

CHAPMAN TOWNSHIP ZONING ORDINANCE  
CLINTON COUNTY, PENNSYLVANIA

**ARTICLE I**

**GENERAL PROVISIONS**

**1.00 SHORT TITLE**

This Ordinance shall be known and may be cited as the "Chapman Township Zoning Ordinance". The accompanying map is hereby declared to be part of this Ordinance and shall be known and may be cited as the "Chapman Township Zoning Map" hereinafter referred to as the "Zoning Map".

**1.01 ORDAINING CLAUSE**

This Ordinance shall become effective immediately upon enactment. Enactment by the Supervisors of the Township of Chapman is by the authority of and pursuant to the provisions of Articles VI through X-A of Act No. 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990 and Act 131 of 1992 of the Pennsylvania General Assembly, known and cited as the Pennsylvania Municipalities Planning Code.

**1.02 PURPOSE**

This Ordinance is designed, adopted and enacted:

- (1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- (3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- (4) To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- (5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

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**1.03 INTERPRETATION**

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

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

**1.04 SEVERABILITY**

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

**1.06 REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the Chapman Township Zoning Ordinance, enacted in 1970 and amended December 1993. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action occurred or existing under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

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ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

2.00 COMMUNITY DEVELOPMENT OBJECTIVES

The Chapman Township Board of Supervisors states the following legislative finding with respect to land use, density of population, location and function of roads, and other community facilities and utilities, and other factors which the Board believes relevant in establishing community development objectives for the future development of the Township. It is the purpose of the Ordinance to reflect the objectives of the Township, to establish such other objectives as may be deemed necessary, and to provide the means and regulations whereby these objectives may be attained. In developing the following objectives reference was made to the Clinton County Comprehensive Plan adopted December 12, 1992, and the Clinton County Natural Heritage Inventory adopted February 9, 1994.

- (1) Maintain the agricultural productivity of prime soils and assure the continuance of farming as an important commercial operation and life style.
- (2) Minimize the impact of residential development on agriculture and ensure that normal farm practices will not be affected by such development.
- (3) Develop zoning and subdivision approaches that recognize the natural and ecological importance of wooded and open space areas and encourage the preservation of open space for both public and private use.
- (4) Give special protection to natural heritage sites that have qualified for inclusion in Clinton County's Natural Heritage Inventory.
- (5) Give special protection to wilderness streams which are classified by the Pennsylvania Fish Commission as Exceptional Value and/or Scenic River.
- (6) Promote conservation measures and regulations along all streams and waterways in the Township as a means of protecting water quality and insuring a healthy aquatic environment for fish and plant life.
- (7) Preserve and protect public drinking water watersheds within the Township by mitigating adversities created by human encroachment.
- (8) Encourage and facilitate of population growth that will help the Township sustain a strong tax base, maintain and improve Township roads, and increase the services available to Township residents.
- (9) Encourage the extension of services whenever practicable to existing population centers that are experiencing water or septic problems and to areas where growth is both anticipated and recommended based on the most appropriate land use.
- (10) Encourage additional housing opportunities for Township residents, including young families and the elderly who need affordable housing as well as new residents moving to the Township.
- (11) Encourage the planning, design, and development of building sites in such a fashion as to provide for maximum safety and human enjoyment while adapting development to, and taking advantage of, the best use of the natural terrain.
- (12) Encourage imaginative and innovative building techniques in order to create buildings suited to natural hillside surroundings.
- (13) Design roads so that they follow natural topography, wherever possible, to minimize cutting and grading.

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- (14) Discourage strip-type development along Township roads that would preclude more intensive cluster and neighborhood type developments and thus limit access to interior lots that could be used for future development.
- (15) Develop conservation approaches that will protect the natural ecosystem in order to promote the health and welfare of Township residents.
- (16) Encourage the protection of the Township's extensive woodland and open space areas through sound conservation techniques and practice.
- (17) Encourage more flexible land development which will respect and conserve natural resources such as streams, floodplain, ground water, wooded areas, and steeply-sloping areas of unusual attractiveness in the natural environment.
- (18) Control development, clear cutting and other activity on hillsides to minimize pollution of streams, watersheds and underground aquifers to maintain water quality standards for domestic, recreation and commercial use.
- (19) Preserve and enhance the beauty of the landscape by encouraging maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, and trees.
- (20) Encourage seasonal use of woodland and open space areas in order to eliminate the need for permanent infra-structure, community services and other improvements that would create an undue economic burden on Township residents and change the character of the natural environment.
- (21) Maintain the habitat for game and other animal and wildlife upon which residents of the Township depend for recreation, and in some cases, their livelihood.
- (22) Encourage the formation of landowner and other type of associations and land conservation entities that will maintain woodland and open space areas.
- (23) Minimize grading and cut-and-fill operations consistent with the retention of the natural character of hill areas.
- (24) Discourage the placement of hazardous and/or low-level radioactive waste sites that could adversely compromise the natural environment and/or the health and safety of Township residents.

**ARTICLE III**

**DEFINITIONS**

**3.00 APPLICATION AND INTERPRETATION**

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to aid in the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning indicated as follows:

- (1) Words used in the present tense include the future tense.
- (2) The word "person" includes a profit or non-profit corporation, company, partnership or individual.
- (3) The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
- (4) The word "building" includes structure.
- (5) The word "lot" includes plot or parcel.
- (6) The word "shall" is always mandatory.

**3.01 DEFINITION OF TERMS**

**Abutting:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Accessory Building:** A subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use or building and located on the same lot or adjacent lot with such principal use of building.

**Act 247:** The Pennsylvania Municipalities Planning Code, as amended. The law, passed July 31, 1968, is the enabling legislation which permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

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

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**Agriculture:** The cultivation of soil and other uses of land including but not by way of limitation; horticulture, mushroom growing, and the breeding and raising of customary domestic animals, dairying, pasturing, floriculture, viticulture, apiculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce provided however that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Agricultural Activities:** The procedures that a farm adopts and/or uses in production and preparation of food and agricultural products for market. These uses include but are not limited to the usual noise, dust and odors involved in agricultural practices. The term includes the storage and utilization of agricultural and food processing wastes, screenings and sludges for animal feed, and the agricultural utilization of septic tank cleaning and sewage sludges which are generated off-site on land where the material will improve the soil.

**Agricultural Protection Areas:** Farmland preserved through the use of Pennsylvania Act 43, known as the "Agricultural Area Security Law" as signed into law. In effect, this Act provides a means by which agricultural land may be protected and enhanced as a viable segment of the Township's economy, and an economic and environmental resource of major importance.

**Alterations:** As applied to building or structure, means a change or rearrangement in structural parts or in the existing facilities or an enlargement, whether by extending on side, front or back or by increasing height or the moving from one location or position to another.

**Amendment:** Revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Township Supervisors and is pursuant to the Pennsylvania Municipalities Planning Code.

**Application for Zoning Permit:** An application, required to be filed and approved by the Township Zoning Officer prior to start of construction or development.

**Aquifer:** A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

**Aquifer Recharge Area:** An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

**Area, Building:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building.

**Automobile Wrecking Yard:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Bar and/or Cocktail Lounge:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law.

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**Bed and Breakfast Inn:** A house, or portion thereof, where short-term (not to exceed 14 days) lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**Billboard:** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises wherein it is displayed or posted.

**Biological Diversity Areas:** Geographic areas defined and listed in the Clinton County Natural Heritage Inventory as Biological Diversity Areas (BDA). A Biological Diversity Area may consist of:

(1) Special Species Habitat

An area that includes natural or human influenced habitat that harbors one or more occurrences of plants or animals recognized as state or national species of special concern. Examples: A forested stream valley that supports a threatened plant population, a stream that provides habitat for a rare animal

(2) High Diversity Area

An area found to possess a high diversity of species of plants and animals native to the county. Example: A relatively large tract that provides a variety of habitats.

(3) Community/Ecosystem Conservation Area

An area that supports a rare or exemplary natural community (assemblage of plants and animals), including the highest quality and least disturbed examples of relatively common community types. Example: A marsh land that supports a wetland community found in no or few other sites in the county.

**Boarding House:** Any structure or any portion of them in which four (4) or more persons either individually or as a family are housed or lodged for hire with or without meals but without separate cooking or sanitary facilities. A rooming house, furnished room house, group home, or fraternity/sorority house shall be deemed a boarding house for the purpose of this Ordinance.

**Campground:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and other major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

**Cartway:** That portion of the street right-of-way surface for vehicular use. Width is determined from face of curb to face of curb or from on edge of driving surface to the other edge of driving surface.

**Certification of Compliance:** A statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building, structure or use of a parcel of land complies with this Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified use or both.

**Church or Place of Religious Worship:** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Clinton County Comprehensive Plan:** Adopted December 12, 1992 by the Clinton County Board of Commissioners, Clinton County Courthouse, Lock Haven, PA.

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**Clinton County Natural Heritage Inventory:** Adopted February 9, 1994 by the Clinton County Board of Commissioners, Clinton County Courthouse, Lock Haven, PA.

**Club:** Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

**Cluster Development:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, recreation, common open space, and preservation of environmentally sensitive areas.

**Commercial Use:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

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

**Community Center:** A place, structure, area, or other facility used in providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Composting, Accessory Use:** The term includes storage, collection, transportation, and/or use of manure, agricultural waste, food processing waste, screenings and sludges on land where the materials will improve the condition of the soil, the growth of crops or in the restoration of the kind for the same purposes. The term also includes storage arrangement, transportation, and disposal of manure, agricultural waste, food processing waste, screenings, and sludges accumulated on-site for purpose of disposal as long as the waste is not considered to be residual or hazardous wastes according to the standards set by the Pennsylvania Department of Environmental Protection. This use is customarily incidental and subordinate to the principal use and is located on the same parcel with such principal use.

**Composting, Principal Use:** The collection, storage, transportation and disposal of agricultural wastes, food processing wastes, screenings, sludges, manure, and biological decomposable materials from mainly, but not necessarily entirely off-site sources for the purpose of resale after the composting processes have been completed as long as the waste is not considered to be residual or hazardous wastes according to the standards set by DEP. This use is clearly the principal purpose for which a building, other structure and/or land is used, occupied or maintained under the Zoning Ordinance.

**Conditional Use:** Where the Board of Supervisors, in this Ordinance, have stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standard and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

**Conservation Areas:** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest.

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**Conservation Easement:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

**Day Care Center, Commercial:** A facility in which care is provided for seven or more children, at any one time, where the child care areas are not being used as a family residence. All facilities require approval or licensure as specified by the Pennsylvania Department of Public Welfare and the Pennsylvania Department of Labor and Industry.

**Day Care Home, Family:** Any premise other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five, or six children, who are not relatives of the caregivers. Pennsylvania Department of Public Welfare registration is required and home occupation regulations herein shall be adhered to.

**Day Care Home, Group:** A facility in which care is provided for more than six but less than twelve children, at any one time, where the child care areas are being used as a family residence. All facilities require approval or licensure as specified by the Pennsylvania Department of Public Welfare and home occupation regulations herein shall be adhered to.

**Density:** A ratio of the number of dwelling units per acre which occupy or may occupy an area of land.

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

**District or Zoning District:** An area constituted by or pursuant to this Ordinance and delineated by text and map as to location, extent, nature and contents.

**Dwelling:** A building or portion thereof that provides living facilities for one or more families.

**Dwelling, Multi-Family:** A building or portion thereof for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**Dwelling, Seasonal:** A dwelling not used for permanent residence, nor occupied for more than six months in each year.

**Dwelling, Single-Family, Attached (Group, Row, and Townhouse):** One of two or more residential buildings having a common or party wall separating dwelling units.

**Dwelling, Single-Family, Detached:** A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

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**Dwelling Unit:** One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

**Easement:** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**Essential Service:** The erection, construction, alteration or maintenance by public utilities or public service establishment or municipal or other governmental agencies of: underground gas, electrical, telephone, radio, television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; including buildings necessary for the furnishing of adequate services for the public health, safety and general welfare; excluding sanitary landfills.

**Family:** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

**Flood:** A temporary inundation of normally dry land areas.

- (1) **Flood, One Hundred Year:** A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of being equaled or exceeded in any given year; for the purposes of this Ordinance, the Regulatory Flood.
- (2) **Flood, Regulatory:** A flood having a one percent chance of being equaled or exceeded in any given year; the 100 year flood.

**Flood Fringe:** That portion of the 100 year flood plain outside the floodway.

**Flood Hazard Area:** A relatively flat or low land area adjoining a stream, river, or water course which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the 100 year flood.

**Flood Plain:** For the purposes of this Ordinance, the flood plain shall be defined the same as the Flood Hazard Area.

**Flood Proofing:** Structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage to them.

**Floodway:** The channel of a river or other water course and the adjacent land areas required to carry and discharge a flood of a 100 year frequency without cumulatively increasing the water surface elevation more than one foot at any point.

**Garage, Private:** An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

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

**General Store:** A retail establishment providing, for sale, a variety of perishable household goods. Up to thirty (30) percent of the interior floor space may be used for non-perishable and non-household goods.

**Home Gardening:** The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

**Home Occupation:** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Home Occupation, Rural:** An accessory use to a customary farming operation or a non-farm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory buildings.

**Homeowners Association:** A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and upkeep of semiprivate community facilities.

**Hotel (See also motel):** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**Household Pets:** Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

**Impervious Surface:** Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

**Industrial, Heavy:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industrial, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Junk:** Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof, and as further defined in Chapman Township Ordinance No. 21, as amended.

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**Junk Yard:** A lot or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

**kennel:** A facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

**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:
  - A. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - B. 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.
- (2) A subdivision of land.
- (3) Development in accordance with Section 503 (1.1), Article V of Act 247, as amended.

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

**Line, Street:** The dividing line between the street and the lot.

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

**Lot (See also lot of record):** A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

**Lot Area:** The area of horizontal plan bounded by the vertical planes through front, side, and rear lot lines.

**Lot, Corner:** A lot abutting on and at the intersection of two or more streets.

**Lot Coverage:** Determined by dividing that area of lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

**Lot Depth:** The average horizontal distance between the front and rear lot lines.

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**Lot, Flag:** Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

**Lot Interior:** An interior lot is a lot other than a corner lot.

**Lot Line, Front (See also yard front):** On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**Lot Line, Rear:** The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

**Lot Line, Side:** Any lot line not a front or rear lot line.

**Lot of Record:** A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

**Lot, Substandard:** A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the Ordinance codified in this title.

**Lot, Through:** A lot having its front and rear yards each abutting on a street.

**Lot Width:** The horizontal distance between side lot lines, measured at the required front setback line.

**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.

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

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 constructed so that it may be used without a permanent foundation.

**Mobile Home Lot:** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

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**Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Motel (See also hotel):** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

**Non-Conforming Lot:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Non-Conforming Structure:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

**Non-Conforming Use:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Off-Site Sewer Service:** A system of piping, tanks or other facility approved by DEP serving one or more lots and disposing of sewage in an approved sewage treatment facility.

**Off-Site Water Service:** A water distribution system approved by DEP which supplies potable to individual lots or dwelling units from a central water source located beyond the limits of the lot being served. Such system may be publicly or privately owned and operated.

**On-Site Sewer Service:** A single system of piping tanks or other facilities approved by DEP serving only a single lot and disposing of sewage in whole or in part into the soil.

**On-Site Water Service:** A single water system, well or spring, approved by DEP where applicable, serving only a single lot.

**Open Pit Mining:** Open pit mining shall include all activity which removes from the surface, or beneath the surface of the land, some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

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

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

**Parcel:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**Parking Space:** An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.

**Planned Residential and Seasonal Development:** An area of land, controlled by a land owner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one zoning district.

A Planned Residential and Seasonal Development may include and shall be limited to: 1) dwelling units in detached, semi-detached, attached, or multi-storied structures, or any combination thereof; and 2) those non-residential uses deemed to be appropriate for incorporation in the design of the Planned Residential and Seasonal Development.

**Planning Commission:** The Planning Commission of the Township of Chapman.

**Plat:** A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**Principal Building:** A structure in which the principal use of the site is conducted.

**Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**Private Club:** An organization catering exclusively to members and their guest; or premises and building for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandise or commercial activities are conducted only as required generally for the membership of each club.

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

**Public Hearing:** A formal meeting held, pursuant to public notice by the governing body or planning agency, intended to form and obtain public comment prior to taking action in accordance with Act 170.

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

**Public Notice:** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**Public Uses:** Includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal and county buildings, essential public utilities that require enclosures within a building; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

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

**Recreational Vehicle (RV) Park:** Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Recycling Center:** A facility that is not a junk yard and in which recoverable resources, such as newspapers, glassware, plastic containers, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

**Recycling Collection Point:** A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

**Resort:** A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

**Restaurant:** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Road:** A public or private way which affords principal means of access to abutting properties. The word "road" shall include, but not be limited to, the words "street", "highway", "alley", and "thoroughfare".

**Road Center Line:** The center of the surveyed road right-of-way, or where not surveyed, the center of the traveled cartway.

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**Road Grade:** The officially established grade of the road upon which a lot fronts, or in its absence the established grade of roads upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the road at such mid-point shall be taken as the road grade.

**Road Classification:** For the purpose of this Ordinance, the following definitions are employed:

- (1) **Major Arterial:** A road, whose function is to provide for the movement of high volumes of through traffic subject to necessary control of entrances, exits and curb use.
- (2) **Minor Collector:** A road or street which provides for the movement of large volumes of traffic between arterials and local roads and direct access to abutting properties.
- (3) **Local:** A road whose function is to provide for local traffic movement and direct access to abutting properties.
- (4) **Private or Non-Public:** All streets which are not public including, but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established; and including all private driveway easements or right-of-ways for access.

**Sanitary Landfill:** A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities and approved by the PA Department of Environmental Resources.

**Screen Planting:** A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

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

**Self-Service Station:** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**Setback:** The required minimum horizontal distance between the building line and the related front, side, or rear property line.

**Sign:** A structure or device designed or intended to convey information to the public in written or pictorial form.

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**Stable, Private:** An accessory building in which livestock are kept for private use and not for hire, remuneration or sale.

**Stable, Public:** A building in which any livestock are kept for remuneration, hire, sale, boarding, riding, or show.

**Special Exception:** A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of Act 247, the Pennsylvania Municipalities Code, as amended.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

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

**Subdivision:** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer or ownership of 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.

**Swimming Pool:** Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth any point greater than two feet. Farm ponds and/or lakes are not included, provided that swimming is not the primary purpose for their construction. Barrier requirements for above ground pools will be measured from the ground.

**Transfer Stations:** A lot or structure, or part thereof, used primarily for the collection and/or storage of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agriculture and residential activities.

**Travel Trailer:** A vehicle that is a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "Travel Trailer" by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance. All travel trailers shall display a current vehicle inspection sticker and vehicle registration plate.

**Travel Trailer Park:** A parcel of land used for the parking of two or more trailers for rent and occupancy by the public on a short term or seasonal basis.

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

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

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

**Water Survey:** An inventory of the source, quantity, yield and use of ground water and surface-water resources within a municipality.

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

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

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

**Zoning Hearing Board:** The Zoning Hearing Board of the Township of Chapman.

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

**Zoning Officer:** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

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

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**ARTICLE IV**

**ZONING DISTRICTS**

**4.00 ESTABLISHMENT OF DISTRICTS**

For the purpose of implementing the community development objectives of this Ordinance, the following zoning districts are hereby established:

- NC** Nature Conservation District
- C** Commercial District
- FA** Forest and Agricultural District
- I** Industrial District
- R** Residential District

**4.01 PURPOSE OF DISTRICTS**

(1) **NC - Nature Conservation District**

The purpose of this District is to protect environmentally sensitive and valuable lands from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Nature conservation areas can include "special protection" waters designated by the Pennsylvania Department of Environmental Resources, biological diversity areas designated by the Clinton County Natural Heritage Inventory, and watersheds that include public drinking water sources.

A. Permitted Uses

1. Family and Group Day Care Homes.
2. Home Occupations as Accessory Uses (Article VII Section 7.16)
3. Residential and Seasonal Dwellings (Individual) as described in Article VII Section 7.30.

B. Special Exceptions

1. Bed and Breakfast
2. Essential Services
3. Natural Resource Uses
4. Logging involving land areas of more than five (5) acres and subject to applicable regulations (Article VII Section 7.26).
5. Planned Residential and Seasonal Developments (Article XI).

C. Area and Bulk

1. The lot area and density for single family dwellings, including mobile homes and recreational dwellings shall meet the requirements of Article VII Sections 7.23 and 7.30, and Article XI.
2. Minimum lot width at setback two hundred fifty (250) feet.
3. Minimum lot depth at setback two hundred fifty (250) feet.
4. Minimum lot setback of all buildings from sides is twenty-five (25) feet.
5. Maximum building height shall be thirty-five (35) vertical feet consisting of no more than three stories.

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(2) **C - Commercial District**

The purpose of this District is to set aside areas that can support a mixture of commercial, government, and residential uses including commercial shops, contractor warehouse and service operations, and municipal buildings. Such uses are intended to encourage new small business activity that is compatible with the rural character of the Township.

A. Permitted Uses

1. Banks and Financial Services
2. Essential Services
3. Hotels and Motels
4. Professional Offices
5. Restaurants, Bar/cocktail lounge, and other places serving food and beverages.
6. Rural Retail Shopping Center
7. Stores and Personal Service Shops for the conducting of general merchandise and retail business.
8. Movie Theaters

B. Special Exceptions

1. Animal Hospitals, Kennels and Veterinary Facilities
2. Automobile Filling Station (Including Minor Repair)
3. Automobile Repair or Body Work Facility
4. Automobile Sales
5. Car Wash
6. Clubs, Lodges and Fraternal Organizations
7. Liquid Fuel Storage and Distribution
8. Mini-Warehouse
9. Recycling Collection Points

C. Area and Bulk

1. Minimum Lot Size
  - A. 30,000 square feet with on-lot water and sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements)
  - B. 20,000 square feet with on-lot water and off-lot sewerage
  - C. 20,000 square feet with off-lot water and on-lot sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements)
  - D. 10,000 square feet with off-lot water and sewerage
2. Minimum Lot Width at Setback - One Hundred (100) feet.
3. Minimum Lot Depth - Seventy-five (75) feet.

D. Coverage

All buildings, including accessory buildings, shall cover not more than fifty (50) percent of the lot area.

E. Setbacks

All buildings including accessory buildings.

1. Front Yard: Minimum of twenty (20) feet from the right-of-way line. Corner lots shall be construed as having two front yards.
2. Side Yard: Ten (10) feet.
3. Rear Yard: Twenty (20) feet.
4. When abutting Residential Use: Twenty-five (25) feet.

F. Height

Maximum height for all buildings shall be three stories or thirty-five (35) feet, whichever is less.

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(3) **FA - Forest and Agricultural District**

This District is intended to permit a variety of low density and principally residential and recreational uses that are in keeping with the hilly and wooded non-developed areas of the Township. Activities that relate to forest, agricultural, and outdoor uses are permitted in this District.

A. Permitted Uses

1. Agricultural Uses as defined in Article III Definitions.
2. Essential Services.
3. Family and Group Day Care Homes.
4. Home occupations as accessory uses (Article VII Section 7.16)
5. Seasonal dwellings.
6. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation which shall be of poured concrete or cement block and properly anchored (Article VII Section 7.23).
7. Two-family attached dwellings.

B. Special Exceptions

1. Animal Hospitals, Kennels and Veterinary Facilities
2. Bed and Breakfast/Guest Home.
3. Campgrounds, commercial and private.
4. Cemeteries.
5. Church related educational or day care facilities subject to appropriate state day care regulations.
6. Churches.
7. Clubs.
8. Rural day care centers.
9. Logging involving land areas of more than five (5) acres and subject to applicable regulations (Article VII Section 7.26).
10. Group Homes
11. Mining and extractive operations.
12. Mobile Home Parks
13. Multi-Family Dwellings.
14. Natural Resource Uses.
15. Planing Mill (Sawmill).
16. Professional Offices.
17. Public Uses
18. Recycling Collection Points.
19. Retirement Community.
20. Rural Retail Shopping Center.

C. Area and Bulk

1. The lot area for all uses within the Commercial Forest District shall not be less than one acre (43,560 sq ft) provided the lot meets all applicable DEP on-lot sewage disposal requirements.
2. Minimum lot width at setback and minimum lot depth are 150 linear feet.

D. Coverage

1. All buildings, including accessory buildings, shall not cover thirty-five percent (35%) of the lot.

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E. Setbacks

1. Front Yard - Principal Building: Minimum of thirty-five (35) feet from the right-of-way line. Corner lots shall be construed to have two front yards.
2. Side Yard - Principal Building: Each lot shall have two (2) side yards, neither of which shall be less than fifteen (15) feet. All accessory buildings shall be a minimum of eight (8) feet from any side lot line.
3. Rear Yard - Principal Building: Minimum of twenty-five (25) feet. All accessory buildings shall be a minimum of eight (8) feet from any rear lot line.
4. Buildings housing livestock (including dog kennels) or poultry shall not be closer than fifty (50) feet to any public right-of-way nor two hundred (200) feet to a residential district or residential structure other than the owner's.

F. Height

1. Buildings devoted to farm use shall be exempt from height regulations.
2. The maximum building height for a single-family detached dwelling shall be three stories or thirty-five (35) vertical feet, whichever is less.

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(4) **I - Industrial District**

The intent of this District is to provide areas where various commercial and light industrial activities can be accommodated without creating undesirable or incompatible situations with neighboring land uses and to provide areas for new industrial growth.

A. Permitted Uses

1. Automobile Filling Station (including minor repairs).
2. Automobile Repair or Body Work Activity.
3. Car Wash.
4. Essential Services.
5. Manufacturing.
6. Warehousing Facilities.
7. Automobile Sales.

B. Special Exceptions

1. Adult Entertainment
2. Chemical Plants and Storage Facilities.
3. Composting, Principal Use.
4. Junk Yards.
5. Liquid Fuel Storage and Distribution.
6. Natural Resource Uses.
7. Planing Mill/Sawmill.
8. Sanitary Landfills and Transfer Stations.

C. Area and Bulk

1. Minimum Lot Size.
  - A. 43,560 square feet with on-lot water and sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements)
  - B. 30,000 square feet with on-lot water and off-lot sewerage
  - C. 30,000 square feet with off-lot water and on-lot sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements)
  - D. 20,000 square feet with off-lot water and sewerage
2. Minimum Lot Width at Setback - One Hundred (100) feet.
3. Minimum Lot Depth at Setback - One Hundred (100) feet.

D. Setbacks

All buildings including accessory buildings

1. Minimum of twenty-five (25) feet from right-of-way lines.
2. Minimum of twenty-five (25) feet on all sides.
3. When abutting Residential Use - fifty (50) feet.

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(5) **R - Residential District**

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

A. Permitted Uses

1. Family and Group Day Care Homes.
2. Home Occupations as accessory uses (Article VII Section 7.16).
3. Multi-family attached dwellings not exceeding three (3) units.
4. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation which shall be of poured concrete or cement block and properly anchored (Article VII Section 7.23).
5. Two-family attached dwellings.

B. Special Exceptions

1. Bed and Breakfast/Guest House.
2. Cemetery.
3. Churches.
4. Church Related Educational Facilities.
5. Church Related Day care Facilities.
6. Essential Services.
7. Group Homes
8. Professional Offices.
9. Retirement Community.

C. Area and Bulk - Minimum Lot Size.

1. The regulations for single and multi-family dwellings in the residential zone are as follows:
  - A. 43,560 square feet with on-lot water and sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements)
  - B. 30,000 square feet with on-lot water and off-lot sewerage.
  - C. 30,000 square feet with off-lot water and on-lot sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements)
  - D. 20,000 square feet with off-lot water and sewerage
2. Minimum Lot Width at Setback - One Hundred (100) feet
3. Minimum Lot Depth at Setback - One Hundred twenty-five (125) feet

D. Coverage

Lot Coverage: All buildings, including accessory buildings, shall cover not more than thirty-five (35) percent of the lot.

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E. Setbacks

All buildings including accessory buildings

1. Front Yard: Minimum of twenty-five (25) feet from the right-of-way line. Corner lots shall be construed to have two front yards.
2. Side Yards: Each lot shall have two (2) side yards, neither of which shall be less than ten (10) feet.

All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yards: Minimum of twenty (20) feet in depth.

All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

F. Height

The maximum building height for all buildings shall be three stories or thirty-five (35) feet, whichever is less.

**4.02 ZONING MAP**

The boundaries of the Zoning Districts shall be shown on the map attached to and made a part of this Ordinance which shall be designated the "Official Zoning Map". The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described within the text of this Ordinance.

**4.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply.

- (1) District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan or record in the Clinton County Recorder of Deed's office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
- (2) Where a District boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- (3) In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.
- (4) In cases of uncertainty as to the true location of a District boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination provided, however, that no boundary shall be changed by the Zoning Hearing Board.

**ARTICLE V**

**DISTRICT REGULATIONS**

**5.00 APPLICATION OF DISTRICT REGULATIONS**

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

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

**5.01 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS**

The specific use regulations and dimensional requirements pertaining to each District are contained in Article IV of this Ordinance.

**ARTICLE VI**

**SPECIAL REGULATIONS**

**6.00 INTENT**

This Article lists specific controls over general aspects of land utilization which are not included elsewhere in this Ordinance. The Chapman Township Zoning Officer has the right and authority to perform or have performed by an independent party and relevant investigation or study to assure public safety, health and welfare and require the cost to be borne by the applicant. The following regulations shall apply to all Zoning Districts and uses as applicable.

**6.01 PUBLIC UTILITY CORPORATION EXEMPTIONS**

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

**6.02 ENVIRONMENTAL PERFORMANCE STANDARDS**

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

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

(1) Air Management

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

(2) Solid Waste Management

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

(3) Noise and Vibration

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

(4) Lighting and Heat

- A. All lighting shall be shielded and not cause a glare beyond the lot boundary.

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B. Any operation producing heat shall prevent any effect from the heat beyond the property lines.

(5) Electromagnetic

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

(6) Ground Water Supplies

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

**6.03 STREAM CORRIDORS AND SINKHOLES**

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

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

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

- (4) For calculation of slope, the site may not be averaged over its gross acreage. Only the area within one hundred (100) feet of the watercourse shall be considered for the purpose of slope calculation.
- (5) If the land on each side of the stream bank has different slope characteristics, a different buffer width would be required on each side of the stream.
- (6) The buffer shall consist of existing or new vegetation or a combination thereof, as in the following order or preference:
  - A. Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.
  - B. A combination of existing vegetation (such as above) and newly-established vegetation.
  - C. A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.

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- (7) Stream encroachment work or any development within fifty (50) feet of a stream bank would require a permit from DEP and the US Army Corps of Engineers. The applicant shall provide written determination from the applicable regulatory body or a copy of the required permit prior to final Subdivision and Land Development Plan approval.

**6.04 BUILDING HEIGHT EXCEPTIONS**

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

**6.05 BUILDING SETBACK EXCEPTIONS**

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

**6.06 REQUIRED YARD EXCEPTIONS**

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

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

**6.07 OBSTRUCTIONS**

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

**6.08 FLOOD PLAIN MANAGEMENT**

Flood plain management is the responsibility of the individual municipality. Chapman Township has in place and administers a flood plain management ordinance. Therefore, in addition to the requirements established by this Ordinance, any activity in a designated flood prone area will be subject to the Chapman Township Floodplain Management Ordinance.

**6.09 OUTDOOR STORAGE OF MATERIALS AND EQUIPMENT**

(1) Commercial Equipment Storage & Parking

Commercial or industrial equipment including, but not limited to, trucks in excess of 16000 GVW (gross vehicle weight), construction equipment and machinery, and other commercial or industrial materials, vehicles, equipment and supplies shall not be parked or stored outside overnight in any residential district, except for the temporary parking or storing of materials, vehicles, equipment or supplies used in conjunction with an ongoing construction, service or repair project within the residential district. Proof of the ongoing construction, service or repair project shall be in the form of a valid building permit, if one is required, under this or any other ordinance, or by prior written notice to the Township including an estimate of the length of the project if the project is intended to last longer than seven (7) days.

(2) Recreational Vehicle Storage

Recreational vehicles, as defined by this Ordinance, may be parked and stored within a district in any carport or enclosed building or may be parked outdoors provided the vehicle is at least three (3) feet from any lot line. No such equipment shall be used for living, sleeping or housekeeping purposes.

(3) On-Lot Storage of Vehicles

No vehicle without current license and inspection, trailer, boat or similar vehicle shall be parked or stored outside in any district unless within an enclosed building or carport. No such equipment shall be used for living, sleeping or housekeeping purposes.

**6.10 TRAVEL TRAILER OCCUPANCY AND STORAGE REQUIREMENTS**

Travel trailers equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot that does not contain a residential structure for more than thirty (30) consecutive days.

Travel trailers not equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot that does not contain a residential structure for more than ten (10) consecutive days.

**6.11 EROSION AND SEDIMENTATION CONTROL AND STORM WATER MANAGEMENT PLAN REQUIREMENTS**

Given the Community Development Objectives as outlined in Article II of this Ordinance, and the large number of biological diversity areas and streams with Exceptional Value and Scenic River designations in Chapman Township, the Township Zoning Officer may require an applicant for a zoning permit to submit an Erosion & Sedimentation Control plan.

- (1) Storm water management controls are intended to reduce the impact of storms, enhance groundwater recharge, prevent erosion, sedimentation and flooding and maintain natural drainage ways. The specific intent of these controls is that storm water runoff from any site during and after site disturbance be no greater than that which existed prior to development.
- (2) The Erosion and Sedimentation Control Plan shall be designed to adequately control, collect and dispose of storm water drainage from the site including, if necessary, storm sewers, culverts, ditches, swales, retention ponds or and other related storm water control facilities.
- (3) Storm frequencies for 2, 5, 10, 25, 50 & 100 year events shall be evaluated and no greater runoff rate shall be permitted after development than what existed prior to development.

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- (4) The minimum storage capacity shall be that volume required by routing the after-development 25 year, 24 hour frequency storm released at a rate not to exceed the before-development 10 year, 24 hour discharge.
- (5) Information and references regarding the design of ponds or retention basins shall be determined by using the "Standards for Water Management Basin", Centre & Clinton County Erosion and Sedimentation Control Handbook, 1974 edition, and "Standard Specifications for Ponds", US Department of Agriculture Service Manual, May, 1977, Code 376, or another method approved by the Township.

An Erosion and Sedimentation Control plan consists of two parts: (a) a narrative describing the project and giving the purpose and the engineering assumptions and calculations for control measures and facilities; and (b) a map or maps describing the topography of the area and showing proposed alterations to the area and the erosion and sedimentation control measures and facilities.

- (1) The narrative must include the following:
  - A. General description of the project.
  - B. General description of storm water handling.
  - C. General description of accelerated erosion control.
  - D. General description of sedimentation control.
  - E. Date project is to begin and expected date final stabilization will be completed.
  - F. Training and experience of person preparing the plan.
- (2) A map of the project area must show the following topographic features:
  - A. The location of the project relative to highways, municipalities or other identifiable landmarks.
  - B. Contours at an interval that will adequately describe the topography.
  - C. Boundary lines of the project area.
  - D. Acreage of the project.
  - E. Streams, lakes, ponds or other bodies of water within the project area and/or in the vicinity of the project.
  - F. Types, depth, slope and aerial extent of soils must be shown. Type may be specified as in a soil survey.
  - G. Other physical features including scale of map and north arrow.
- (3) The proposed alterations to the area must be shown on an additional map.
  - A. Changes to land surfaces and vegetative cover.
  - B. Areas of cut and fills.
  - C. Structures, roads, paved areas, buildings.
  - D. Storm water control facilities.
  - E. Contours of finished area at an interval that will adequately described the final topography.
- (4) The amount of stormwater runoff from the project area and the upstream water shed area must be described in narrative form. Methods of calculation, factors considered and provisions for safe storm water handling and disposal must be included.
- (5) Temporary control measures and facilities for use during earthmoving activities must be shown on a map and described in a narrative. Types, locations, and dimensions of control measures and facilities must be included along with design considerations and calculations. A schedule of staging, installation and operations of the measures and facilities must be outlined in the narrative.
- (6) Permanent control measures and facilities for site restoration and long term protection must be shown on a map and described in a narrative.

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- (7) A maintenance program for the control facilities must be described in a narrative. The methods, frequency and ultimate disposal site for solid waste material must be considered. The facilities must be maintained for their designated operations to insure adequate performance.

In general, all of the above requirements are to be shown on an Erosion and Sedimentation Control plan unless the activity is for minor earthmoving or on a small land area. In any case, sufficient detail must be shown to clearly indicate the plan's effectiveness.

Submission of an Erosion and Sedimentation Control plan to the Township Zoning Officer does not alleviate the applicant's responsibility to obtain all other applicable federal, state and local permits.

**6.12 SITE PLANNING REQUIREMENTS IN THE NATURE CONSERVATION (NC) ZONING DISTRICT**

This Section is applicable to all subdivision and land development activity in the Nature Conservation (NC) Zoning District involving less than 25 acres. If such activity involves twenty-five (25) acres or more, the provisions of Article XI, Planned Residential and Seasonal Developments, shall apply.

- (1) All applications for a zoning permit in the Nature Conservation (NC) District shall include a site plan, copy of proposed deed restrictions in the form of covenants and a model deed which references the covenants. Both the approved site plan and covenants shall be recorded by the applicant at the Clinton County Recorder's Office before issuance of a zoning permit.
- (2) The site plan shall locate and identify:
  - A. Existing and proposed man-made features, including the following: buildings, accessory structures, parking areas, roads normally passable by motor vehicles, sewage disposal facilities, water supply sources, and utilities.
  - B. Natural features including the following:
    1. Wetlands, as shown on the National Wetlands Inventory map of the project area or identified by field assessment;
    2. Exceptional Value and Scenic River designated streams as classified by the Pennsylvania Fish Commission;
    3. Biological diversity areas as recorded in the Chapman Township Natural Heritage Inventory;
    4. Lakes and ponds and watercourses;
    5. Areas of slope in excess of twenty-five (25) percent of greater;
    6. Soils characterized as unsuitable for building sites or susceptible to septic tank infiltration as classified in Interpretation of Engineering Properties of Soils found in the Chapman Township Soil Survey.
- (3) No construction or other activity such as logging shall be carried out within one hundred (100) feet of the features identified above. In the case of wetlands, biological diversity areas and exceptional value and scenic river designated streams there shall be no activity within two hundred (200) feet of the stream. In all cases, proposed land development shall be located so that there is the least impact on these features as possible. Applicable State and Federal permits shall be obtained by the applicant before a zoning permit is issued.

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- (4) Restrictions and Covenants shall address the following:
- A. Any required permits and their conditions;
  - B. Statement regarding the protection of the natural features listed above and that the owner/applicant shall not disturb the natural environment within a one hundred (100) foot setback of such features;
  - C. Statement that the owner/applicant will be responsible for the private maintenance of driveways, access roads, sewage disposal facilities, water supply, storm drainage facilities and utilities.
  - D. Statement that the lot owners shall be responsible for any greater level of service or maintenance than currently exists on the public roads which for purposes of this Ordinance shall only include snow/ice removal, clearing of fallen trees and power lines, stabilization of a mud condition, and repair of drainage washouts.
  - E. Statement that the lot owners recognize the risks involved in developing in a remote area and that the Township, the Commonwealth of Pennsylvania, and emergency organizations such as fire, medical, and police services shall not be liable to provide the same level of services that would otherwise be expected in a more accessible region.

**6.13 PLANNED RESIDENTIAL DEVELOPMENT**

A Planned Residential Development as defined by Act 247, the Pennsylvania Municipalities Planning Code, shall be permitted in any zoning district described in this ordinance with the exception of the Nature Conservation and the Commercial Industrial Districts, providing it meets the minimum standards provided by Article IV, Section 4.01 (5) Commercial Residential District and provided it meets the minimum standards provided in the Clinton County Subdivision and Land Development Ordinance.

The following are the purposes of the Planned Residential Development:

- (1) To respond to the growing demand for housing of all types and design;
- (2) To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design, and layout of buildings;
- (3) To encourage the conservation of natural features and more efficient use of auxiliary open space;
- (4) To provide greater opportunities for better housing and recreation to all citizens and residents of this Commonwealth.
- (5) To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may benefit those who need homes; and
- (6) To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

**6.14 RESORT FACILITIES**

A. A resort facility shall be permitted in the Forest and Agricultural Districts (FA) by conditional use as may be granted by the Board of Supervisors provided the requirements of this section are met and provided the development meets the

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minimum standards provided in the Clinton County Subdivision and Land Development Ordinance.

- B. A resort facility under this section shall include a ski resort, golf course, country club and any other place generally equipped with lodging accommodations and facilities for recreation to which people go for rest, relaxation, entertainment and sports activities, either public, private, commercial or non-profit.
- C. A resort facility shall meet the following minimum requirements:
1. Minimum lot size shall be 50 acres. No outdoor active recreation area shall be located nearer to any lot line than 300 feet.
  2. Outdoor play areas shall be sufficiently screened as to protect the neighborhood from inappropriate noise and other disturbances consistent with the regulations contained in Article IX of this Ordinance.
  3. Parking shall be provided in accordance with the schedule adopted in Article X for all structures within the facility. In addition to said parking, additional parking of one space for each employee plus two parking spaces for each 1000 square feet of developed land area shall also be provided.
  4. Lot coverage for all structures, parking areas and other impervious surfaces shall not exceed 25% of the total gross land area.
  5. Proof of satisfactory water and sewage disposal plans. An approval by any state agency of either the water and/or sewage disposal plan shall be sufficient.
  6. All preliminary plans must be reviewed by the County Conservation District, County Planning Commission, and Township Planning Commission prior to a conditional use application being filed.
  7. All improvements for streets, driveways, utilities, landscaping, storm water management, etc. shall be designed and constructed in conformance with the standards and requirements of the Clinton County Subdivision and Land Development Ordinance and shall comply with the provisions of Section 6.11 of this Ordinance.
  8. Appropriate site plans prepared by a professional engineer or architect shall be presented with the application for the conditional use.

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**ARTICLE VII**  
**SUPPLEMENTAL REGULATIONS**

**7.00 APPLICABILITY OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

Where the regulations identified in this Article apply to subdivision and land development activities, they shall be subject to the provisions of Clinton County's Subdivision and Land Development Ordinance. Plan and procedural requirements for land development are presented in Articles III and IV of said Ordinance. Developers must meet the requirements of said Ordinance in all land development activity.

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

**7.01 ADULT ENTERTAINMENT (COMMERCIAL STORES)**

Within the I District, adult commercial stores are permitted as a special exception subject to the following requirements:

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

**7.02 ANIMAL HOSPITALS AND VETERINARY FACILITIES**

Within the C and FA Districts, animal hospitals and veterinary facilities are permitted by special exception, subject to the following requirements:

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

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**7.03 AUTOMOBILE FILLING STATION (INCLUDING MINOR REPAIR)**

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

- (1) The subject property shall front on an arterial or collector road as defined in the Definition Section of this Ordinance.
- (2) The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day care facility, playground, library, hospital or nursing, rest or retirement home.
- (3) The storage of motor vehicles (whether capable of movement or not) for more than one (1) month period is prohibited.
- (4) Any parts removed from repaired vehicles shall not remain on the site longer than forty-eight (48) hours.
- (5) The outdoor storage of auto parts shall not be permitted.
- (6) Access driveways shall be a minimum of thirty (30) feet wide.
- (7) All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and screened from any adjoining residential properties in accordance with Article IX of this Ordinance.

**7.04 AUTOMOBILE REPAIR OR BODY WORK FACILITY**

Automobile repair garage, including paint spraying and body and fender work shall be permitted as a special exception in the C District, subject to the following requirements:

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

**7.05 AUTOMOBILE SALES**

Sale of automobiles by a duly franchised new car dealership, used car sales, truck, trailer, cycle and boat rental shall be permitted as a special exception within the C District, subject to the following requirements:

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

**7.06 BED AND BREAKFAST/GUEST HOUSE**

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

- (1) No more than six (6) guest rooms may be provided. No more than two (2) adults and three (3) children may occupy one guest room.
- (2) There shall be no advertising visible outside the premises to attract guests other than a single, non-illuminated sign which shall not exceed twelve (12) square feet. No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry.
- (3) The use shall be carried on primarily by members of the immediate family which must reside on the premises. Non-resident employees shall be limited to two (2) in addition to the resident members of the family.
- (4) There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon refreshments only.
- (5) The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to the guests.
- (6) The use may not be established until there is compliance with all Township zoning rules and regulations.

**7.07 CAMPGROUND, COMMERCIAL AND PRIVATE**

Commercial and private campgrounds (including recreational vehicle parks and cottage developments) shall be permitted as special exceptions in the FA Zoning District, subject to the following requirements:

- (1) All campgrounds are subject to Township permitting procedures and to the provisions for land development as found in the Clinton County Subdivision and Land Development Ordinance and are subject to plan submittal procedures of Articles III and IV of that Ordinance.
- (2) All campgrounds must secure a Campground Permit from the Pennsylvania Department of Environmental Protection.
- (3) Minimum tract size for all campgrounds in the FA Zoning District is fifteen (15) acres.

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- (4) The following requirements apply to all private camps and cottage development:
- A. Permitted use shall be seasonal only, not exceeding one hundred eighty (180) days during any calendar year.
  - B. No mobile homes shall be permitted.
  - C. Cottages shall be clustered, but the maximum overall density shall not exceed one (1) cottage for every two (2) acres.
- (5) The following standards apply to all commercial campgrounds:
- A. There shall be a minimum of two thousand (2,000) square feet of area provided each campsite.
  - B. Campsites shall abut internal driveways for vehicular ingress and egress, except for tent campsites which shall be two hundred fifty (250) feet maximum from an internal driveway.
  - C. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.
  - D. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the vehicle.
- (6) Accessory Uses:
- A. Accessory uses such as management headquarters, camp store, "bathhouse" and structures customarily incidental to operation of a campground are permitted, provided:
    - 1. Such establishments shall be restricted in their use to occupants of the campground only.
    - 2. Their commercial character (which would attract customers other than occupants of the campground) shall be invisible.
  - B. Signage shall be limited on two (2) signs which together total twenty (20) square feet of sign face.

**7.08 CAR WASH**

Within the C District, car washes are permitted as a special exception subject to the following requirements:

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

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**7.09 CEMETERY**

Within the FA and R Districts, cemeteries, including mausoleums are permitted by special exception, subject to the following conditions:

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

**7.10 CHEMICAL PLANTS AND STORAGE FACILITIES**

Chemical plants and storage facilities shall be permitted as a special exception in the I District subject to the following requirements:

- (1) All activities must be in compliance with applicable federal, state and local regulations.
- (2) An Erosion and Sedimentation Control Plan, as described in Section 6.11 and approved by the Clinton County Soil Conservation District, shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by the Township Planning Commission may be required.
- (3) All activities except outdoor material storage must be conducted within an enclosed structure.
- (4) All activities must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.
- (5) No activity or part thereof will be located closer than three hundred (300) feet to the lot line of any school, hospital, nursing home or dwelling unit.
- (6) Setbacks on all sides must be at least three hundred (300) feet.

**7.11 CHURCH RELATED EDUCATIONAL OR DAY CARE FACILITIES**

Within the FA and R Districts, church related and day care facilities are permitted as a special exception, subject to the following requirements:

- (1) All educational or day care uses shall be accessory, and located upon the same lot as a house of worship.
- (2) If education or day care is offered below the college level, an onsite outdoor play area shall be provided, at a rate of one hundred (100) square feet per/user. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- (3) Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven-day period.
- (4) Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lines on or adjacent to the site.
- (5) All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying District.

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**7.12 CLUBS, LODGES AND FRATERNAL ORGANIZATIONS**

Within the C District, clubhouses, lodges and fraternal organizations are permitted by special exception subject to the following requirements:

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

**7.13 COMMERCIAL DAY CARE CENTER**

A commercial day care center is permitted as a special exception in the FA and R Districts, subject to the following requirements:

- (1) Care is provided for seven (7) or more children, at any one time, where the child care areas are not being used as a family residence.
- (2) All facilities require approval or licensure, as specified by the Pennsylvania Department of Public Welfare and the Pennsylvania Department of Labor and Industry.
- (3) The minimum yard, setback and lot width requirements for other permitted uses in the applicable zoning districts shall be met.
- (4) Sewer and water services shall be provided in accordance with the Clinton County Subdivision and Land Development Ordinance.
- (5) No commercial day care center shall be constructed within one-half (0.5) mile radius of any other group home.

**7.14 COMPOSTING AS A PRINCIPAL USE**

Composting as a principal use shall be permitted as a special exception in the I District subject to the following requirements:

- (1) All activities must be in compliance with all applicable federal, state and local regulations.
- (2) An Erosion and Sedimentation Control Plan, as described in Section 6.11 and approved by the Clinton County Soil Conservation District, shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by Chapman Township may be required.
- (3) All activities except outdoor material storage must be conducted within an enclosed structure.
- (4) All activities must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.
- (5) No activity or part thereof will be located closer than three hundred (300) feet to the lot line of any school, hospital, nursing home or dwelling unit.
- (6) Setbacks on all sides must be at least three hundred (300) feet.

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**7.15 GROUP HOME**

Group homes are facilities intended to accommodate special persons (Article III Definitions) and are permitted as special exceptions in the FA and R Districts, subject to the following requirements:

- (1) The number of persons living in such a group home shall be four (4) or more in number and shall include at least one (1) on-site support staff member who shall not be included in the maximum number.
- (2) All group home structures should have the appearance of single family or other traditionally residential structures.
- (3) All group homes shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable Zoning District.
- (4) A group home must be sponsored and operated by a group, organization or corporation licensed by either the Township or the State. Proof of licensing shall be submitted with applications for the group home use. Proof of compliance with all applicable Township or State regulations shall be furnished to the Township Zoning Officer within three (3) months of the granting of the zoning permit.
- (5) Sewer and water services shall be provided in accordance with the Clinton County Subdivision and Land Development Ordinance.
- (6) No group home shall be constructed within a one-half (0.5) mile radius of any other group home.

**7.16 HOME OCCUPATION**

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

- (1) The home occupation shall be carried on only by a member of the immediate family with a maximum of two (2) non-resident employees.
- (2) The character or external appearance of the dwelling unit or accessory structure must be consistent with the Zoning District. No display of products may be shown so as to be visible from outside.
- (3) A nameplate not larger than six (6) square feet in area shall be permitted. It can be neither animated or illuminated by direct light.
- (4) Not more than forty-five (45) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
- (5) The premises must at all times be kept neat and orderly.
- (6) The use will not result in substantial increase in traffic. A twenty (20) percent increase in traffic shall be regarded as substantial.
- (7) The use will not involve any waste product other than domestic sewerage or municipal waste.
- (8) The use will not involve the sale of any item except as incidental to the home occupation.
- (9) If an existing accessory building is to be enlarged or a building constructed to accommodate the proposed use, the building after enlargement or construction shall not have a floor area in excess of fifty (50) percent of the floor area of the principal building.

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

**7.17 JUNK YARDS**

Within the I District, junk yards shall be permitted as a special exception, subject to the following requirements:

- (1) Compliance with Chapman Township Ordinance No. 21, as amended.
- (2) The deposit or storage for more than one hundred twenty (120) days of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junk yard.
- (3) No material shall be placed in any junk yard in such a manner that is capable of being transferred out of the junk yard by wind, water, or other natural causes.
- (4) The boundaries of any junk yard shall at all times be clearly delineated.
- (5) All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.
- (6) The land area used for junk yard purposes shall not be less than five (5) acres and shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
- (7) Screening of the junk yard from neighboring land uses shall, as a minimum, require the following:
  - A. The junk yard shall be entirely enclosed by a fence at least eight (8) feet by no more than ten (10) feet high constructed of approved fencing material with access only through solid gates. Such fence or wall shall be kept in good repair. A chain link fence with opaque insets and dense plantings of evergreen, which shall shield the view of the property, or acceptable perennial species, is an example of an approved fencing material.
  - B. The contents of such a junk yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
  - C. The fence or wall shall be situated no closer to any street or property line than fifty (50) feet. Between the fence or wall and the street or property line, additional buffer plantings shall be placed so as to minimize the effect of a single fence and hedgerow.
- (8) All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
- (9) No burning shall be carried on in any junk yard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least fifteen (15) feet for escape and fire fighting, and by other necessary measures.

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**7.18 KENNELS**

Within the C and FA Districts, kennels are permitted by special exception subject to the following requirements:

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

**7.19 LIQUID FUEL STORAGE AND DISTRIBUTION**

Operations utilizing liquid fuel storage and distribution shall be permitted as a special exception in the C and I Districts subject to the following requirements:

- (1) No activity or part thereof shall be located closer than three hundred (300) feet to the lot line of any school, hospital, nursing home or dwelling unit, nor closer than one hundred (100) feet from a public right-of-way.
- (2) The activity must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.

**7.20 LOGGING INVOLVING LAND AREA OF MORE THAN TWENTY-FIVE (25) ACRES**

The Chapman Township Zoning Officer shall require the applicant to comply with all of the following when environmental conditions exist that impact on public safety, health and welfare of the residents of the Township.

- (1) A copy of all applicable federal, state and local permits shall be provided to the Township Zoning Officer.
- (2) An erosion and sedimentation control plan, as described in Section 6.11 and approved by Clinton County Soil Conservation District, shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by the Planning Commission may be required.
- (3) A study or studies performed to the satisfaction of Chapman Township showing the impact of the use on public safety, health and welfare including, but not limited to, public or individual water systems, transportation networks, air quality, water quality, etc. The cost of said study shall be borne by the applicant.

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**7.21 MANUFACTURING**

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

- (1) The screen requirements of Article IX and the sign regulations of Article VIII of this Ordinance shall be met.
- (2) Parking: Three (3) off-street parking spaces for every four (4) employees on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.
- (3) Wholesale sales are permitted when linked with production of the sale items on the same premises.
- (4) No toxic or chemical wastes shall be stored on the site except in a manner approved by the PA Department of Environmental Resources and with the knowledge of the fire companies serving the area.

**7.22 MINI-WAREHOUSE**

Warehouse/storage units provided for lease to the general public for the purpose of storage of small-scale articles are permitted as a special exception in the C District, subject to the following requirements:

- (1) Unit Requirements:
  - Maximum number of units - four (4).
  - Maximum square feet per unit - 3,000 sq. ft.
- (2) No outdoor storage shall be permitted.
- (3) There shall be no storage of explosive, toxic, radioactive or highly flammable materials.
- (4) Area shall be kept free of junk and debris at all times.

**7.23 MOBILE HOMES ON INDIVIDUAL LOTS**

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

- (1) Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the District in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.
- (2) All mobile homes shall be placed upon one of the following types of foundations:
  - A. Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as flood proofing.
  - B. Stand or Pad. A pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized.

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- (3) Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadman" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a wind velocity of at least ninety (90) miles per hour.
- (4) Each mobile home shall have a continuous wall around its entire perimeter in accordance with one of the following methods:
  - A. Permanent Walls. A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e. the extension of a permanent foundation.
  - B. Skirting. If a masonry wall is not used, each mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose. Bales of hay or plywood shall not be allowed.
- (5) Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- (6) Every unit to be used as a dwelling unit must contain a minimum of six hundred fifty (650) square feet of habitable floor area.
- (7) Every unit which is to be placed in the Floodplain must comply with all provisions contained in the Municipal Floodplain Ordinance.

**7.24 MOBILE HOME PARKS**

Mobile home parks are permitted as a special exception in the A and FA Districts, subject to the provisions of Article VII of the Clinton County Subdivision and Land Development Ordinance.

**7.25 MULTI-FAMILY DWELLINGS**

Multi-family dwellings shall be defined as a single structure designed for and constructed to contain three (3) or more dwelling units and shall be permitted as a special exception in the FA, and R Districts. Every such structure shall meet the requirements of Article VI, Section 602.4 of the Clinton County Subdivision and Land Development Ordinance and the requirements outlined below:

- (1) Design Standards
  - A. Site Plan Specifications and Procedures  
All procedures shall conform to Articles III and IV of the Clinton County Subdivision and Land Development Ordinance.
  - B. Minimum Lot Area
    1. Each multi-family dwelling shall have a gross area at least equal to the minimum lot size for the District in which it is located, plus an additional fifteen (1500) square feet for each dwelling unit where the structure is situated in a residential district.
    2. Where individual dwelling units of a townhouse or other single-family attached dwellings are to be conveyed, and adequate arrangements can be made for sewage treatment, the following shall apply:

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

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- C. Traffic access and Parking Facilities. All new streets or access drives shall be designed and constructed in accordance with Article X of this Ordinance.
- D. Sewage and Water Facilities. The developer must provide adequate water and sewage facilities, preferable by public or community facilities and comply with Sections 510 and 511 of the Clinton County Subdivision and Land Development Ordinance.
- E. Application for multi-family dwellings shall include a Stormwater Management Plan in accordance with Section 513 of the Clinton County Subdivision and Land Development Ordinance.

**7.26 NATURAL RESOURCES, MINING AND EXTRACTIVE OPERATIONS**

Natural resource uses such as logging involving more than five (5) acres, excavating, quarrying, mining, and the processing of top soils, gravel, sand, clay, shale or other natural formations such as natural gas production and/or storage, shall be permitted as a special exception in the FA and I Districts subject to the following requirements:

- (1) All activities must be compliance with all applicable federal, state and local regulations.
- (2) An Erosion and Sedimentation Control Plan, as described in Article VI Section 6.11 and approved by the Clinton County Soil Conservation District, shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by Chapman Township may be required.
- (3) When applying for a zoning permit, the application shall provide the following plans and information:

Site Plan Specifications

- A. The applicant shall provide a full set of all documentation and plans required to meet the permit requirements of the PA Department of Environmental Protection.
- B. Analysis of the impact upon roads shall be presented and the weight of trucks indicated.

Performance Standards

- A. Access. Truck access shall minimize danger to traffic and avoid nuisance to surrounding properties.
- B. Dust Abatement. The applicant shall describe how mud and dust will be controlled during operations.
- C. Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within two hundred (200) feet of any lot line, two hundred (200) feet of any street right-of-way, or within two hundred (200) feet of any zoning district boundary line.

**7.27 PLANING MILL/SAWMILL**

Planing mills where wood products are sold or processed to finished items shall be permitted as a special exception in the FA, and I Districts.

- (1) The principal use may be combined with a lumber yard.
- (2) The screening requirements of Article IX of this Ordinance shall be met.
- (3) The noise level shall not exceed sixty-five (65) decibels at property line.

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- (4) As a minimum, the structure containing the saws and/or planing equipment shall be located at a minimum of two hundred (200) feet from any residential property.
- (5) No chemicals or creosote shall be used on the premises as an additive to the wood products in any case where the facility is located closer than two hundred (200) feet of a water course.

**7.28 PROFESSIONAL OFFICES**

Professional offices shall be permitted as a special exception in the FA and R Districts subject to the following requirements:

- (1) Examples of permissible professional offices include the practice of engineering, medicine and dentistry, law, accounting, and architecture.
- (2) One (1) off-street parking space shall be provided for each three hundred fifty (350) square feet of office space in addition to any other uses requiring parking spaces.
- (3) Access is from a primary street which has a right-of-way width of not less than thirty-two (32) feet.

**7.29 RECYCLING COLLECTION POINTS**

Recycling collection points, or drop box sites, designed for the efficient disposal and collection of recyclable materials, may be established as a special exception in the FA, C and R Districts, subject to the following requirements:

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

**7.30 RESIDENTIAL AND SEASONAL DWELLINGS (INDIVIDUAL)**

Individual residential and seasonal dwellings that are not part of a Planned Residential and Seasonal Development as described in Article XI are permitted in the Nature Conservation (NC) District, subject to the following requirements;

- (1) The minimum lot size is five (5) acres per dwelling. However, one (1) seasonal dwelling may be permitted on a lot of less than five (5) acres if the lot existed prior to the effective date of this Ordinance, and there are no existing dwellings on the lot.
- (2) There shall be only one principal building per lot. All other buildings and uses shall be limited to accessory uses which are clearly incidental and subordinate in size and mass to the principal use.
- (3) Temporary living arrangements for seasonal dwellings shall not be allowed for more than one hundred eighty (180) days per year. Temporary living arrangements using recreational vehicles as defined in Article III of this Ordinance shall not be allowed.

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- (4) All living arrangements, whether temporary or permanent, shall comply with the Municipal Privy Ordinance which includes soil suitability testing and approval by the Sewage Enforcement Officer.
- (5) Individual dwelling units located in the District shall comply with applicable provisions of the Township Subdivision and Land Development Ordinance. If an inconsistency is found, the stricter requirement shall apply.

**7.31 RESIDENTIAL CONVERSION**

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

- (1) The maximum number of dwelling units resulting from conversion shall be three (3).
- (2) The minimum space per dwelling unit shall be seven hundred (700) square feet.
- (3) The conversion dwelling shall maintain the facade and appearance of a single dwelling with a single front entrance. The dwelling units may share the single front entrance.
- (4) Except as may be necessary for purposes of safety, the building shall retain the same structural appearance it had before such conversion.
- (5) Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and in no case be located on a front or side wall facing a street.
- (6) Separate cooking and sanitary facilities shall be provided for each dwelling unit, except where a family relative or dependent customarily takes their meals with a family member.
- (7) A floor plan shall be included with the application. A lot plan shall also be included in the application which identifies off-street parking and other lot improvements.
- (8) The minimum lot area and bulk regulations for the applicable zoning district shall be met.
- (9) Twenty-five (25) percent of the lot area shall be reserved and maintained as common open space for residents of the dwelling units.

**7.32 RESIDENTIAL DEVELOPMENT ON AGRICULTURALLY PRODUCTIVE LAND**

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

- (1) Land shall be considered of low quality for agricultural use if:
  - A. The land cannot feasibly be farmed due to existing features of the site such as rock outcroppings, surface rock that inhibits plowing, heavily wooded areas or slopes in excess of fifteen (15) percent;
  - B. The land consists of Soil Classes III, IV, or V; or
  - C. Identified as such by the Clinton County Conservation District.
- (2) The minimum lot size per dwelling shall be one (1) acre.

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- (3) Prime farmland, Soil Classes I and II, shall not be used for residential development except in the case where 1) the size or shape of the parcel will not permit efficient use of farm machinery, or 2) no other land on the tract can be used for residential development.
- (4) In any case, the maximum number of units which can be located on prime farmland shall not exceed one (1) single family residence for every ten (10) acres.

**7.33 RETIREMENT COMMUNITY**

Within the FA, and R Districts, a retirement community designed to accommodate people of retirement age is permitted as a special exception, subject to the following requirements:

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

**7.34 ROADSIDE FARM STAND**

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

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

**7.35 RURAL RETAIL SHOPPING CENTER**

A neighborhood or small retail shopping center, or plaza, that is planned and designed as a complex of related structures shall be permitted as a special exception within the District, and a permitted use in the C District, subject to the following requirements:

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

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

**7.36 SANITARY LANDFILLS AND TRANSFER STATIONS**

Sanitary landfills and transfer stations shall be permitted as a special exception in the I District subject to the following requirements:

- (1) All activities must be in compliance with all applicable federal, state and local regulations.
- (2) All activities must be entirely fenced with an opaque material at least ten (10) feet in height. A living fence shall not be substituted.
- (3) Setbacks on all sides must be at least three hundred (300) feet.
- (4) All access roads must be constructed to meet the requirements of the Pennsylvania Department of Transportation Form 408.

**7.37 SWIMMING POOLS (PRIVATE)**

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

- (1) The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property.
- (2) The pool shall be located in either the rear or side yard of the property.
- (3) All in-ground pool areas shall be fenced or otherwise protected so as to prevent uncontrolled access by children from the street or adjacent properties. The barrier shall be not less than four (4) feet in and shall be maintained in good condition.
- (4) For above ground pools, the pool shall be fenced as described above or it shall contain a fence and locked gate around its deck or a retractable ladder when not in use.

**ARTICLE VIII**

**SIGN REGULATIONS**

**8.00 GENERAL**

The following regulations shall apply to all Zoning Districts.

- (1) Permits to construct, install, and maintain signs shall be obtained from the Township Zoning Officer.
- (2) Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.
- (3) Signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.
- (4) No sign shall be placed in a position, or have illumination that it will cause any danger to pedestrians or vehicular traffic.
- (5) Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.
- (6) No sign other than official traffic signs shall be erected within the right-of-way lines of any street.
- (7) Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the Township at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair. All violations shall be corrected within ninety (90) days of receiving notice of violation.
- (8) No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.
- (9) No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.
- (10) No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.
- (11) No sign shall be erected containing information which implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- (12) No sign shall be placed on any tree except political signs, yard or garage sale signs, hunting and trespassing signs. Any political, yard or garage sale signs must be removed no later than five (5) days after the cessation of the posted event.
- (13) The distance from ground level to the highest part of any free-standing sign shall not exceed eight (8) feet in residential districts.
- (14) No free-standing sign shall be located within the street right-of-way.
- (15) Signs shall not project above the maximum building height permitted in any District in which they are located.

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- (16) Signs necessary for the identification, operation, and protection of public utilities, may be erected within the street right-of-way when authorized by the Township Zoning Officer for a special purpose and for a specified time.
- (17) Only parallel signs are permitted in areas of limited yard setback.
- (18) All signs erected along the right-of-way of a state highway shall be in accordance with the regulations of Pennsylvania Department of Transportation.

**8.01 SIGNS PERMITTED IN THE R DISTRICT**

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

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- C. No more than one such sign shall be erected on any one street frontage.
- (7) Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.
- (8) Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.
- (9) Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.
- (10) Sign denoting the name of a subdivision or development, provided that:
- A. The area on one side of such sign shall not exceed twenty-four (24) square feet.
- B. The sign shall be erected only on the premises on which the subdivision or development is located.
- C. No more than one such sign shall be erected on any one street frontage.
- (11) Free-standing signs, provided that no more than one (1) free-standing sign, exclusive of all directional signs, shall be allowed on any one property.

**8.02 SIGNS PERMITTED IN THE C AND I DISTRICTS**

- (1) Any sign permitted under Section 8.01 of this Article.
- (2) Commercial signs, provided that:
- A. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed twenty (20) square feet, except in the case of a tract or building housing more than one commercial use.
- B. In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The area on one side of said sign shall not exceed forty (40) square feet. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. The area of such sign shall not exceed twelve (12) square feet, may be attached to that portion of the building housing in use.
- C. No more than two separate signs shall face any one street frontage for any one use except in the case of a tract containing a directory sign.
- (3) Directional signs, provided that:
- A. The area on one side of a directional sign shall not exceed two (2) square feet.
- (4) Free-standing signs, provided that:
- A. No more than one (1) free-standing sign exclusive of all directional signs shall be allowed on any one property.
- B. The area on one side of a free-standing sign shall not exceed thirty-two (32) square feet, exclusive of all directional signs.

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**8.03 SIGNS PERMITTED IN THE FA DISTRICT**

- (1) Any sign permitted under Section 8.01 of this Article.
- (2) Commercial signs, provided that the total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed sixteen (16) square feet.

**8.04 EXISTING SIGNS**

- (1) Existing signs may be continued provided that all such signs shall conform to the General Requirements as set forth in Section 8.00 of this Article.
- (2) Any sign existing at the time of the passage of this Ordinance that does not conform with the regulations of the District in which such sign is located shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Ordinance.

**8.05 BILLBOARDS**

Within the C and FA Districts, billboards are permitted by special exception beside State Highway Route 120 in Chapman Township subject to the following criteria:

- (1) No billboard shall be located within one thousand (1000) feet of another billboard.
- (2) All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- (3) All billboards shall be set back at least fifty (50) feet from any road right-of-way lines.
- (4) All billboards shall be set back at least one hundred (100) feet from any land within a Residential District.
- (5) No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- (6) No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.

**ARTICLE IX**

**SCREENING REGULATIONS**

**9.00 SCREENING**

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

**9.01 WHERE APPLICABLE**

Screening requirements shall be applicable under the following circumstances:

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

**9.02 FEATURES TO BE SCREENED**

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

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

**9.03 SCREENING LOCATION ON THE LOT**

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

#### 9.04 SCREENING METHODS

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

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

#### 9.05 REQUIRED WIDTH OF BUFFER SCREEN

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

A buffer of seventy-five (75) feet width of existing or newly-planted trees is required where any proposed commercial and/or industrial uses abut the NC, FA or R Districts.

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

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

To meet the above screening requirements in part or in whole, existing wood lots and hedgerows should be utilized, if they exist.

#### 9.06 SCREENING DESIGN

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

#### 9.07 PERFORMANCE STANDARDS

- (1) The developer should consider placing improvements on the land in a manner that would lessen the extent and cost of required screening. Examples of sensitive design include the following:

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

**9.08 MAINTENANCE REQUIREMENTS**

- (1) Any proposed tree or shrub planted for screening purposes which dies shall be replaced. Determination of acceptable plant survival shall be made by an agent authorized by the Township.
- (2) Any fence, wall or other architectural method utilized for screening shall be maintained in a structurally sound condition, and the surfaces facing the lot line shall be maintained for an attractive appearance.
- (3) Any land form or existing vegetation mass approved for screening shall not be altered, except for usual maintenance.
- (4) The owner shall be responsible for continual maintenance of the screening. A note on the subdivision land development or site plans shall indicate this, and be signed by the applicant.

**9.09 FENCE REQUIREMENTS**

All fences constructed or installed within the Township, whether required by this Article or otherwise, shall be of uniform height, the minimum of which shall be 4 feet (5 feet for fences surrounding an in-ground swimming pool, hot tub or other man-made structure containing exposed water) and the maximum of which shall be 8 feet. Fence height shall be measured from undisturbed virgin soil to the highest point of the fencing material, including posts, boards, chain, gates or any other portion of the fence. The property owner shall be required to specify the uniform height of the fence on any building permit application that may be required. The fence shall further be located a minimum of 2 feet from any boundary line to insure sufficient area for maintenance and upkeep. All fencing or portions thereof shall be maintained in a neat and orderly fashion, with any missing or broken parts replaced within thirty (30) days. The exterior of all fences shall be of a uniform color. Property owners who wish to conform the height of the fence to the rolling topography of a particular property and not have a uniform height of the fence shall be required to obtain a variance from the Zoning Hearing Board.

**ARTICLE X**

**TRAFFIC CONTROL, INTERNAL CIRCULATION, LOADING AND OFF-ROAD PARKING**

**10.00 ACCESS AND TRAFFIC CONTROL**

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

- (1) Every building erected or altered shall be on a lot adjacent to a public road or have access to a public road via an approved private road.
- (2) Unless clearly impractical or inappropriate, lots which abut two (2) or more roads shall have direct access only to the road of lesser functional classification.
- (3) Where lots are created having frontage on expressways, arterial, and collector roads any proposed development road pattern shall also provide frontage to local roads within the subdivision.
- (4) Each use with less than one hundred (100) feet of road frontage shall not have more than one ingress and egress lane to such road. No use with one hundred (100) feet or more of road frontage shall have more than two (2) accessways to any one road for each three hundred (300) feet of road frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along roads classified other than local roads.
- (5) All driveways to any public road shall be located a minimum of forty (40) feet from any intersection of road centerlines.
- (6) Provision shall be made for safe and efficient ingress and egress to and from public roads, without undue congestion or interference with normal traffic flow. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the Township, Township or the Pennsylvania Department of Transportation.
- (7) The maximum width of driveway entrances and exits onto a public road, measured at the road line and within the road right-of-way, shall be fourteen (14) feet for one-way driveways and twenty-eight (28) feet for two-way driveways. The radius of the edge of the driveway apron shall not exceed twenty-five (25) feet.
- (8) For seasonal homes located in the Nature Conservation (NC) District, this Section shall be superseded by Article XI.

**10.01 INTERNAL CIRCULATION**

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

- (1) Design of Access Aisles and Drives
  - A. Internal drives and service areas shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Egress to the road shall be in a forward direction.
  - B. Accessways, parking areas and loading areas shall have clearly defined parking bays and circulation designated by markings, curbs, and/or

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landscaped islands, so that patrons shall not impede traffic as a result of any confusion as to location of entrances and exits.

- C. All interior drives and accessways shall be paved with an approved all-weather surfaces, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of eight (8) percent.
- D. Minimum interior drive cartway widths (with no abutting parking):

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

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

(2) Fire Lane Easements

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

**10.02 LOADING AND UNLOADING**

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

(1) Location

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

(2) Space Allowed

- A. Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
- B. Loading and unloading space shall be at least twelve (12) feet wide with fourteen (14) feet of vertical clearance, and shall have an adequate maneuvering area.

(3) Surface

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

**10.03 OFF-STREET PARKING**

- (1) Applicability
  - A. Off-street parking facilities shall be provided whenever:
    1. A building is constructed or a new use is established.
    2. An existing building or its use is changed so as to require more parking facilities.
  - B. Off-street parking facilities existing at the effective date of this Ordinance shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use.
- (2) Use
  - A. Off-street parking shall be an accessory use solely for the parking of patrons, occupants and/or employees.
  - B. No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.
- (3) Location
  - A. All parking spaces shall be on the same lot as the principal building except herein described. Parking spaces may be located within a structure or in the open.
  - B. The parking spaces may be located elsewhere than on the same lot when authorized by the Zoning Hearing Board, subject to some portion of the off-street parking area being within three hundred (300) feet of an entrance, regularly used by patrons.
  - C. For all residential dwellings, the parking spaces shall be within one hundred (100) feet of the dwelling unit they serve.
  - D. No parking or paved area shall directly abut a street.
- (4) Size and Design of Parking Lot
  - A. In the layout of parking lots, standard parking dimensions shall be utilized. 10 x 20
  - B. Up to one-third (1/3) of the total parking spaces may be designed for compact vehicles. minimum 171 sq ft.
  - C. Parking lots shall be landscaped in accordance with Article IX.
  - D. Parking lots shall be illuminated at night.
  - E. Parking lots shall have an all-weather surface.
  - F. Parking lots shall have a minimum slope of one (1) percent and a maximum slope of five (5) percent. Stormwater run-off shall not be directed across pedestrian walkways or other lots.
- (5) Handicapped Parking

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

  - A. If the total number of required parking spaces exceeds twenty (20), a minimum of two (2) percent of the total number of parking spaces, but not

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less than two (2) parking spaces, shall be designed for physically handicapped persons.

- B. Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.
- C. Each space or group of spaces shall be identified with a clearly visible marking displaying the international symbol or access.
- D. Each space shall be twelve (12) feet wide and shall abut a level, paved surface.

**10.04 SPECIFIC PARKING REQUIREMENTS**

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

Parking Residential Uses

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

Parking for Public and Semi-Public Uses

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

Parking for Commercial Uses

- (1) Retail stores and commercial uses: one (1) parking space for every three hundred (300) square feet of floor space used for sales purposes and one (1) space for each employee.
- (2) Supermarkets and dairy stores: one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.
- (3) Eating and drinking establishments: one (1) parking space for every two and one-half (2 1/2) seats for patron use and one (1) space for each employee.
- (4) Drive-in and fast-food restaurants: one (1) space for every ten (10) square feet of floor area and one (1) space for each employee.
- (5) Bowling alleys: five (5) parking spaces for each pair of lanes and one (1) space for each employee.
- (6) Skating rinks: one (1) space for every one hundred (100) square feet of skating area and one (1) space for each employee.

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- (7) Billiard and pool rooms: two (2) spaces per billiard or pool table and one (1) space for each employee.
- (8) Miniature golf and driving ranges: one (1) space per hole and one (1) space for each employee.
- (9) Golf courses: six (6) spaces per hole and one (1) space for each employee.
- (10) Animal kennels: one (1) parking space for every three (3) kennel runs and one (1) space for each employee.
- (11) Office buildings and professional offices: one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.
- (12) Motels, hotels and tourist homes: one (1) parking space for each unit and one (1) space for each employee on the largest shifts.
- (13) Barber and beauty shops: two (2) parking spaces per shop plus one and one-half (1 1/2) spaces per chair.
- (14) Shopping centers: one (1) parking space for each three hundred fifty (350) square feet of gross floor area or fraction thereof.
- (15) Home occupations: two (2) parking spaces for each dwelling unit, one (1) space for each non-resident employee.
- (16) Gasoline service stations and car washes: one (1) parking space for each employee on the largest shift.

**Parking for Industrial Uses**

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

**ARTICLE XI**

**PLANNED RESIDENTIAL AND SEASONAL DEVELOPMENTS**

**11.00 PURPOSES**

The purpose of this Article is to permit developments of residential and seasonal dwellings in the Nature Conservation District in accordance with the community development objectives of this Ordinance and with the following specific purposes:

- (1) Perpetuate the wild and remote character of the Nature Conservation District by requiring the clustering of new development, thereby reducing development sprawl and disturbance of the natural environment; and,
- (2) Relate new development to the physical context of the site, such as sensitive natural features and existing man-made improvements; and,
- (3) Respect and conserve natural resources prevalent in this area, including biological diversity areas, headwater springs, exceptional value and high quality streams, areas of unusual natural beauty, woodland expanses and wildlife habitat.
- (4) Preserve and protect the public drinking water sources by mitigating adversities created by human encroachment.

**11.01 APPLICABILITY OF PROVISIONS**

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

**11.02 CONDITIONS FOR PLANNED RESIDENTIAL AND SEASONAL DEVELOPMENTS**

- (1) Special exception applications for planned residential and seasonal developments (hereafter abbreviated as "PRSD") shall not be considered or approved unless the following conditions are met:
  - A. The PRSD shall consist of an initial undivided tract of at least twenty-five (25) acres. Large tracts may be re-subdivided but the minimum resultant lot size shall be twenty-five (25) acres.
  - B. The PRSD shall lie entirely within the Nature Conservation (NC) Zoning District.
  - C. The tract of land to be developed shall be in one ownership, or in the case of multiple ownership, it shall be developed according to a single plan with common authority and common responsibility.
  - D. All dwellings must comply with the applicable municipal sewage facilities plan.

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**11.03 STANDARDS FOR PLANNED RESIDENTIAL AND SEASONAL DEVELOPMENTS**

(1) Use Regulations

A. A PRSD may include the following uses:

1. Residential and seasonal dwellings as the only principal use.
2. Accessory uses and structures provided they are clearly incidental and subordinate to the principal use and are not located in the common open space areas.
3. Harvesting of forest products, but excluding any building or structures for this use on the property.
4. Recreational facilities intended solely for the use of residents of the development, deemed to be appropriate by the Township Zoning Hearing Board.
5. Temporary living arrangements that include recreational vehicles such as travel trailers, truck campers and motor homes.

B. The following uses are expressly prohibited:

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

(2) Duration of Seasonal Dwellings Usage

- A. Use of seasonal dwellings in the NC District shall be limited to a maximum of one hundred eighty (180) days per year. At the discretion of the lot owner, this time may be accumulated in consecutive days, forty-five (45) days per quarter, or any other schedule which does not exceed one hundred eighty (180) days per year.
- B. Use of temporary living arrangements shall be limited to a maximum of one hundred twenty (120) days per year. At the discretion of the lot owner, this time may be accumulated in consecutive days, thirty (30) days per quarter, or any other schedule which does not exceed one hundred twenty (120) days per year.
- C. As a condition of the zoning permit, the lot owner must indicate the intended schedule of use of the property for the first three (3) years. A statement describing the anticipated days of usage per quarter shall be filed with the zoning permit. Every three (3) years, subsequent schedules shall be sent to the Township Zoning Officer within one month of the three (3) year anniversary date. However, any change in the schedule of usage within the three (3) year period shall be conveyed by letter to the Township Zoning Officer, indicating the changes in the schedule of use. Such a permit shall be required for both Temporary Living Arrangements and Seasonal Dwelling Usage. A change from one type of use, i.e. from Temporary Living Arrangements to Seasonal Dwelling, shall require a new permit whenever the change occurs.

(3) Density

The number of dwelling units permitted on a lot, or a tract held in common ownership, shall be determined by dividing the gross acreage by five (5) acres per dwelling. A resulting fraction of a dwelling may be rounded up to the next whole number if the fraction is one-half (1/2) or greater.

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- (4) Area and Bulk Requirements Pertaining to all Planned Residential and Seasonal Developments.
- A. If a dwelling unit is constructed on a lot or lease parcel subdivided from the original tract, the minimum lot size shall be five (5) acres.
  - B. Any building shall be set back a minimum of one hundred (100) feet minimum from a lot line created within the development.
  - C. Any dwelling unit shall be set back a minimum of two hundred (200) feet from another dwelling unit.
  - D. The maximum total floor area of any dwelling unit shall be seven thousand five hundred (7500) feet.
  - E. Maximum building height is thirty-five (35) feet.

(5) Site Planning Requirements

- A. The PRSD must comply with the design standards of the Clinton County Subdivision and Land Development Ordinance.
- B. The PRSD must comply with the applicable municipal sewage facilities plan.
- C. No construction of buildings or soil disturbance shall occur within two hundred (200) feet of streams, wetlands or lakes.
- D. Total site disturbance shall be kept to a minimum and shall not exceed one (1) acre more than the building and access areas.
- E. Proposed private roads and driveways serving three (3) or more dwelling units shall comply with the following requirements:
  - 1. Minimum cartway width shall be sixteen (16) feet.
  - 2. Minimum right-of-way width shall be thirty-five (35) feet.
  - 3. Maximum road grade shall be fourteen (14) percent.
  - 4. Adequate turnaround area at a road end shall be provided for emergency vehicles.
- F. Provision shall be made for safe and efficient ingress and egress to and from public roads, without undue congestion or interference with normal traffic flow within the Township. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by PennDOT or the Department of Environmental Protection.

(6) Signage

Only the following signs are permitted in a PRSD:

- A. A maximum of two (2) identification signs are permitted per PRSD. Maximum sign face square footage for these signs combined is twenty (20).
- B. Each dwelling unit may have one (1) identification sign at the end of the driveway giving it access. Maximum sign square footage is two (2).
- C. Real estate signs, including signs advertising the rental or sales of premises, provided that:
  - 1. The area on any one side of such sign shall not exceed four (4) square feet.

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2. Only one (1) sign is permitted per property.

D. Trespassing signs and signs indicating the private nature of the premises. The area on any side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals on the lot of not less than one hundred (100) feet.

(7) Ownership Options and Requirements

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

**11.04 COMMON OPEN SPACE DEVELOPMENT OPTION**

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

- (1) All dwelling units must be situated in a cluster or clusters that occupy no more than forty (40) percent of the gross acreage. The dwellings may be located on individual subdivided lots or lease parcels, or they may be sighted together on a large lot(s) held in one ownership.
- (2) The limit of cluster shall be delineated on the PRSD plan which shall show private land ownership and common open space as described below.
- (3) There is no limit to the number of permitted dwelling units allowed in one cluster provided the number of dwellings do not exceed the total permitted on the site, as described in Section 11.03 above.
- (4) There is no limit to the size in area of a cluster provided that it not exceed the allowable maximum percentage of forty (40) percent of the total gross acreage of the lease parcel or subdivision.
- (5) The number of clusters permitted in a PRSD shall be limited as follows:

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

- (6) Clusters within the same development shall have a minimum distance of five hundred (500) feet between cluster limits. If this separation distance cannot be met, then dwelling units must be consolidated in fewer clusters.
- (7) Clusters shall incorporate existing buildings, if possible.
- (8) Ownership of Common Open Space

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

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- A. Developer/Owner: The developer/landowner may continue to own outright the open space and draft a plan for the mutual use of this space by all property owners and, at the owners' sole discretion, by the public. Such intent and plans for ownership and maintenance shall be submitted to the Township Zoning Hearing Board at the time the PRSD is submitted for approval.
- B. Homeowners Association: The open space may be held in common ownership by a homeowners' association. Such ownership shall be subject to all of the provisions for homeowners associations set forth in Article VII of the Pennsylvania Municipalities Planning Code.
- C. Fee-Simple Dedication: Chapman Township may, but shall not be required to, accept any portion or portions of the open space provided: (1) such land shall be freely accessible to the public; (2) there shall be no cost to the municipality involved; (3) the municipality agrees to and has access to maintain such lands; and (4) the open space shall be in an acceptable condition to the municipality at the time of transfer with regard to size, shape, location and improvement.
- D. Dedication of Easements: Chapman Township may accept, but shall not be required to accept, easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, or homeowners association while the easements are held in public ownership. The municipality may require this method where it deems this to be the most appropriate way of preserving land in open space.
- E. Transfer to a Private Conservation Organization: With permission of the Township, (which shall not be unreasonably withheld) an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township or easements, to a private, non-profit organization, among whose purposes is to conserve open space land and/or natural resources provided that: (1) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a road and common open space maintenance agreement acceptable to the Township is entered into by the developer and the organization

**11.05 PRIVATE OWNERSHIP OF OPEN SPACE**

The landowner or developer shall have the option to sell and/or develop lots based on the private ownership of parcels in the PRSD provided they meet the density requirements set forth in Section 11.03(3).

- (1) The principle of open space shall be maintained and no more than forty (40) percent of the gross acreage of an individual parcel may be developed. Plans to preserve as open space the remaining sixty (60) percent of these parcels, including agreements to be executed by the buyer or user to insure such an open space requirement, shall be submitted with the PRSD application.
- (2) To the greatest extent possible the private open space to be set aside by the developer and the individual lot owner or user shall be contiguous with the open space of adjoining tracts. Such massing of private open space may not be possible where the size and/or location of the parcel, the terrain, or other natural features make it impracticable. In such an event and provided he has tried to comply with the contiguous open space requirement, the landowner, and/or developer, shall communicate the particular circumstances and his selected alternative to the Township Zoning Hearing Board.
- (3) At his option, however, the landowner and/or developer may choose to sell or develop any number, or percentage, of the permitted number of lots if he should choose, according to the cluster and open space requirements of Section

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11.03. In such lots the landowner or developer must conform to all provisions of Section 11.04, Common Open Space Provisions.

**11.06 LOCATION, DESIGN AND LAYOUT OF COMMON OPEN SPACE**

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

**11.07 DEED RESTRICTIONS AND COVENANTS**

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

- (1) Building shells shall be completed within one (1) year of commencement of construction during which period temporary living arrangements are permitted. Following the one (1) year period, the Township may grant up to two (2) six-month extensions. A Zoning Permit must be secured and conspicuously posted at the site during this period.
- (2) Soil disturbance shall be prohibited within two hundred (200) feet of watercourses, wetlands or lakes.
- (3) Total site disturbance shall be limited to one (1) acre in addition to the building square footage area, and access areas.
- (4) Common open space lands shall remain free of buildings and the natural environment of the open space shall be preserved.
- (5) The cost and responsibility of maintaining common open space shall be borne by the property owner or designated organization. If the open space is not properly maintained, the Township may assume responsibility and maintenance in accordance with Article VII of the Pennsylvania Municipalities Planning Code.
- (6) Provisions for establishing private rights-of-way for the use of:
  - A. Lot owners, their guests, heirs and assigns;
  - B. Emergency response;
  - C. Inspection of premises by the Chapman Township Zoning Officer and Sewage Enforcement Officer.
- (7) The location and extent of utility installation shall be the sole responsibility of the applicable utility and property owner.
- (8) Each property owner shall keep his lot free of trash and junk and shall maintain structures in a good state of repair.
- (9) Temporary living arrangements including recreational vehicles as defined in Article III of this Ordinance are allowed for a maximum of one hundred twenty (120) days per year.

**ARTICLE XII**

**SPECIAL EXCEPTIONS**

**12.00 SPECIAL EXCEPTIONS AND CONDITIONAL USES**

For any use permitted by special exception, a special exception must be obtained from the Township Zoning Hearing Board. Unless otherwise specified or specifically extended by the Township Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a zoning permit within six (6) months of the date of the authorization of the special exception.

**12.01 REFERRAL TO PLANNING COMMISSION**

Where the Chapman Township Zoning Ordinance has stated special exceptions to be granted or denied by the Township Zoning Hearing Board pursuant to the express standards and criteria, the Township Zoning Hearing Board shall hear and decide request from such special exceptions in accordance with such standards and criteria. All applications for a special exception shall be referred to the Township Planning Commission who shall make a study thereof and recommendation thereon to the Board within thirty (30) days from the date of the receipt of said application.

**12.02 REFERRAL TO TOWNSHIP ZONING HEARING BOARD**

The Township Zoning Hearing Board may grant a special exception if the use meets all standards and criteria in this Ordinance and the following general provisions:

- (1) Purpose - The purpose of the proposed use must be consistent with the Township's community development objectives.
- (2) Compatibility - The proposed use shall be in the best interest of properties in the general area.
- (3) Suitability - The proposed use shall be suitable for the population served, frequency of use, adequacy of space and traffic generation.
- (4) Serviceability - Assurance shall be made as to the adequacy and availability of utility services such as sanitary and storm sewers, water, trash and garbage collection and disposal.
- (5) Accessibility - The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrian and vehicles.
- (6) Water Supply - The applicant must establish that there is an adequate water supply in accordance with Section 5.10 of the Clinton County Subdivision and Land Development Ordinance.
- (7) Drainage - The applicant must establish compliance with drainage requirements of Section 5.12 and Section 5.13 in the Clinton County Subdivision and Land Development Ordinance.
- (8) Sewage - The applicant must establish that adequate provisions will be made to dispose of the sewerage consistent with the Pennsylvania Department of Environmental Resources.
- (9) In granting a special exception, the Township Zoning Hearing Board may attach other reasonable conditions and safeguards it deems necessary to meet the purposes of this Ordinance.

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The applicant shall have the duty of presenting evidence supporting the required findings. The burden of persuasion shall be upon the applicant as to the requirements herein.

The Township Zoning Hearing Board has the right to perform or have performed by a professional consultant relevant investigations or studies to assure the public safety, health and welfare and require the costs to be borne by the applicant.

Parties before the Township Zoning Hearing Board who object to the special exception application shall have the duty of presenting evidence on the general effect of a proposed special exception if the objecting parties desire the Township Zoning Hearing Board to consider the following issues:

- (1) That the grant of the special exception shall not materially increase traffic congestion in the roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets, so as to pose a substantial threat to the health and safety of the community;
- (2) That adequate water, sewage, storm drainage, fire and police protection and other public requirements can not be provided for the use;
- (3) That overcrowding of land or undue congestion of population will result thereby;
- (4) That the use of adjacent land and buildings will be discouraged and the value of the adjacent land and buildings will be impaired by the location, nature and height of buildings, walls and fences.
- (5) That the proposed use will adversely affect the health, safety or welfare of the general public.

Parties before the Township Zoning Hearing Board who object to the special exception application shall have the duty of presenting evidence on the general policy concerns arising from the proposed special exception if the objecting parties desire the Zoning Hearing Board to consider the following issues:

- (1) That the location of the use, including location with respect to the existing or future streets giving access to it, is not in harmony with the orderly and appropriate development of the zoning district in which the use is to be located;
- (2) That the nature and intensity of the operations involved are not in harmony with the orderly and appropriate development of the zone in which the use is to be located;
- (3) That the overall effect thereof shall not be in harmony with the Township Comprehensive Plan.

Mere allegations by objecting parties of an adverse impact on general policy concerns shall not be considered evidence. Objecting parties desiring findings to be made on any of the matters set forth in this subsection must present into evidence facts which support a finding of an adverse impact on general policy concerns. Upon presentation of such evidence by objecting parties, the applicant shall have the opportunity to present rebutting evidence on these issues. In the event that the objecting parties have properly raised any issue under this subsection, the burden of persuasion shall be upon the objecting party.

The Township Zoning Hearing Board shall make findings in writing within the time period allowed under the applicable provisions of the Pennsylvania Municipalities Planning Code and this Ordinance.

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**12.03 CONDITIONS FOR GRANTING A SPECIAL EXCEPTION**

In granting a special exception, the Township Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, considered necessary to implement the purposes of this Ordinance, including conditions which are more restrictive than those established for other uses in the same district and may require among others and where appropriate the following:

- (1) Interior drives and an automobile parking arrangement that prevents blockage of vehicles entering or leaving the site and minimal conflicts between pedestrian/ vehicular and vehicular/vehicular points of intersection or contact and/or landscape barriers.
- (2) Areas for loading and unloading delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuel and other service vehicles and shall be so arranged that they may be used without blockage or interference with the use of accessway of automobile parking facilities.
- (3) Screened storage of any proposed outside materials and screened separation between mix use in conformance with this Ordinance.
- (4) Landscaping of any part or portion of the site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas to:
  - A. Restrict blowing trash;
  - B. Retain and absorb surface water runoff;
  - C. Deter improper and unsafe access to the site by the public.
- (5) Any proposed display of signs which does not constitute a hazard to public safety by reason of location, content, coloring, or manner of illumination or by any other display method so as to obstruct or detract vision at drive or free ingress and egress from a site, window, fire escape or door.
- (6) Adequate easements or rights-of-way for drainage and utilities.
- (7) Positive drainage away from the buildings and proper surface water drainage so as to prevent ponding or the erosion and flooding of abutting properties and street.
- (8) Appropriate stormwater and soil erosion and sedimentation measures must be taken.
- (9) Protection and mitigation measures to assure the integrity of individual or public water systems.

**12.04 REQUIREMENTS FOR SUBDIVISION AND LAND DEVELOPMENT APPROVAL**

Within six (6) months of receiving special exception approval from the Chapman Township Zoning Hearing Board, the landowner, where required to do so, shall apply for land development plan approval as stipulated in the Clinton County Subdivision and Land Development Ordinance.

**12.05 CONDITIONAL USES**

For any use permitted by a conditional use, a conditional use must be obtained from the Board of Supervisors. Unless otherwise specified or specifically extended by the Board of Supervisors, a conditional use authorized by the Board expires if the applicant fails to obtain, where required to do so, a zoning permit within six (6) months of the date of the authorization of the conditional use.

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**12.06 REFERRAL TO PLANNING COMMISSION**

The Board of Supervisors shall request an advisory opinion from the Planning Commission on any application for a conditional use. The Planning Commission shall submit a report for such advisory opinion prior to the date of the public hearing held by the Board of Supervisors on an application. The Planning Commission as well as the Board of Supervisors may request a report from the Township engineer or consultant.

**12.07 APPLICATION REQUIREMENTS FOR CONDITIONAL USES**

- 1) The landowner shall make a written request to the Board of Supervisors who will hold a hearing on his application. The request shall contain a statement reasonably informing the Board of Supervisors of the matters that are of issue.
- 2) The application shall be accompanied by all plans and other materials as may be required by this Ordinance, and further shall be accompanied by all necessary filing fees. A request shall not be deemed to be filed unless it is accompanied by all necessary materials and the required filing fee.
- 3) The Board of Supervisors shall hold a hearing upon the request, commencing no later than sixty (60) days after the request is filed, unless the applicant requests and consents in writing to an extension.
- 4) The Board of Supervisors shall conduct hearings and make decisions in accordance with the procedures set forth in this Ordinance for the Zoning Hearing Board and under the Pennsylvania Municipalities Planning Code.

**12.08 REFERRAL TO BOARD OF SUPERVISORS**

The Board of Supervisors may grant a conditional use if the use meets all standards and criteria in this ordinance in accordance with the following general conditions:

- A. In granting a conditional use, the Board of Supervisors shall make findings of fact consistent with the provisions of this Ordinance. The Board of Supervisors shall not approve a conditional use except in conformance with the conditions and standards outlined in this Ordinance.
- B. The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board of Supervisors shall among other things require that any proposed use and location be:
  1. In the best interest of the Township, the convenience of the community and the public welfare.
  2. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with the existing character of the general vicinity.
  3. In conformance with all applicable requirements of this Ordinance and all township ordinances.
  4. Suitable in terms of effect on highway traffic and safety.
  5. In accordance with sound standards of land development practice.
- C. In addition to the above, the Board of Supervisors shall further consider and follow the general provisions and procedures as outlined in Sections 12.02 and 12.03 regarding a special exception request before the Porter Township Zoning Hearing Board.

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**12.09 REQUIREMENT FOR SUBDIVISION AND LAND DEVELOPMENT APPROVAL**

Within six (6) months of receiving conditional use approval from the Board of Supervisors, the landowner, where required to do so, shall apply for land development plan approval as stipulated in the Clinton County Subdivision and Land Development Ordinance.

**ARTICLE XIII**

**NONCONFORMING USES**

**13.00 NONCONFORMING STRUCTURES**

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

**13.01 NONCONFORMING STRUCTURE ALTERATIONS**

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

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

**13.02 ABANDONMENT**

If any nonconforming use or structure is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be judged as abandoned when there occurs a cessation of any such use or activity by an apparent act 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.

**13.03 EXTENSION, ALTERATIONS, ADDITIONS**

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

**13.04 OTHER NONCONFORMING USES**

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

### 13.05 EXPANSION OF NONCONFORMING USES

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

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

### 13.06 NONCONFORMING LOTS

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

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

- (1) The owner does not own adjoining land which could be combined to form a conforming lot.
- (2) Each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street.
- (3) The rear yard is not less than ten (10) feet.
- (4) The front yard conforms to the minimum distance required.
- (5) Where needed, the site has an approved sewage disposal system or an appropriate sewage permit.
- (6) The site and its intended use complies with all other applicable provisions of this Ordinance.

### 13.07 DELINQUENT PROPERTIES

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

### 13.08 LIST OF NONCONFORMING USES

The Township Zoning Officer may prepare a complete list of all nonconforming uses existing at the time of the adoption of the Ordinance or its amendment. The list shall contain the names and addresses of the owner(s), any occupancy other than the

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owner, the Township Assessor's tax map number and the nature and extent of the nonconforming use.

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

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

**ARTICLE XIV**

**ADMINISTRATION AND ENFORCEMENT**

**14.00 THE ZONING OFFICER**

The provisions of the Township Zoning Ordinance shall be enforced by an agent to be appointed by the Township Supervisors who shall be known as the Township Zoning Officer.

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

- (1) Receive and process applications, and issue zoning permits for the erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land designated in this Ordinance.
- (2) At his/her discretion examine, or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he/she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of the approved plans or zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies.
- (3) Keep a record of all applications received, all zoning permits issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved.

**14.01 ZONING PERMITS**

It shall be unlawful to commence the excavation for or the construction or alteration of any buildings, until the Township Zoning Officer has issued a zoning permit for such work. No zoning permit shall be required for construction or alterations when the fair market value of the work is less than one thousand dollars (\$1,000.00). No zoning permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.

**14.02 CERTIFICATE OF COMPLIANCE**

It is unlawful to commence a use or occupy a newly constructed structure until the Township Zoning Officer has issued a Certificate of Compliance. Prior to the issuance of a Certificate of Compliance, the Township Zoning Officer will conduct a final inspection to assure compliance with the approved plan or permit. No Certificate of Compliance will be issued until all applicable provisions of the Ordinance are met.

**14.03 FORM OF APPLICATION**

Application for a zoning permit shall be made by the owners or lessees 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 or lessee, it shall be

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accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by the owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

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

**14.04 ISSUANCE OF ZONING PERMITS**

Upon receiving the application, the Township Zoning Officer shall examine it within five (5) days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject the application in writing, stating the reasons for rejection. He shall inform the applicant of his right to appeal to the Township Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Township Zoning Ordinance and all laws and ordinances applicable thereto, a zoning permit shall be issued.

**14.05 EXPIRATION OF ZONING PERMIT**

The zoning permit shall expire one (1) year from the date of issuance; provided, however, that the permit may be extended by the Township Zoning Officer every six (6) months for a period not to exceed an additional one (1) year.

**14.06 REVOCATION OF PERMIT**

The Township Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

**14.07 PAYMENT OF FEES**

No zoning permit to begin work for any activity covered by this Ordinance shall be issued until the fees set by the resolution of the Township Supervisors shall be paid to the Township Zoning Officer. The payment of fees under this section shall not relieve the applicant or holder of the zoning permit from payment or other fees that may be required by this Ordinance, or any other ordinance or law.

**14.08 COMPLIANCE WITH ORDINANCE**

The zoning permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Zoning Ordinance, except as stipulated by the Township Zoning Hearing Board.

**14.09 COMPLIANCE WITH PERMIT AND PLOT PLAN**

All work or uses shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.

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**14.10 ENFORCEMENT, SANCTIONS AND REMEDIES**

The construction, erection, replacement, alteration, repair, extension, replacement and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a zoning permit, are hereby declared to be violations of this Zoning Ordinance.

The Chapman Township Zoning Officer shall serve a written notice of violation or order on the person responsible for the violation and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so served abandon the premises in such a condition so as create a hazard or menace to the public safety, health or welfare.

The Enforcement Notice shall be prepared and sent to the owner of the parcel on which the violation has occurred. The notice shall state at least the following:

- a. The name of the owner of record and any other person against whom the Township intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- d. The specific date for compliance.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board in the time period appeal.
- f. That failure to comply or failure to appeal will result in clearly described sanctions.

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance, shall, upon being found liable thereof in a civil enforcement proceeding, pay a penalty of not more than \$500.00 plus all court costs including reasonable attorney's fees. Each day that a violation is continued shall constitute a separate violation. All penalties collected in violation of the Zoning Ordinance shall be paid to Chapman Township for the general use of the Township.

The imposition of the penalties herein prescribed shall not preclude the Township or the Supervisors, or the Zoning Officer with the approval of the Board of Supervisors, from instituting in the name of the Township any appropriate action to prevent unlawful erection or construction or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land and/or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign and/or land in or about any premises.

The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

**ARTICLE XV**

**ZONING HEARING BOARD**

**15.00 CREATION AND MEMBERSHIP**

The Township Supervisors shall appoint a Zoning Hearing Board, consisting of three (3) Township residents. Of the initial appointees to this Board, one (1) shall be designated until the first day of January following the date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. Their successors in office shall be appointed on the expiration of their respective terms to serve three (3) years. The members of the Board shall be removable for cause, by the Township Supervisors, upon written charges and after public hearing, if the member shall request it in writing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the board at the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board, but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to this Section.

**15.01 REMOVAL OF MEMBERS**

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

**15.02 ORGANIZATION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Council once a year.

**15.03 POWERS AND DUTIES**

- (1) The Zoning Hearing Board shall hear and decide on all matters referred to it or upon which it is required to pass under this Ordinance.
- (2) The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of this Ordinance.

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- (3) The Zoning Hearing Board shall hear requests for variances from the requirements of this Ordinance where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:
- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the circumstances or conditions generally created by the provisions of the Township Zoning Ordinance in the neighborhood or district in which the property is located;
  - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Township Zoning Ordinance and that the authorization of variance is therefore necessary to enable the reasonable use of the property;
  - C. That such unnecessary hardship has not been created by the applicant;
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
  - E. 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 act and the Township Zoning Ordinance.

- (4) The Zoning Hearing Board shall hear and decide requests for special exceptions in those cases where this Ordinance indicates a special exception may be granted subject to compliance with the standards and criteria prescribed. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Ordinance.
- (5) The Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this Ordinance filed by a landowner. The Zoning Hearing Board may further make findings of fact relative to the challenge, and cause to be made a record or transcript, which may serve as the basis for further action. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

#### 15.04 PROCEDURES

- (1) Variance:
- A. The landowner shall file a written request for a variance with the Zoning Officer along with all maps, plans and text which may be relevant to the request. Said request shall be accompanied by a fee specified by the Chapman Township Board of Supervisors.
  - B. The Zoning Officer shall transmit the request and any information received therewith, along with the file on said issue forthwith to the Zoning Hearing Board.

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- C. Upon receipt of a request for variance, the Zoning Hearing Board shall establish a time and place to hear said request within sixty (60) days.
- D. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date.
- E. Hearings by the Zoning Hearing Board shall be conducted in accordance with Section 908 of Act 247, the Pennsylvania Municipalities Planning Code as amended.

(2) Special Exceptions:

- A. The landowner shall file a written request for the granting of a special exception along with all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the Board of Township Supervisors.
- B. The Zoning Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.
- C. The Zoning Hearing Board shall schedule a public hearing with public notice within sixty (60) days of said request.
- D. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date unless, upon mutual consent of the Board and applicant, it is agreed to continue the proceedings.
- E. The Zoning Hearing Board shall make its decision in accordance with Section 913 of Act 247, the Pennsylvania Municipalities Planning Code as amended.

(3) Appeal of the Zoning Officer's Decision:

- A. Appeals arising from the Zoning Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as a variance request.

- (4) When the landowner is notified of the decision of the Zoning Hearing Board granting a variance or special exception, the landowner must effectuate the Board's decision within six (6) months of said notification; otherwise, said notification becomes null and void and filing of a subsequent request for a variance or special exception will be necessitated.

**15.05 TIME LIMITATIONS**

Any person aggrieved by the rendering of a decision by the Board of Township Supervisors or the Zoning Officer shall have thirty (30) days in which to file an appeal or request for review with the Zoning Hearing Board from the date of said decision.

**15.06 APPEALS TO THE ZONING HEARING BOARD**

Appeals to the Zoning Hearing Board may be made by any one person or by any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board and Act 247 as amended, by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof.

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The Zoning Officer shall immediately transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:

- (1) The name and address of the owner or the appellant.
- (2) The name and address of the owner of the real estate to be affected by such proposed change.
- (3) A brief description and location of the real estate to be affected by such proposed change.
- (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- (5) A statement of the section of this Ordinance under which the variance or exception requested may be allowed and reasons why it should be granted.

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

- (1) By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the Township.
- (2) By mailing due notice of at least six (6) days prior to the date of the hearing to the parties of interest.
- (3) By mailing due notice thereof to the Township Supervisors, the Township Planning Commission, the Zoning Officer, and such other persons who make timely requests for the notice.

#### **15.07 PUBLIC HEARING**

The Zoning Hearing Board shall conduct a public hearing on such appeal at which hearing any party may appear in person or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. All proceedings shall be conducted in accordance with Article IX of Act 247. Decisions or findings of the Board shall be rendered in accordance with Article IX of Act 247, as amended.

#### **15.08 APPEALS FROM THE BOARD RULINGS**

Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer may appeal to the County Court of Common Pleas under the procedure set forth in Article IX of Act 247, as amended.

#### **15.09 EFFECT OF BOARD'S DECISION**

If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months from the date of written decision when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing stating the reasons therefore, extend either the three (3) months or twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permits within said three (3) months period or having obtained the permit should he fail to commence work thereunder within such three (3) months period, it shall be conclusively

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presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said three (3) months period, but should he fail to complete such construction or alteration within said twelve (12) month's period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescinding of the action is justified.

**ARTICLE XVI**

**AMENDMENTS**

**16.00 AMENDMENTS**

The Board of Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Planning Commission for its recommendations and shall be specifically found by the Township Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Township Comprehensive Plan before final action is taken.

- (1) When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors who shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Planning Commission.
- (2) When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, it shall submit the proposal to the Township Planning Commission for review and recommendations.
- (3) A petition for an amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question, whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition.

**16.01 REFERRAL TO TOWNSHIP PLANNING COMMISSION**

After receipt of the petition by the Township, said petition shall be presented to the Township Planning Commission, for review and recommendations. A report of said review, together with any recommendations shall be given to the Board of Supervisors in writing within forty-five (45) days from the date of said referral. If the Township Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement, change or repeal.

**16.02 PUBLIC HEARING**

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The Township Supervisors shall fix a time and place for a public hearing on the proposed amendment and shall public notice of the hearing in the manner prescribed by Act 247, as amended.

At the time and place specified, the Township Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map, and shall thereafter within a period of ninety (90) days either reject the proposed change or enact an ordinance implementing the proposed change.

**16.03 AUTHENTICATION OF OFFICIAL ZONING MAP**

Whenever there has been a change in the boundary of a Zoning District or the reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the Township and shall thereafter be refiled as part of the permanent records of the Township.

**16.04 PURPOSE**

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

**16.05 CITIZEN REQUEST FOR AMENDMENT TO TEXT OR MAP**

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

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

The Zoning Officer shall review the application to determine whether it conforms with the requirements listed above. If satisfactory, the Zoning Officer shall immediately submit the application to the Township Planning Commission for review. Upon review, it shall be submitted to the Board of Supervisors, who shall follow the procedures enumerated in Section 16.03.

**16.06 PLANNING COMMISSION REQUESTS FOR AMENDMENT TO TEXT OR MAP**

Amendments to the Zoning Ordinance text or map may be initiated by the Township Planning Commission according to procedures enumerated in Section 15.04 submitted to the Board of Supervisors, who shall follow the procedures described in Section 16.03.

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**16.07 PROCEDURES OF THE BOARD OF SUPERVISORS**

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

(1) Preparation of Amendments

The Board of Supervisors may request the Township Planning Commission to prepare amendments to the Zoning Ordinance using the same procedure set forth in Act 247, the Pennsylvania Municipalities Planning Code as amended.

(2) Referral to the County Planning Commission

The Board of Supervisors shall submit each amendment to the Clinton County Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to afford the County Planning Commission an opportunity to submit recommendations.

(3) Public Hearing

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

(4) Revision of Amendment

If, after the public hearing held upon the amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing in the manner prescribed in Section 15.07 before proceeding to vote on the amendment.

(5) Voting on Amendment

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

(6) Notice of Decision

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

**16.08 PROCEDURES OF THE TOWNSHIP PLANNING COMMISSION**

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

(1) Preparation of Amendments

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

- A. Shall prepare the text and map of the proposed zoning amendments as well as make any necessary studies.
- B. May hold a public meeting or meetings pursuant to public notice.
- C. Shall present to the Board of Supervisors the proposed zoning amendment, with recommendations and explanatory materials.

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(2) Review Amendments

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

**16.09 PROCEDURES UPON CURATIVE AMENDMENTS**

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

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

The curative amendment shall be referred to the Township and County Planning Commissions and notice of public hearing thereon shall be given. The public hearing shall be conducted similarly as those conducted by the Zoning Hearing Board, except that all references therein to the Zoning Hearing Board shall, for the purpose of curative amendments, be references to the Board of Supervisors.

**16.10 PROCEDURES UPON MUNICIPAL CURATIVE AMENDMENTS**

- (1) The Board of Supervisors, by formal action, may declare its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
  - A. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
    1. References to specific uses which are either not permitted or not permitted in sufficient quantity.
    2. Reference to a class of use or uses which require revision.
    3. Reference to the entire ordinance which requires revisions.
  - B. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- (2) Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Article XV to cure the declared invalidity of the Zoning Ordinance.
- (3) Upon the initiation of the procedures, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 16.01 nor shall the Zoning Hearing Board be required to give a report, subsequent to the declaration and proposal based upon grounds which are identical to or substantially similar to those specified in the resolution.
- (4) Upon completion of the procedures as set forth, above, no rights to a cure pursuant to the provisions of Section 16.05 and 16.06 shall, from the date of

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the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

- (5) The Board of Supervisors having utilized the procedures as set forth above, may not utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Zoning Ordinance, provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

#### **16.11 PUBLIC HEARINGS**

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

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

#### **16.12 PUBLICATION AND AVAILABILITY BEFORE ENACTMENT**

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

The vote on the enactment of zoning ordinances and amendments by the Board of Supervisors shall be within ninety (90) days after last public hearing.

- (1) Public Notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- (2) The proposed ordinance or amendment shall be published once in a newspaper of general circulation not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail.  
If the full text is not included:
  - A. A copy shall be supplied to the newspaper of general circulation at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed at the Township Municipal Building.
- (3) In the event substantial changes are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least ten (10) days prior to enactment, re-advertise the changes in a brief summary.

#### **16.13 DISTRIBUTION AFTER ENACTMENT**

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

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ARTICLE XVII

APPENDIX SECTION

17.00 WATERSHEDS THAT INCLUDE PUBLIC DRINKING WATER SOURCES

The following tracts of land describe public drinking water sources that are zoned NC-Nature Conservation District.

(1) Paddy Run/Skunk Hollow Watershed

All those certain parcels of land situated in Chapman Township, Clinton County, Pennsylvania, and more particularly described as follows:

Commencing at the intersection of Pfoutz Valley Road at the intersection of the Noyes Township/Chapman Township boundary; thence in a Southerly direction along Pfoutz Valley Road and Summerson Mountain Road approximately 6.1 miles to the crest of the ridge dividing Skunk Hollow from Young Woman's Creek; thence along said ridge South fifty-two (52°) degrees twenty-four (24') minutes East a distance of five thousand (5,000') feet to a point; thence toward the town of North Bend South twenty-eight (28°) degrees fifty-six (56') minutes East a distance of two thousand three hundred twenty (2,320') feet to a point; thence toward Skunk Hollow Run South fifty-five (55°) twenty (720') feet to a point on Skunk Hollow Run; thence along Skunk Hollow Run South forty-nine (49°) degrees thirty-eight (38') minutes East a distance of three hundred (300') feet to a point; thence crossing Summerson Mountain Road South seventy-five thousand (5000') feet to the divide for Paddy's Run; thirty-one (31') minutes West a distance of eight thousand four hundred sixty-five (8,465') feet; thence North twenty-four (24°) degrees thirty (30') minutes West a distance of six thousand seven hundred seventy (6,770') feet to the township Noyes Township and Chapman Township in a Northerly direction approximately ten thousand five hundred (10,500') feet, West (8,900') feet, Easterly one thousand six hundred fifty (1,650') the intersection of Pfoutz Valley Road with the Noyes Township/Chapman Township boundary lines, the place of beginning. Containing +/-8,000 acres.

Comprising all or portions of the following properties as identified by Tax Parcel No:

08-01-0018-00-C	09-01-0059-A	09-01-0068-A	08-01-0019	09-01-0059-B-C
09-01-0068-000-C	08-01-0019-A	09-01-0059-C9C	09-01-0069	09-01-0025
09-01-0059-E	09-01-0070	08-01-0019	09-01-0059-F	09-01-0071
08-01-0027	09-01-0059-F-C	09-01-0071-A	08-01-0027-A-C	09-01-0059-I-C
09-01-0071-B	08-01-0027-B	09-01-0062-D	09-01-0072	08-01-0028-000-C
09-01-0063-000-C	09-01-0073	08-01-0033	09-01-0064	09-01-0074
08-01-0036	09-01-0065-000-C	09-01-0076-A	09-01-0037	09-01-0066
09-01-0076-B	08-01-0040	09-01-0066-A	09-01-0076-C	09-01-0057
09-01-0067	09-01-0077	09-01-0078-000-1		

(2) Gleasanton Watershed

All those certain parcels of land situated in Chapman Township, Clinton County, Pennsylvania, and more particularly described as follows:

Commencing at a point, said point being located approximately three hundred (300') feet Northeast of the Womens Creek; thence North eighty-five (85°) degrees seventeen (17') minutes East a distance of seven thousand one hundred eighteen (7,118') feet to the divide with Dry Run; thence South distance of five thousand three hundred thirty-six (5,336') feet to the divide with the West Branch of the Susquehanna River; thence North sixty-eight (68°) degrees fifty-six (56') minutes West a

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distance of four thousand four hundred forty-two (4,442') feet to a point near the town of Gleason; thence parallel to the old road and Young Women's Creek North eighteen (18°) degrees zero (0') minutes West a distance of two thousand eight hundred seventy-eight (2,878') feet to the place of beginning. Containing 500 acres +/-.

Comprising all or portions of the following properties as identified by Tax Parcel No:

07-01-0008-000-TC                      07-01-0009-000-C                      07-01-0011                      07-01-0008-B4                      07-  
01-0010

(3) Farwell Watershed

All those certain parcels of land situated in Chapman Township, Clinton County, Pennsylvania, and more particularly described as follows:

Beginning at a point located along the former Fairchild Street in the town of Farewell near the pump house for the Farwell Water Company; thence North fifty-four (54°) degrees twenty-five (25') minutes West a distance of one thousand six hundred forty-seven (1,647') feet to a point; thence North sixteen (16°) degrees forty-two (42') minutes East a distance of one thousand six hundred ninety-seven (1,697') feet to the top of a ridge; thence along the top of the ridge North of seven hundred (700') feet to a point; thence along the top of the ridge North fifty-seven (57°) degrees fifty-six (56') minutes East a distance of seven hundred thirty (730') feet to a point; thence South forty-seven (47°) degrees fifty-six (56') minutes East a distance of one thousand three hundred forty (1,340') feet to a point; thence South twenty (20°) degrees seventeen (17') minutes West a distance of two thousand one hundred ninety-eight (2,198') feet to the place of beginning. Containing 75 acres +/-.

Comprising all portions of the following properties as identified by Tax Parcel No:

08-01-0033                      08-01-0037

**17.01 A LISTING AND DESCRIPTION OF BIOLOGICAL DIVERSITY AREAS FOUND IN CHAPMAN TOWNSHIP**

A Biological Diversity Area (BDA) is an area of special significance because of its plant and animal life. A BDA can be one of three types. The first category is *Special Species Habitat*. It is defined as an area that includes natural or human influenced habitat that harbors one or more occurrences of plants or animals recognized as state or national species of concern. The second category is called a *High Diversity Area*. This is because it is an area found to possess a high diversity of species of plants and animals native to the county. The third and final category is the *Community/Ecosystem Conservation Area*. This area supports a rare or exemplary natural community (assemblage of plants and animals), including the highest quality and least disturbed examples of relatively common community types.

(1) Boggs Hollow Watershed BDA

Boggs Hollow is a high gradient clearwater stream with an exceptional value designation by the Pennsylvania DEP, Bureau of Water Quality, from its headwaters to its confluence with the West Branch of the Susquehanna River. The watershed is compact and recently undisturbed. Dry slopes of mixed oak, yellow and black, birch, and red maple transform to a more mesic cover of sugar maple, tulip tree black cherry, and rhododendron on the lower slopes along the stream. The Boggs Hollow Watershed is not exceptionally diverse, but it is a contiguous piece of forest that

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joins the Bucktail State Park Natural Area and the West Branch with the high plateaus an important linkage of habitat.

(2) Hyner View BDA

The Hyner View BDA is one of exceptional significance. Hyner View State Park sits atop Hyner Mountain and affords one of the most spectacular views of the West Branch Valley on the whole plateau. This area is periodically cleared to maintain an unobstructed view and to provide a take-off point for hang gliders. This small mountain top park is part of the Hyner View BDA, and the home of an endangered plant in Pennsylvania depending on the natural openings in the forest created by fire and withthrow, this plant has found suitable habitat within the developed sections within the park. This BDA is demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery. On the state level it is critically imperiled because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because of some factors making it especially vulnerable to extirpation from the state.

(3) Paddy Run Watershed BDA

The Paddy Run Watershed BDA includes most of Paddy Run and its watershed. It is a high gradient clearwater stream that was recently upgraded to exceptional value by the Pennsylvania DEP. Paddy Run supplies Renovo with its drinking water. McNearney Swamp lies at the top of the McNearney Branch of Paddy's Run. This swamp is a large wetland that once supported a Northern Conifer Swamp. Removal of large white pines and eastern hemlocks in the early 1900's elevated the water table, encouraged the growth of wet site species like alder and cattails and discouraged the re-colonization of conifers. There is evidence of beaver activity at McNearney Swamp. The U.S. Fish and Wildlife Service along with the Bureau of Forestry constructed several ponds as part of a wildlife habitat improvement program. Civilian Conservation Corps plantings of Norway spruce, Scotch pine, and blue spruce, are now colonizing sections of the open grass/sedge meadow in the wetland. It is more extensively and recently disturbed than similar wetlands, but the potential for recovery exists and its unique habitat makes it a significant resource.

(4) Seven Mile Branch Pond BDA

The Seven Mile Branch Pond BDA lies at the confluence and the Seven Mile Branch, and contains a natural pond, probably formed by beaver activity. Although not recently, the grass-covered humps of the old beaver dams are scattered through the area. A colony of watershield grows in the pond and numerous grasses, sedges and rushes grow around the perimeter. Plantings of white spruce, larch, and thickets of Japanese barberry can also be seen in the area.

(5) Fork Hill Road BDA

The Fork Hill Road BDA lies on the ridge between Bull Run and the right branch of the Young Woman's Creek. This site includes a patch of northern hardwood - conifer forest containing large, old eastern hemlocks and beech. Just within the Susquehannock State Forest, this is one of the best examples of this forest type in Clinton County and is also a nesting site of an animal of special concern in Pennsylvania.

(6) Dry Run Road Wetland BDA

The Dry Run Road Wetland BDA contains a small wetland that sits to the south of Dry Run Road. It has a state significance level of one, which means it is critically imperiled because of extreme rarity. This fluctuating natural pool supports several species of sedge and deserves recognition because of the diversity it lends to the surrounding dry oak forest and the possibility of it supporting a plant of special concern.

**17.02 A LISTING AND DESCRIPTION OF DEP EXCEPTIONAL VALUE WATERS  
DESIGNATED IN CHAPMAN TOWNSHIP**

A stream or watershed designated by the Pennsylvania Department of Environmental Resources as Exceptional Value Waters constitutes an outstanding national, state, regional or local resource, such as waters of national, state or county parks or forests, or waters which are used as a source of unfiltered potable water supply, or waters of wildlife refuges or state game lands, or waters which have been characterized by the Fish Commission as "Wilderness Trout Streams", and other waters of substantial recreational or ecological signification.

In Chapman Township the Paddy Run and Boggs Hollow watersheds have been designated as Exceptional Value Waters.

**ARTICLE XVIII**

**REPEALER AND EFFECTIVE DATE**

**18.00 REPEALER**

The existing Zoning Ordinance, enacted in 1970, and entitled Chapman Township Zoning Ordinance, and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in an event, the Zoning Ordinance of 1970, together with its supplements and amendments, would necessarily remain in full force and effect.

**18.01 EFFECTIVE DATE**

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

**18.02 ENACTMENT**

Enacted and ordained into an Ordinance this \_\_\_\_\_ 1998

**CHAPMAN TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
Dennis Trout, Chairman

\_\_\_\_\_  
Patricia Lundfelt, Vice-Chairman

\_\_\_\_\_  
Tim L. Horner

**ATTEST:**

\_\_\_\_\_  
Dionne Werts, Secretary

**18.03 RECOMMENDATION FOR APPROVAL BY CHAPMAN TOWNSHIP PLANNING COMMISSION**

Recommended for approval to the Chapman Township Board of Supervisors by the Chapman Township Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

**CHAPMAN TOWNSHIP PLANNING COMMISSION**

\_\_\_\_\_  
Tim L. Horner, Chairman

**ATTEST:**

\_\_\_\_\_  
Dionne Werts, Secretary

ORDINANCE NO. 2006- 01

AN ORDINANCE OF THE TOWNSHIP OF CHAPMAN SETTING FORTH AN AMENDMENT TO THE CHAPMAN TOWNSHIP ZONING ORDINANCE, AS HERETOFORE AMENDED, ESTABLISHING STANDARDS FOR THE PLACEMENT, LOCATION AND DESIGN OF COMMERCIAL COMMUNICATIONS TOWERS, ANTENNAS AND ANTENNA ARRAYS

**WHEREAS**, the demand for personal wireless communications services by Chapman Township and Clinton County residents and businesses continues to grow ; and

**WHEREAS**, a township and county-wide distribution and siting of telecommunications towers is desirable to meet that demand; and

**WHEREAS**, there is a need to ensure that the Township's development regulations appropriately balance the need to permit telecommunications facilities necessary to provide residents and businesses adequate and efficient communications services against the need to ensure that such telecommunications facilities do not adversely impact neighboring residents; and

**WHEREAS**, the Chapman Township Board of Supervisors therefore desires to encourage efficient and adequate wireless communication services within Chapman Township while at the same time, protecting the public health, safety and welfare; and

**WHEREAS**, in an effort to facilitate efficient and adequate communications services and protect the interests of its residents, the Chapman Township Board of Supervisors desires to regulate the construction and the placement of telecommunications facilities; and

**WHEREAS**, it is necessary to amend the Chapman Township Zoning Ordinance in order to accomplish the above.

**NOW THEREFORE**, THE CHAPMAN TOWNSHIP BOARD OF SUPERVISORS ordains that the Chapman Township Zoning Ordinance shall be amended as follows:

**SECTION I.** ARTICLE III, Section 3.01 of the Chapman Township Zoning Ordinance, "DEFINITIONS" shall be amended to include the following definitions:

ANTENNA ARRAY - One or more Communications Antennas (as hereinafter defined) used for the transmission or reception of Wireless Communications (as hereafter defined). The Antenna Array is not, and does not include, the Communications Tower or Antenna Support Structure as defined in this Article.

ANTENNA SUPPORT STRUCTURE - Any structure designed and constructed specifically to support an Antenna Array or Communications Antenna and may include a Monopole, Lattice (self-supporting) tower, Guyed or "guy-wire" support tower and other similar structures.

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of Wireless Communications (as hereafter defined) including without limitation omni-directional or whip antennas, directional or panel antennas, and parabolic or disc 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.

CO-LOCATION - Use of an Antenna Support Structure or Communications Tower by two or more Wireless Communications carriers or by one Wireless Communications carrier for more than one type of Wireless Communications technology, or the placement of a Communications Antenna or Antenna Array to an existing structure such as a building, church, governmental building or structure, water tank, Public Utility Transmission Tower (as hereafter defined) or other Structure.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing electronic receiving and relay equipment required for the operation of Communications Antennas.

COMMUNICATIONS TOWER - Any ground-mounted structure, including an Antenna Support Structure, that is designed and constructed primarily for the purpose of supporting one or more Communications Antennas or Antenna Arrays for the transmission or reception of Wireless Communications (as hereafter defined) including a Monopole, Lattice (self-supporting) tower, Guyed or "guy-wire" support tower and other similar structures. The term does not include supportive structures on residential dwellings for private, non-commercial purposes, including television antennas, private satellite dishes, and amateur or citizens band radios.

DIRECTIONAL ANTENNA - A Communications Antenna that transmits and/or receives Wireless Communications in a directional pattern of less than 360 degrees.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding Communications Towers, Communications Antennas, Antenna Arrays and Wireless Communications Facilities as defined herein.

FAA - The Federal Aviation Administration.

FCC - The Federal Communications Commission.

GUYED TOWER - A monopole or lattice tower that is tethered or tied to the ground or other surface by cables.

LATTICE TOWER - A self-supporting tower Structure with multiple legs and cross-bracing of structural steel.

MAXIMUM HEIGHT OF A COMMUNICATIONS TOWER - The vertical distance measured from the top of the foundation to the top point on the Communications Tower, Communications Antennas, Antenna Array or lightning rod, whichever is the highest.

MONOPOLE - A Communications Tower that is self-supporting with a single shaft, generally constructed of steel.

OMNI-DIRECTIONAL ANTENNA - A thin rod that serves as a Communications Antenna to transmit or receive Wireless Communications in a 360 degree radial pattern.

PANEL ANTENNA - A flat surface Communications Antenna usually deployed in three sectors (i.e., 0 to 120 degrees, 120 to 240 degrees, and 240 to 360 degrees) and used to receive or transmit radio frequency signals from or into that sector only.

PRE-EXISTING COMMUNICATIONS TOWERS AND ANTENNAS - Any Communications Tower or Communications Antenna for which a permit has been issued prior to the date of this Amendment.

PUBLIC UTILITY TRANSMISSION TOWER - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

STRUCTURE - Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

TEMPORARY WIRELESS COMMUNICATIONS FACILITY - Any tower, pole, antenna, vehicle, "cell on wheels" (COW), or similar Structure designed for use while a Wireless Communications Facility is under construction or being modified or repaired, or for a special event or conference.

**WIRELESS COMMUNICATIONS** - Any wireless services as defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services, cellular, PCS, specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

**WIRELESS COMMUNICATIONS FACILITY** - An all encompassing definition for any Communications Towers, Communications Antennas, Antenna Support Structures, Antenna Arrays, poles, antennas, equipment buildings, or other structures intended for use in connection with the transmission and receipt of Wireless Communication.

**SECTION II.** ARTICLE IV, Section 4.01(1) (A) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Permitted Uses in the Nature Conservation District (NC):

4. Communications Antennas or Antenna Arrays which are mounted or attached to any existing building or Structure, including, but not limited to, Public Utility Transmission Towers, churches, governmental buildings or facilities, agricultural buildings, Pre-Existing Communications Towers, water tank or other structures, subject to the standards set forth in Section 7.38 herein.
5. Communications Equipment Buildings subject to the standards set forth in Section 7.38 herein,
6. Temporary Wireless Communications Facility subject to the standards set forth in Section 7.40 herein.

**SECTION III.** ARTICLE IV, Section 4.01(2) (A) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Permitted Use in the Commercial District (C):

9. Communications Antennas or Antenna Arrays which are mounted or attached to any existing building or Structure, including, but not limited to, Public Utility Transmission Towers, churches, governmental buildings or facilities, agricultural buildings, Pre-Existing Communications Towers, water tank or other structures, subject to the standards set forth in Section 7.38 herein.
10. Communications Equipment Buildings subject to the standards set forth in Section 7.38 herein.
11. Temporary Wireless Communications Facility subject to the standards set forth in Section 7.40 herein.

**SECTION IV.** ARTICLE IV, Section 4.01(3) (A) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Permitted Use in the Forest and Agricultural District (FA):

8. Communications Antennas or Antenna Arrays which are mounted or attached to any existing building or Structure, including, but not limited to, Public Utility Transmission Towers, churches, governmental buildings or facilities, agricultural buildings, Pre-Existing Communications Towers, water tank or other structures, subject to the standards set forth in Section 7.38 herein.

9. Communications Equipment Buildings subject to the standards set forth in Section 7.38 herein.

10. Temporary Wireless Communications Facility subject to the standards set forth in Section 7.40 herein.

**SECTION V.** ARTICLE IV, Section 4.01(4) (A) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Permitted Use in the Industrial District (I):

8. Communications Antennas or Antenna Arrays which are mounted or attached to any existing building or Structure, including, but not limited to, Public Utility Transmission Towers, churches, governmental buildings or facilities, agricultural buildings, Pre-Existing Communications Towers, water tank or other structures, subject to the standards set forth in Section 7.38 herein.

9. Communications Equipment Buildings subject to the standards set forth in Section 7.38 herein.

10. Temporary Wireless Communications Facility subject to the standards set forth in Section 7.40 herein.

**SECTION VI.** ARTICLE IV, Section 4.01 (5) (A) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Permitted Use in the Residential District (R):

6. Communications Antennas or Antenna Arrays which are mounted or attached to any existing building or Structure, including, but not limited to, Public Utility Transmission Towers, churches, governmental buildings or facilities, agricultural buildings, Pre-Existing Communications Towers, water tank or other structures, subject to the standards set forth in Section 7.38 herein.

7. Communications Equipment Buildings subject to the standards set forth in Section 7.38 herein.

8. Temporary Wireless Communications Facility subject to the standards set forth in Section 7.40 herein.

**SECTION VII.** ARTICLE IV, Section 4.01(1) (B) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Special Exception Use in the Nature Conservation District (NC):

6. Communications Towers subject to the standards set forth in Section 7.39 herein.

**SECTION VIII.** ARTICLE IV, Section 4.01 (2) (B) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Special Exception Use in the Commercial District (C):

6. Communications Towers subject to the standards set forth in Section 7.39 herein.

**SECTION IX.** ARTICLE IV, Section 4.01 (3) (B) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Special Exception Use in the Forest and Agricultural District (FA):

21. Communications Towers subject to the standards set forth in Section 7.39 herein.

**SECTION X.** ARTICLE IV, Section 4.01(4)(B) of the Chapman Township Zoning Ordinance, shall be amended by adding the following Special Exception Use in the Industrial District (I):

6. Communications Towers subject to the standards set forth in Section 7.39 herein.

**SECTION XI.** ARTICLE VII of the Chapman Township Zoning Ordinance shall be amended by adding the following Section 7.38:

**SECTION 7.38 - REGULATIONS GOVERNING COMMUNICATIONS ANTENNAS, ANTENNA ARRAYS AND COMMUNICATIONS EQUIPMENT BUILDINGS**

(1) Communications Antennas, Antenna Arrays and Antenna Support Structures shall not be located or permitted on any single-family dwelling, townhouse or duplex.

(2) Communications Antennas, Antenna Arrays and Antenna Support Structures mounted on a building or other structure shall be no higher than twenty (20') feet above the existing Structure.

(3) Omni-directional or whip Communications Antennas shall not exceed twenty (20') feet in height and seven (7") inches in diameter.

(4) Directional or Panel Communications Antennas shall not exceed eight (8') feet in height and three (3') feet in width.

(5) Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(6) Communications Equipment Buildings shall not exceed twelve (12) feet in height and five hundred seventy-five (575) square feet in area. Communications Equipment Buildings may only be used for the housing of equipment necessary to service the Wireless Communications Facility located on the premises.

(7) The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(8) The following general application requirements apply to all Communications Antennas, Antenna Arrays and Antenna Support Structures that are erected, sited, constructed or placed within Chapman Township:

(a) Each permit application for the placement of a Communications Antennas, Antenna Arrays or Antenna Support Structures shall be accompanied by the following:

(i) A completed application form, with original signatures, from the applicant(s);

(ii) A written statement or graphic depiction that describes or depicts the proposed Communications Antennas, Antenna Arrays or Antenna Support Structures;

(iii) Certification and documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other Structure, considering wind and other loads associated with such mount or location;

(iv) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the Chapman Township Building Code and other applicable law;

(v) Evidence of agreements and/or easements necessary to provide access to the building or Structure on which the Communications Antennas, Antenna Array(s) or Antenna Support Structure are to be mounted so that installation and maintenance of such improvements and any Communications Equipment Building can be accomplished;

(vi) A copy of the applicant's current Federal Communications Commission license;

(vii) The name, address and emergency telephone number for the operator of the Communications Antennas, Antenna Arrays or Antenna Support Structures;

(viii) A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 million per occurrence covering the Wireless Communications Facility; and

(ix) The applicable permit fee in accordance with the standards set forth by the Chapman Township Board of Supervisors.

(b) Subdivision and land development review and approval shall not be required for an application solely involving Co-Location and the placement of an accessory Communications Equipment Building, provided the Communications Equipment Building is unmanned.

(c) All Communications Antennas, Antenna Arrays and Antenna Support Structures shall be constructed, operated, maintained and monitored in compliance with all applicable federal (i.e. FCC and FAA) and state standards and requirements.

(d) Communications Antennas, Antenna Arrays and Antenna Support Structures that would be classified as a hazard to air navigation, as defined by the FAA, are not permitted.

**SECTION XII.** ARTICLE VII of the Chapman Township Zoning Ordinance shall be amended by adding the following Section 7.39:

**SECTION 7.39 - GENERAL REGULATIONS AND STANDARDS GOVERNING COMMUNICATIONS TOWERS**

(1) **GENERAL APPLICATION REQUIREMENTS** - The following requirements apply to all Communications Towers that are erected, sited, constructed or placed within Chapman Township:

(a) Each permit application for the placement of a Communications Tower shall be accompanied by the following:

(i) A completed application form, with original signatures, from the applicants;

(ii) A written statement or graphic depiction that describes or depicts the proposed Communications Tower including the type of construction (monopole, lattice tower, guyed tower), tower height and the provision for co-location;

(iii) Certification and documentation from a Pennsylvania registered professional engineer that the proposed Communications Tower will be designed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Building Code of Chapman Township and other applicable law;

(iv) Evidence of agreements and/or easements necessary to provide access to the Communications Tower so that installation and maintenance of such Communications Tower and any Communications Equipment Building can be accomplished;

(v) A copy of the applicant's current Federal Communications Commission license;

(vi) The name, address and emergency telephone number for the operator of the Communications Tower;

(vii) A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 million per occurrence covering the Wireless Communications Facility;

(viii) A site plan depicting, among other things:

- (i) property lines, with distances and bearings illustrated;
- (ii) existing site improvements, including buildings and structures;
- (iii) existing and proposed roadways and easements on the property;
- (iv) the proposed Communications Tower, including tower height; and
- (v) proposed landscaping, including existing vegetation where applicable.

(ix) The applicable permit fee in accordance with the standards set forth by the Chapman Township Board of Supervisors; and

(x) If applicable, the applicant shall provide a copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1).

(b) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot provided the leased parcel meets the minimum lot size requirements for the zoning district. \_\_\_\_\_

(c) Subdivision review and approval shall not be required for a leased or licensed parcel upon which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned. Land development review and approval in accordance with the provisions of the Chapman Township Subdivision and Land Development Ordinance shall be required for any application involving the construction of a Communications Tower.

(d) All Wireless Communications Facilities shall be constructed, operated, maintained and monitored in compliance with all applicable federal (i.e. FCC and FAA) and state standards and requirements.

(2) DESIGN OF COMMUNICATIONS TOWERS - All Communications Towers shall be designed and constructed as follows:

(a) Except as otherwise provided herein, all Communications Towers shall be a nonspecular, medium grey color or shall have a galvanized, matte finish surface.

(b) In all applicable zoning districts, the Maximum Height of any Communications Tower shall be 200 feet; provided, however, that the Zoning Hearing Board by special exception may grant additional height to allow for the minimum height necessary for the Communications Tower to perform its function and to satisfy the applicant's radio frequency propagation needs as clearly demonstrated to the Township through the use of modeling and propagation studies. The Zoning Hearing Board may impose any reasonable conditions necessary to protect the interests of the public and the adjoining property owners.

(c) If the Communications Tower is more than 100 feet high, but less than 150 feet high, it shall be engineered and constructed to accommodate at least one (1) other user. If the Communications Tower is at least 150 feet high, it shall be designed to accommodate at least two (2) additional users. Towers shall be designed to allow for the future rearrangement of antennas upon the tower and to accept antennas at varying heights.

(d) The minimum setback of Communications Towers shall be as required in the applicable zoning district; provided, however, that no Communications Tower shall be located closer than 150 feet or, or 100% of the proposed Communications Tower height, whichever is greater, from any adjoining parcel of land that is residentially developed or residentially zoned.

(e) No minimum lot, lease area and/or license area is required for a Wireless Communications Facility. Except as otherwise provided herein, the setbacks of the parent tract perimeter boundaries shall apply.

(f) A Communications Tower may be located on a lot occupied by other principal structures.

(g) Except as required by the FAA, no Communications Tower may use artificial or strobe lighting.

### (3) ADDITIONAL REGULATIONS AND STANDARDS FOR COMMUNICATIONS TOWERS:

(a) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width.

(b) An applicant proposing the construction of a Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

(i) Coverage diagrams and technical reports demonstrate that co-location on existing Structures is not technically possible in order to serve the carrier's need;

(ii) The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost;

(iii) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment on the existing Structure and the interference cannot be prevented at a reasonable cost;

(iv) 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;

(v) The addition of the proposed Communications Antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation;

(vi) A commercially reasonable agreement could not be reached with the owners of such Structures; or

(vii) Other reasons make it impractical or impossible to place the equipment planned by the applicant on existing Structures.

(c) All guy wires associated with a Guyed Tower shall be clearly marked at ground level so as to be visible at all times and shall be located within a fenced enclosure. The exposed, aboveground portion of guy anchors shall be no less than 25 feet from the nearest property line. Guy wires shall not cross or encroach on any utility rights-of-way.

(d) The compound surrounding a Communications Tower shall be secured by a fence with a minimum height of six (6) feet and a maximum height of eight (8) feet to limit accessibility to the general public. The top portion of the fence may have barbed wire attached to it.

(e) No signs shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction, provided, however, that a sign shall be affixed to the security fence in an accessible and visible location containing the name and address of the owner of the Communications Tower and a 24-hour emergency telephone number.

(f) Adequate off street parking, but no less than one space, shall be provided within the fenced compound area. Parking of vehicles shall not impede traffic flow on and off the site.

(g) If the Communications Tower is to be located within 200 feet of any adjoining parcel of land that is residentially developed or residentially zoned, the base of a Communications Tower shall be landscaped so as to screen the foundation, base and Communications Equipment Building from the adjacent property.

(h) All abandoned or unused Communications Towers and ancillary equipment shall be removed within 180 days of cessation of operation and the site shall be restored to a natural condition. Communications Towers that cease to operate for 12 consecutive months shall be determined to have terminated operation and must be removed within 180 days. In the event that the Communications Tower and ancillary equipment are not removed within 180 days as provided herein, the facilities may be removed by Chapman Township and the costs associated with the removal assessed against the applicant and the owner of the property upon which the facilities exist.

(i) Upon completion of construction and prior to the issuance of a certificate of occupancy or the commencement of operations, the applicant for the proposed Communications Tower must provide Chapman Township with certification and documentation from a Pennsylvania registered professional engineer that a proposed Communications Tower has been constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association-Telecommunications Industry Association and applicable requirements of the Building Code of Chapman Township and other applicable law.

(j) Communications Towers shall be maintained in accordance with the requirements of the Building Code of Chapman Township.

(k) All federal, state and local permits required for the siting and operation of communications towers, antennas and facilities shall be provided to the Township upon receipt or renewal.

(l) All Communications Antennas and Antenna Arrays initially to be attached to a Communications Tower by the operator shall comply with the requirements of Sections 7.38(2), 7.38(3), 7.38(4), 7.38(5), 7.38(7) and 7.38(8)(c) herein.

(m) All Communication Equipment Buildings shall comply with the requirements of Section 7.38(6) herein.

**SECTION XIII.** ARTICLE VII of the Chapman Township Zoning Ordinance, shall be amended by adding the following Section 7.40:

**SECTION 7.40 - REGULATIONS AND STANDARDS GOVERNING TEMPORARY WIRELESS COMMUNICATIONS FACILITIES**

(1) A Temporary Wireless Communications Facility shall be permitted for test purposes, emergency communications, a special event or conference, or in the event of equipment failure for a maximum period of one hundred eighty (180) days.

(2) A zoning permit shall be required for each Temporary Wireless Communications Facility.

**SECTION XIV.** The provisions of this Ordinance shall not apply to Pre-Existing Communications Towers and Antennas unless the same are altered, modified or replaced.

**SECTION XV.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION XVI.** The provisions of this Ordinance shall be effective on the earliest date permissible by law.

**ORDAINED AND ENACTED** into an Ordinance and passed by the Chapman Township Board of Supervisors on this 17 day of October, 2006.

ATTEST:

Dionne G. Werts  
Secretary

Tim H. Hovine  
Chairman

Charles M. Russell  
Supervisor

George A. Maackap  
Supervisor