OR PLACE OF WORSHIP AS PERMITTED USES IN A COMMERCIAL DISTRICT

BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED, by the Supervisors of the Township of Castanea, Clinton County, Pennsylvania, pursuant to Chapter 155, Part 4, Section 1201 and the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S.A. Section 10609, after due notice and public hearing thereon, as follows:

SECTION 1. Chapter 155, Part 4, Section 405 of the Castanea Township Code of Ordinances is amended to add the additional permitted use:

13. Church or Place of Worship.

SECTION 2. In all other respects, the remaining provisions of the Code of Ordinances of Castanea Township shall remain in full force and effect except as modified by this Ordinance and to the extent not inconsistent herewith.

SECTION 3. If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 4. This Ordinance shall become effective on the earliest date provided by law.

DULY ENACTED AND ORDAINED as an Ordinance of the Township of Castanea, Clinton County, Commonwealth of Pennsylvania, after due notice and public hearing thereon and at a regularly scheduled meeting held the 2 day of June, 2014.

ATTEST:

Susan M. Heaton
Secretary

TOWNSHIP OF CASTANEA BOARD OF SUPERVISORS

By: Bonnie MacPherson
Chairman