

ZONING ORDINANCE
DUNNSTABLE TOWNSHIP
CLINTON COUNTY

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ORDINANCE NO.

101 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATION, RESTRICTING, AND DETERMINING THE USES OF LAND, WATER COURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL, AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CREATING THE OFFICE OF ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Dunnstable, County of Clinton, by authority of and pursuant to the provisions of Articles IV through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code", and any amendments and supplements thereto, as follows:

ARTICLE 1 - GENERAL PROVISIONS

102 Short Title

This Ordinance shall be known and may be cited as the "Dunnstable Township Zoning Ordinance".

103 Purpose

This Zoning Ordinance has been prepared in accordance with the Dunnstable Township Comprehensive Development Plan of 1978, with consideration for the character of the municipality, its various parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes:

103.a To promote, protect, and facilitate one or more of the following: The public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, and other public requirements, as well as

103.b To prevent one or more of the following: Overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.

104 Zoning Hearing Board

In accordance with Article IX of said Act 247 of the Commonwealth of Pennsylvania, a Zoning Hearing Board is hereby created and shall have the number of members and such powers and authority as set forth in said Act and this Ordinance. The duly established Zoning Hearing Board may, from time to time, be herein referred to as the Board and unless otherwise clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

105 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions, or agreements, the provisions of this Ordinance shall control.

106 Uses Not Provided For

Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and any application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

107 Effective Date

This Ordinance shall take effect on the _____ day of _____,
_____.

ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in carrying out the "Statement of Goals and Objectives" of the Comprehensive Plan. The Community Development Objectives supplement the "Statement of Goals and Objectives" and include, but are not limited to the following;

201.a A coordination of the diversified physical elements and the protection of the health, safety, morals, and general welfare of the public.

201.b As related to physical resources:

- i. Balance land uses against current and anticipated needs (residential use and farm use; light industry use and conservation area uses; general commercial uses and population increases.)
- ii. Utilize proper development procedures to eliminate waste and friction.
- iii. Insure provisions of a maximum return in comfort, convenience, and services at a minimum of tax expenditures.

201.c Enhancement of living conditions:

- i. Provide amenities of greenery and open space.
- ii. Safeguard against blight and deterioration of property values.
- iii. Insure appropriate distribution of facilities & services.

201.d Community Identity

- i. Designation of development focal points (recreation and supporting amenities).
- ii. Emphasis on order and cohesion in the development pattern
- iii. Maintain the rural residential agriculture environment. (Areas own best interest served evolving as a residential community.)

ARTICLE III - GLOSSARY OF ZONING TERMS

301 Application and Interpretation

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

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

301.a Words used in the present tense include the future tense.

301.b The word "person" includes a profit or non-profit corporation, company, partnership, individual, association, society, or organization.

301.c The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.

301.d The word "building" includes structure.

301.e The word "lot" includes plot or parcel.

301.f The word "shall" is always mandatory.

302 Definition of Terms

For the purposes of this Ordinance, the following words, terms, and phrases have the meaning herein indicated:

Accessory Building: A subordinate building or a 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 with such principal use or building.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amendment: A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

Animal Hospital: A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Lot: The total area within the lot lines.

Basement: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Billboard: A panel-type sign upon which advertising matter of any character is printed, posted, or lettered; it may be either free-standing or attached to a surface of a building or other structure, and generally advertises products and services available on premises other than the premises on which the billboard is situated.

Boarding House: Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

Building: Any structure having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

Building Detached: A building surrounded by open spaces on the same lot.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: The line of a structure or building existing at the effective date of this Ordinance or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Carport: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

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

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

Comprehensive Plan: A Comprehensive Plan (overall program) consists of maps, charts, and textual matter, and indicates the recommendations of the planning commission for the continuing development of the municipality. The comprehensive plan includes, but is not limited to, the following related basic elements:

a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations by the Planning Agency.

Condominium: A form of property ownership providing for individual ownership of a specific apartment or other space not necessarily on ground level together with an undivided interest in the land or other parts of the structure in common with other owners.

Court: An unoccupied open space, other than a yard, on the lot with a building, which is bounded on two or more sides by the walls of such building.

Court, Inner: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, Outer: A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

Coverage: That portion or percentage of the plot or lot area covered by the building area.

Curb Level: The officially established grade of the curb in front of the midpoint of the lot.

Density: A measure of the number of dwelling units which occupy, or may occupy, an area of land.

Density of Factors: Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

Density, Net Residential: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way

whether exterior or interior; but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

Dog Kennel: The keeping of four (4) or more dogs that are more than six (6) months old.

Dump: A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwelling: A building designed or used as the living quarters for one or more families. The terms "dwelling", "one-family dwelling", "multiple dwelling", "two-family dwelling", or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel.

Dwelling Types

- a) Residential Conversion Unit: A dwelling unit adapted from all or part of a structure formerly used for some purposes other than residential use. To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that District for that particular use.
- b) Single-Family Detached: A dwelling unit accommodating a single family and having two (2) side yards.
- c) Single-Family Semi-Detached: A multi-family dwelling consisting of two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- d) Two-Family Detached: A multi-family dwelling consisting of two dwelling units accommodating two families which are located one over the other, and having two (2) side yards.
- e) Two-Family Semi-Detached: A multi-family dwelling consisting of four dwelling units accommodating four families, two units of which are located directly over the other two units.
- f) Townhouse (Row Dwelling): A multi-family dwelling consisting of three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height, but may conceivably be either one (1) or three (3) stories in height.

- g) Garden Apartment: A multi-family dwelling consisting of three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side by side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Single-family dwelling units are generally built to a height of three (3) stories, but may conceivably be built to a height of only (2) stories. Each dwelling unit is accessible by a common stairwell.
- h) Apartment House: A multi-family dwelling consisting of single-story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Dwelling Unit Area: The minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

Family: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.

Farm: Any parcel of land containing ten (10) or more acres, which is usually for gain in the raising of agricultural products, live-stock, poultry, or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

Flood Plain: A flood plain is identified by soil types which have been mapped by the Soil Conservation Service. There are alluvial soils which have been water-deposited and normally occur along permanent streams, but may be found in less obvious drainage ways or depressions.

Floor Area, of a Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops shall be ten (10) percent of the habitable floor area of such room.

Floor Area Ratio (FAR): The maximum allowable square footage of total floor area permitted for each square foot of land area, which is expressed as a ratio between said building floor space and the area of the lot it occupies.

Floor Area Retail, Net: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space, and other general administrative areas.

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.

Garage, Public: Any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

Gardening: See Home Gardening for definition.

Grade, Establishing: The elevation of the center line of the streets as officially established by the municipal authorities.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure of premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein, and providing that the level of noise created by the use is not above the level that would normally be found in a residential area.

- a) Non-Professional: An occupation for gain or support conducted only by immediate members of a family residing on the premises and conducted entirely within the dwelling or accessory building; provided no article is sold or offered for sale except such as may be produced on the premises by members of the family, and further provided that such occupation shall in no case occupy more than twenty-five (25) percent of the floor area of the dwelling.
- b) Professional: An occupation for gain or support conducted by a member of a recognized profession, entirely within the dwelling or accessory building, provided that not more than three (3) persons not in residence in the dwelling are employed, and, further provided that such occupation shall in no case occupy more than twenty-five (25) percent of the floor area of the dwelling.

Hospital: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

Hotel: A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where a general kitchen and dining room are usually provided within the building or in any accessory building.

Junk Yard: A lot, land 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.

Landscape Area: The minimum square footage of lot area that is available for the use of the residents of a dwelling unit complex in which it is located or a part of the required area of a commercial or industrial development. This area must be both unsurfaced and water absorbent, and no more than one-third of this total space footage requirement may be made up of the area located within the setback requirements for the front, side, or rear yards of the complex.

Lighting

- a) Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- b) Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

- c) Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

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

Lodging House: A building in which three (3) or more, but not more than fifteen (15) rooms, are rented and in which no table board is furnished.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot, Corner: A parcel of land at the junction of and abutting on two or more intersecting streets.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and 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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Motel: A roadside hotel (See "Hotel").

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

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

Nursing Home: Any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

Off-Site Sewer Service: A sanitary sewage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

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

Open Area: An unoccupied and/or unpaved ground surface required to remain open to the sky on the same lot with the building.

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.)

Open Space: Predominantly undeveloped land which should remain permanently open to serve important public purposes.

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

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

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

Porch: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

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

Property Line: A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the full right-of-way.

Public Agency: A municipality, school board, authority, or other officially constituted body qualified to hold and administer publicly owned properties.

Public Notice: A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

Public Uses, Appropriate: 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 buildings, essential public utilities that require enclosure within a building; airports; fraternal clubs and homes; non-profit recreational facilities; and easements for alleys, streets, and public utility rights-of-way.

Residential Conversion Unit: See "Dwelling Types".

Resort Facility: A place, generally equipped with lodging accommodations and facilities for active and passive recreation, to which people go for rest and relaxation, as on a vacation.

Riding Academy: Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Right-of-Way Line: (See Street Right-of-Way Line.)

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. The operation of a sanitary landfill normally consists of: 1) Depositing the discarded material in a planned controlled manner, 2) compacting the discarded material in thin layers to reduce its volume, 3) covering the discarded material with a layer of earth, and 4) compacting the earth cover.

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 Residence: A dwelling, cabin, lodge, or summer house which is intended for occupancy less than one hundred and eighty-two (182) days of the year.

Services, Essential: Uses, not enclosed within a building, necessary for the preservation of the public health and safety including but not limited to, the erection, construction, alteration, or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

Service Station: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Shopping Center: A group of commercial establishments planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Special Exception: The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures, and conditions prescribed herein. Special Exceptions shall be administered by the Zoning Hearing Board.

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

Stable, Public: A building in which any horses are kept for remuneration, hire, or sale.

Stoop: A covered or uncovered area at a front, side or rear door not exceeding four (4) feet by five (5) feet or twenty (20) square feet in area.

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

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street-Center Line: The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

Street Grade: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets 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 street at such midpoint shall be taken as the street grade.

Street Right-of-Way Line: The line dividing a lot from the full street right-of-way, not just the cartway. The word "street" shall include, but not be limited to, the words, "roads", "highway", "alley", and "thoroughfare".

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, transfer of ownership or building or lot development: Provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

Swimming Pool

- a) Private: Any reasonable permanent pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
- b) Public: A public bathing place shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

Theater: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

Theater, Outdoor Drive-In: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

Tourist Cabins: A group of buildings, including either separate cabins or a row of cabins, which:

- a) Contain living and sleeping accommodations for transient occupancy; and
- b) Have individual entrances.

Tourist Home: A dwelling in which overnight accommodations are provided or offered for transient guest for compensation.

Trailer: (See Travel Trailer.)

Trailer Camp: A tract of land:

- a) Where two (2) or more trailers are parked; or
- b) Which is used or held out for the purpose of supplying to the public a parking space for two (2) or more trailers.

Travel Trailer: A vehicle, 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.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to the regulation, which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Window: An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

Yard: An unoccupied space open to the sky, on the same lot with a building or structure.

Yard, Front: An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

Yard, Side: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

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

ARTICLE IV - DESIGNATION OF DISTRICTS

401 General Districts

For the purpose of this Ordinance, the Township is hereby divided into eight (8) types of Districts which shall be designated as follows:

- A Agricultural
- R-1 Low Density Residential-Suburban
- R-2 Medium Density Residential
- R-3 Medium Density Residential
- C Commercial-General
- I Research and Development and Industrial-Light
- OS Open Space District
- FP Flood Plain
Public and Semi-Public

402 Zoning Map

The boundaries of said Districts shall be shown upon the map attached to and made a part of this Ordinance which shall, except those treated as floating zones, be designated "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 herein.

403 District Boundaries

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

- 403.a 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 adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
- 403.b 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 therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

403.c In unsubdivided land and 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.

404 Interpretation of Boundaries

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to location of District boundaries.

ARTICLE V

A - AGRICULTURAL

501 Purpose

The purpose of the AR District is to (1) identify those areas where agricultural activities should be encouraged or preserved; (2) provide for the preservation of natural, unpolluted drainageways, protection from flooding and highwater tables, preservation of open space, and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.

502 Permitted Uses

502.a Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of horses, cattle and other livestock, and the raising of poultry and poultry products.

502.b Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.

502.c Structures:

- i. Barns, silos, corncribs, poultry houses, mushroom houses, and other similar structures necessary to the proper operation of agricultural activities.
- ii. Stables, dog kennels, and greenhouses.
- iii. Grange halls or similar buildings of purely agricultural organizations.
- iv. 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. The mobile home must be skirted, regardless of type foundation.
- v. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose, other than a dwelling.
- vi. Churches and other places of worship.
- vii. Accessory buildings and uses customarily incidental to the above uses.

502.d Forest uses related to the harvesting of lumber products, inc., and sawmills.

503 Special Exception Uses

- 503.a The sale of farm products.
- 503.b Privately owned parks and recreation areas.
- 503.c Private swimming pools, provided they meet the requirements as set forth in Article XV, Section 1507.

504 Conditional Use

- 504.a Appropriate public uses and essential services.
- 504.b Mobile home parks, provided they meet the requirements of Article XIV, Section 1413, and any other existing requirements of the Township relating to the establishment of mobile home parks.

505 Area, Density, and Lot Width Regulations

- 505.a Buildings devoted to farm use shall be exempt from area regulations.
- 505.b The lot areas, densities, and lot widths for single-family detached dwellings, including individual mobile homes and seasonal residences, shall not be less than the following:
 - Forty-three thousand, five hundred sixty (43,560) square feet (1 acre), exclusive of rights-of-way.
 - i. Maximum net density - 1.00 dwelling units per acre
 - ii. Minimum lot width at the setback line - one hundred fifty (150) feet; minimum width at the right-of-way line - one hundred twenty-five (125) feet.
 - iii. Minimum lot depth - one hundred fifty (150) feet.

506 Coverage Regulations

- 506.a Lot Coverage: All buildings, including accessory buildings, shall cover not more than twenty (20) percent of the lot.

507 Setback Regulations

507.a Front Yard - Principal Building: Minimum of fifty (50) feet from the edge of the right-of-way line. Corner lots shall be construed to have two front yards.

507.b Side Yards - Principal Buildings: Each lot shall have two (2) side yards, neither of which shall be less than twenty-five (25) feet.

Accessory Buildings: All accessory buildings shall be a minimum of ten (10) feet from any side lot line.

507.c Rear Yard - Principal Building: Minimum of sixty (60) feet in depth.

Accessory Buildings: All accessory buildings shall be a minimum of ten (10) feet from the rear yard line.

507.d Buildings housing livestock (including dog kennels), poultry, or mushroom culture, shall not be closer than fifty (50) feet to any public right-of-way nor two hundred (200) feet to a residential district.

508 Height Regulations

508.a Buildings devoted to farm use shall be exempt from height regulations.

508.b The maximum building height for a single-family detached dwelling shall be two and one-half (2½) stories or thirty (30) feet, whichever is the lesser; however, no dwelling shall be less than one story in height.

ARTICLE VI

R-1 LOW DENSITY RESIDENTIAL

601 Purpose

The purpose of the R-1 Low-Density Residential District is to provide for the orderly expansion of low-density residential development in those areas of the Township where essential public services are not provided nor are expected to be provided for a considerable period of time; and/or to provide for an area of low-density which is an appropriate alternative from other areas of the Township, and to exclude uses not compatible with such low-density residential development.

602 Permitted Uses

- 602.a Single-family detached dwellings, single-family semi-detached dwellings and the customary accessory uses incidental to this type development, except mobile homes which shall not be permitted.
- 602.b Home occupations provided that no facade shall indicate from the exterior that the building is being utilized for any purpose, other than a dwelling.
- 602.c Accessory buildings and uses customarily incidental to the above.

603 Special Exception Uses

- 603.a Privately owned parks and recreation areas.
- 603.b Private swimming pools, provided they meet the requirements of Article XIV, Section 1407.
- 603.c Churches and other places of worship.

604 Conditional Uses

- 604.a Appropriate public uses and essential services.
- 604.b Public swimming pools.
- 604.c Planned residential developments.
- 604.d Clinics.
- 604.e Boarding Houses.
- 605.f Mortuaries, undertaking establishments, and cemeteries.

605 Area, Density, and Lot Width Regulations

- 605.a Density: Each single-family detached dwelling shall be on a lot not less than twenty thousand (20,000) square feet for a maximum net density of 2.00 dwelling units per acre.
- 605.b Lot Width: Minimum of ninety (90) feet at the setback line; minimum of seventy-five (75) feet at the right-of-way line.
- 605.c Lot Depth: Minimum of one hundred fifty (150) feet.
- 605.d Coverage: Twenty (20) percent maximum for all principal and accessory buildings. Buildings devoted to farm use shall be exempt from coverage regulations.
- 605.e Front Yard Setback:
1. Fronting arterial road: Fifty (50) feet minimum.
 2. Fronting collector road: Forty (40) feet minimum.
 3. Fronting local road: Thirty (30) feet minimum.
 4. In the case where a property's front yard does not abut a public road, the front yard setback shall be no less than thirty-five (35) feet from the centerline of any private road.
- 605.f Side Yard Setback:
1. Principal uses: There shall be two (2) side yards with an aggregate width of not less than thirty (30) feet and the width of the narrower side shall not be less than fifteen (15) feet.
 2. Accessory uses: Ten (10) feet minimum.
- 605.g Rear Yard Setback:
1. Principal Use: Thirty-five (35) feet minimum.
 2. Accessory uses: Ten (10) feet minimum.
- 605.h Height: Two and one-half (2½) stories or thirty-five (35) feet maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height.

ARTICLE VII

R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

701 Purpose

The purpose of the R-2 Medium-Density Residential District is to provide for the orderly development of existing and proposed medium-density residential areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development. It is also the intent of this district to permit medium-density multi-family dwellings.

702 Permitted Uses

- 702.a Single-family detached dwellings, except individual mobile homes which shall not be permitted.
- 702.b Single-family semi-detached dwellings.
- 702.c Townhouses.
- 702.d Garden Apartments.
- 702.e Low-Rise Apartments.
- 702.f Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
- 702.g Accessory buildings and uses customarily incidental to the above uses.

703 Special Exception Uses

- 703.a Privately owned parks and recreation areas.
- 703.b Private swimming pools, provided they meet the requirements of Article XIV, Section 1407.
- 703.c Churches and other places of worship.

704 Conditional Uses

- 704.a Appropriate public uses and essential services.
- 704.b Cemeteries including mausoleums therein.
- 704.c Mobile home parks, provided they meet the requirements of Article XIV, Section 1413, and any other existing requirements of the Township relating to the establishment of mobile home parks.

705 Area, Density, and Lot Width Regulations: Single-family dwellings

- 705.a Density: Each single-family detached dwelling shall be on a lot not less than twenty thousand (20,000) square feet for a maximum net density of 2.00 dwelling units per acre.
- 705.b Lot Width: Minimum of ninety (90) feet at the setback line; minimum of ninety (90) feet at the right-of-way line.
- 705.c Lot Depth: Minimum of one hundred fifty (150) feet.
- 705.d Coverage: Twenty (20) percent maximum for all principal and accessory buildings. Buildings devoted to farm use shall be exempt from coverage regulations.
- 705.e Front Yard Setbacks:
1. Fronting arterial road: Fifty (50) feet minimum.
 2. Fronting collector road: Forty (40) feet minimum.
 3. Fronting local road: Thirty (30) feet minimum.
 4. In the case where a property's front yard does not abut a public road, the front yard setback shall be no less than thirty-five (35) feet from the center line of any private road.
- 705.f Side Yard Setback:
1. Principal Uses: There shall be two (2) side yards with an aggregate width of not less than thirty (30) feet and the width of the narrower side shall not be less than fifteen (15) feet.
 2. Accessory Uses: ten (10) feet minimum.
- 705.g Rear Yard Setback:
1. Principal Uses: Thirty-five (35) feet minimum.
 2. Accessory Uses: Ten (10) feet minimum.
- 705.h Height: Two and one-half (2½) stories or thirty-five (35) feet maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height.

706 Area, Density and Lot Width Regulations: Multi-family dwellings

The following regulations shall be observed for townhouses, garden apartments and low-rise apartment structures:

706.a For the following lot areas the maximum possible Floor Area Ratio (FAR) shall be:

| <u>Lot Area (square feet)</u> | <u>FAR</u> |
|-------------------------------|------------|
| 15,000 to 27,999 | .20 |
| 28,000 to 43,559 | .25 |
| 43,560 and up | .30 |

706.b Lot Width: The minimum lot width shall not be less than one hundred (100) feet.

706.c Landscape Area: The minimum landscape area shall not be less than thirty (30) percent of the total lot area.

706.d Dwelling Unit Area: The floor area per dwelling unit shall not be less than one thousand (1,000) square feet.

706.e Density: The maximum possible gross density for townhouse, garden apartment, and low-rise apartment developments shall not be greater than thirteen (13) dwelling units per acre.

706.f Lot Coverage: Twenty-five (25) percent maximum for principal buildings, thirty-five (35) percent total maximum, including all accessory buildings and tenant garages.

706.g Front Yard Setback: The following front yard setbacks and road classifications shall conform to the following specifications:

1. Major Arterial - Fifty (50) foot minimum.
2. Minor Arterial - Fifty (50) foot minimum.
3. Major Collector - Forty (40) foot minimum.
4. Local - Thirty (30) foot minimum.

706.h Side Yard Setback: The minimum side yard for townhouse, garden apartment and low-rise apartment developments shall not be less than eight (8) feet per side.

- 706.i Rear Yard Setback: The minimum rear yard for townhouse, garden apartment and low-rise apartment developments shall not be less than fifteen (15) feet.
- 706.j Low-Rise Apartments: For every one (1) story or twelve (12) feet of structure above the third floor, an additional three (3) feet must be added to the front, side, and rear yard setbacks.
- 706.k Height Regulations: The maximum building height for low-rise apartments, townhouses, and garden apartments shall be three (3) stories or thirty-six (36) feet maximum.

707 Off-Street Parking Regulations

- 707.a Off-street parking shall be provided in accordance with the provisions of Article XIII.

708 Sign Regulations

- 708.a See Article XII

709 Residential Conversion Units

709. Dwelling Unit Area: The average floor area per dwelling unit shall not be less than seven hundred and fifty (750) square feet.

ARTICLE VIII

GENERAL COMMERCIAL DISTRICT

801 Purpose

The purpose of the C-1 General Commercial District is to provide and require a unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and open space, all planned and designed as an integrated unit, in a manner so as to provide and constitute an efficient, safe, convenient, and attractive shopping district.

802 Permitted Uses

- 802.a Stores and personal service shops for the conducting of general merchandise and retail business.
- 802.b Business, professional, and finance offices.
- 802.c Studios for teaching art, music, dancing, or similar cultural subjects.
- 802.d Specialty shops for custom work and articles to be sold at retail on the premises such as baking, confectionery, dressmaking, tailoring, and printing.
- 802.e Boarding and lodging houses.
- 802.f Hotels and motels.
- 802.g Restaurants, cafes, fast-food restaurants, tearooms, and other places serving food and beverages.
- 802.h Personal service shops such as barber, beauty, shoe repair, dry cleaning, and laundromats.
- 802.i Apparel and accessories stores.
- 802.j Furniture, hardware, and appliance stores.
- 802.k Mortuaries and undertaking establishments.
- 802.l Indoor theaters and commercial recreation uses, such as billiard or pool parlors, bowling alleys, and indoor pools and skating rinks.
- 802.m Fraternal clubs, lodges, social clubs, recreational clubs, and youth clubs.
- 802.n Medical and dental clinic.
- 802.o Automobile-service stations and repair garages.

802.p Automobile parking lots and parking garages.

802.q Accessory buildings and uses customarily incidental to the above uses.

803 Special Exception Uses

803.a Churches and other places of worship.

803.b Home occupational uses.

804 Conditional Uses

804.a Appropriate public uses and essential services.

804.b Residential conversion units.

804.c Public swimming pools.

804.d Mobile home parks, provided they meet the requirements as set forth in Article XIV, Section 1414, and any other existing requirements of the Township relating to the establishment of mobile home parks.

805 Area, Density, and Lot Width Regulations

805.a Lot Area: No minimum.

805.b Lot Width: No minimum.

805.c Lot Coverage: At least twenty-five (25) percent of the lot shall be landscaped.

805.d Front Yard Setback:

1. Fronting major arterial roads: Not permitted.
2. Fronting minor arterial roads: Forty (40) feet minimum.
3. Fronting collector roads: Thirty (30) feet minimum.
4. Fronting local roads: Twenty-five (25) feet minimum.

The Board of Supervisors may waive Front Yard requirements in C-1 Districts in view of superior design and the specific nature of the site.

805.e Side Yard Setback: Minimum of ten (10) feet per side except that when a mutual agreement is subscribed by the adjoining property owners, no side yard shall be required where two or more commercial uses adjoin side by side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of such a series of adjoining structures on lots of single and separate ownership abutting and paralleling a public right-of-way, an unobstructed passage of at least twenty (20) feet width shall be provided

at grade level at intervals not more than four hundred (400) feet apart.

805.f Rear Yard Setback: Fifteen (15) feet minimum.

805.g Height: Two and one-half (2½) stories or thirty-five (35) feet, whichever is the lesser.

806 Off-Street Parking

See Article XIII

807 Signs

See Article XII

ARTICLE IX

I RESEARCH AND DEVELOPMENT AND INDUSTRIAL DISTRICT

901 Purpose

To provide for sufficient space for anticipated industrial activities and to prohibit industrial land for residential development, an industrial district will be established. The purpose of the I-1 Research and Development and Industrial District is to provide sufficient space, in appropriate locations to meet the anticipated future needs for limited industrial activity with due allowance for the needs for a choice of sites. It is further intended that limited industrial operations will be compatible with surrounding residential or farm areas.

902 Permitted Uses

902.a Research, engineering, or testing laboratories; administrative activities and offices; assembly from components including the assembly of radios, televisions, and similar electronic research; pharmaceutical research and production; plastics assembly, optical instrument systems development; radio or television transmitter, including such as an accessory use, if it is of any type requiring licensing by the Federal Communications Commission; textile and clothing manufacture; completely enclosed (interior) storage of raw materials products or waste materials of the above uses; warehouses, distribution centers, and truck and bus terminals; and accessory buildings and uses customarily incidental to the above uses such as a restaurant, cafeteria or recreational facility.

902.b The manufacture, assembly, or packing of products such as cloth, metal, plastic, paper, wool, leather, precious or semi-precious metals or stones, electronic or electrical instruments or devices, candy, food products, and uses customarily incidental to the above uses.

902.c Junk Yards.

903 Special Exception Uses

903.a Any retail sale or distribution of products related to the above permitted uses.

903.b Recreation facilities for employees.

904 Standards

Industrial activities in this section shall be such that they:
Emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, vapors, or gases which can cause any damage to human health, to animals or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot boundaries; produce no heat or glare perceptible at or beyond the lot boundaries; produce no physical vibrations perceptible at or beyond the lot boundaries; produce no electromagnetic radiation or radio-active emission injurious to human beings, animals, or vegetation (electromagnetic radiation or radioactive emissions shall not be of any intensity that interferes with the use of any property); discharge no untreated potentially dangerous effluent from plant operations into local surface or subsurface drainage courses.

905 Area, Density, and Lot Width Regulations

The following regulations shall be observed:

| | |
|-------------------------------------|--|
| <u>Lot Size</u> | 1 acre minimum with both off-site sewer and water services; otherwise two (2) acres minimum. |
| <u>Lot Width</u> | 200 feet minimum. |
| <u>Lot Coverage</u> | 30% maximum. |
| <u>Setback</u> | 50 feet minimum. |
| <u>Side Yards</u> | 20 feet minimum for each |
| <u>Rear Yards</u> | 40 feet minimum |
| <u>Yards</u> | Contiguous to any Residential District, 100 feet. |
| <u>Maximum Building Height</u> | 40 feet |
| <u>Tower & Chimney Location</u> | 100 feet minimum from any lot line. |

906 Off-street Parking

See Article XIII

907 Signs

See Article XII

ARTICLE X

OS - OPEN SPACE DISTRICT

1001 Purpose

The purpose of the OS - Open Space District is to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.

1002 Uses Permitted

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- 1002.a Forest uses related to the harvesting of lumber products, including saw mills.
- 1002.b Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
- 1002.c Public and private parks and recreation areas, including camp grounds, travel trailer parks, resort facilities, golf courses, and country clubs.
- 1002.d Agricultural uses related to the tilling of the land, the raising of horses, cattle, and other livestock; and the raising of poultry and poultry products.
- 1002.e Buildings:
 - i. Barns, silos, corncribs, and similar structures necessary to the proper operation of the agricultural activities.
 - ii. Poultry houses, pigsties, stables, and dog kennels, provided they are situated no less than four hundred (400) feet from public rights-of-way and boundaries of adjoining properties.
 - iii. Residential dwelling units that are part of a farming operation of not less than twenty (20) acres. (Maximum density - one (1) residence per twenty (20) acres.)
- 1002.f Greenhouses and private or public swimming pools.
- 1002.g Accessory buildings and uses customarily incidental to the above uses.

1003 Conditional Uses

1003.a Natural resource uses such as: Excavating, quarrying, mining, and the processing of topsoil, sand, gravel, clay, shale, limestone or other natural formation. The natural production uses shall be subject to the requirements as set forth in the Supplemental Regulations.

1003.b Appropriate public uses and essential services.

ARTICLE XI

FP - FLOOD PLAIN DISTRICT

1101 Purpose

The purpose of the FP Flood Plain District is to prevent development in the areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote the health, safety, and welfare of the residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and development as are compatible with these objectives.

1102 Definition of District

The FP Flood Plain District is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as:

1102.a "Special Flood Hazard Areas" by the United States Department of Housing and Urban Development - Federal Insurance Administration.

1103 Zoning Map: Part 2

The FP Flood Plain District, as hereinabove defined, shall be shown on map designated as the "Dunnstable Township Zoning Map: Part Two", which is hereby considered to be an official part of this Ordinance*. For the purpose of defining the application of this Map to any specific areas, the maps, data, and other sources of material described in Section 1202 shall be available and shall be proof of the intended limits of the FP Flood Plain District. Any change in the FP Flood Plain District as may from time to time be determined to be proper under Section 1606 hereof shall be forthwith reflected on said Map.

1104 Procedures

11.04.a Initial Determination: An initial determination of the boundaries of the FP Flood Plain District shall be made by the Zoning Officer based upon Part Two of the Zoning Map.

* The official flood plain map of Dunnstable Township is on file in the Township office.

1104.b Reclassification: Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the FP Flood Plain District, as defined in Section 1102, which may include the grounds that the said data referred to therein is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board. If more detailed surveys are required to determine the precise flood plain boundaries on a property that can be obtained from the Flood Plain District Map, the Township may cause onsite surveys to be made. On-site surveys may be made by either the Township Engineer, the U.S.D.A. Soil Conservation Service, the U.S. Department of Interior Geological Survey, U.S. Army Corps of Engineers, or any other qualified and applicable agency selected by the Township. Costs for such studies and surveys shall be borne by the property owner.

1104.c Variances: In the event that a property owner can prove in proceedings before the Zoning Hearing Board as an appeal, that there is an unnecessary hardship of a unique nature imposed upon his property if he is prohibited from erecting a structure or building within the FP Flood Plain District on his property, the Zoning Hearing Board shall have the authority to grant relief by way of a variance to erect a structure(s) or a building(s) on the property provided:

1. A detailed on-site survey at the expense of the property owner is conducted or approved by the Township Engineer, U.S.D.A. Soil Conservation Service, the U.S. Department of the Interior Geological Survey or U.S. Army Corps of Engineers, showing that the water or drainage course can be straightened, widened, left open an approximately constructed channel or replaced with closed drainage facilities so as to eliminate the flooding condition and potential along the adjacent Flood Plain Area.
2. The Zoning Hearing Board concludes that the requested variance will not substantially violate any of the objectives and the intent of this Ordinance
3. That the variance, if authorized, will represent the minimum variance that will afford reasonable relief to the property owner under the regulations of this Ordinance.

1104.d The FP Flood Plain District shall be deemed an overlay on all other zoning districts now or hereafter applicable to any lot. Should any part of the FP Flood Plain District be declared inapplicable to any tract by reason of action of (1) the Board of Supervisors in amending this Ordinance; (2) the Zoning Hearing Board, or any court of competent jurisdiction in interpreting same; or (3) the Zoning Hearing Board or any court of competent jurisdiction in determining the legal effect of same, the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article and shown on the Zoning Map: Part One.

1105 Permitted Uses

- 1105.a Single-family residential dwellings, provided that they meet "flood-proof" regulations approved by the United States Department of Housing (HUD).
- 1105.b Agricultural uses including cultivation and harvesting crops, and grazing and pasturing.
- 1105.c Barns, silos, corncribs, poultry houses, mushroom houses, and other similar structures necessary to the proper operation of agricultural activities.
- 1105.d Horticultural uses including the raising and propagating of trees, shrubs, flowers, and other vegetative material.
- 1105.e Recreational uses including public and private parks, day camps, picnic groves, golf courses, hunting, fishing, and boating clubs.
- 1105.f Forestry, lumbering and reforestation, excluding storage and mill structures.
- 1105.g Game farm, fish hatchery, hunting and fishing reserve.
- 1105.h Wildlife sanctuary, woodland preserve, arboretum.
- 1105.i Front, side, or rear yards, and required lot area, for any district.
- 1105.j Sanitary sewers and sewage pumping stations.
- 1105.k Previous parking places.
- 1106 Special Exception Uses (See 1402)
- 1106.a Sewage treatment plants.

- 1106.b Dams, culverts, and bridges approved by the Pennsylvania Department of Environmental Resources if it has jurisdiction over the watershed in question, or by the governmental agency exercising jurisdiction over the watershed.
- 1106.c Paved roads and driveways.
- 1106.d Impounding basins and storm sewers
- 1106.e Grading or regrading of lands, including the deposit of top soils and the grading thereof, and the construction of retaining walls, provided that a detailed engineering study accompanies any application for a special exception; and provided further that an appeal for special exception on this ground be combined with a simultaneous appeal for reclassification under Section 1204.
- 1106.f Other uses similar to the above, provided the effect is not to alter substantially the cross-sectional profile of the stream basin at the point of the proposed construction or use.
- 1106.g Sale of farm products.

1107 Prohibited Uses

- 1107.a All structures and buildings with the exception of those specifically allowed in Section 1105 and 1106.
- 1107.b The filling of marshlands, removal of topsoil or damming or relocation of any watercourses except with the approval of the Board of Supervisors and the Department of Environmental Resources.
- 1107.c Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials.

1108 Municipal Liability

The grant of a zoning or building permit, or approval of a subdivision plan in the FP Flood Plain District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, or employees.

1109 Off-Street Parking

See Article III.

1110 Signs

See Article XII.

ARTICLE XII - SIGNS

1201 Erection and Maintenance of Signs

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

1202 Signs Permitted in Residential Districts

1202.a Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (1) the size of any such sign is not in excess of six (6) square feet; and (2) not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

1202.b Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder, or agent may be erected and maintained, provided: (1) the size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and (2) not more than one such sign is erected on each five hundred (500) feet of street frontage.

1202.c Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in subsection 1202.a herein are complied with.

1202.d Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) the size thereof is not in excess of twelve (12) square feet; and (2) such signs are removed promptly upon completion of the work.

1202.e Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two square feet.

1202.f Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained provided: (1) the size of any such sign is not in excess of forty (40) square feet; and (2) not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

1202.g Signs advertising home occupations shall not be larger than twelve (12) inches by twenty-four (24) inches, and may include the name, occupation, and logotype or trade mark, if appropriate, of the practitioner. Such signs shall not be illuminated, with the exception of medical offices during the hours such offices are open for the care of patients.

1202.h Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.

1202.i Official traffic and street name signs when erected by, or with the written approval of, the Township Supervisors.

1202.j Signs necessary for the identification, operation or protection of public utility facilities and municipal uses; however, all General Regulations Section 1205, shall apply to such signs.

1203 Pannel Type Signs (Billboards)

Signs which advertise products or services other than those which are sold on the premises where the sign is located are not permitted

1204 Business Identification Signs

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts. The size of business identifications signs shall not exceed seventy-five (75) square feet in area; however, all General Regulations, Section 1205, shall apply to such signs.

1205 General Regulations for All Signs

The following regulations shall apply to all permitted sign uses.

- 1205.a Signs must be constructed of durable material, maintained in good conditions, and not allowed to become dilapidated.
- 1205.b No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
- 1205.c No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Municipal Governing Board for a special purpose.
- 1205.d No sign shall project over a public sidewalk area more than eighteen (18) inches.
- 1205.e Clearance beneath overhead signs shall be at least nine (9) feet, measured from the ground or pavement to the bottom-most part of the sign.
- 1205.f No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.
- 1205.g No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in Section 1202, Signs in Residential Districts.
- 1205.h A permit shall be required for the erection or alteration of panel type signs or advertising sign boards, and business identification signs.
- 1205.i Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
- 1205.j Each sign shall be removed when the circumstances leading to its erection no longer apply.
- 1205.k In all districts, only those signs, billboards, advertising sign boards and business identification signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.
- 1205.l No animated, sequential, flashing or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.

1206 Lights

No flashing or oscillating light shall be permitted. Any light by reason of intensity, color, location or movement or direction of its beam that may interfere with or obstruct public safety shall not be permitted in any district.

1207 Open Flames

Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

ARTICLE XIII - OFF-STREET PARKING,
LOADING AND UNLOADING

1301 General Regulations

- 1301.a Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- 1301.b Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than nine (9) feet wide and twenty (20) feet long. Outdoor parking space, and the approaches thereto, shall be paved, or covered with gravel or cinders. Such outdoor parking spaces shall be deemed to be part of the open space of the lot on which it is located.
- 1301.c A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- 1301.d Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement, approved by the municipal solicitor and accepted by the Municipal Governing Body, shall be filed with the application for a zoning certificate.
- 1301.e Surfacing: Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

1301.f Lighting: Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.

1301.g There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive per lane of traffic not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

1302 Parking Facilities Required

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

1302.a Residential Parking:

- i. Single-family detached (including mobile homes), single-family semi-detached, two-family detached, and two-family semi-detached, three (3) parking spaces for each family unit.

Note: An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

- ii. Residential conversion units shall be provided with a minimum of two (2) parking spaces per dwelling unit. The required parking shall not be located between the street right-of-way and the front building line.
- iii. Boarding or rooming houses, hotels, motels, and tourist houses shall provide at least one (1) parking space for each guest room and two (2) for the resident manager. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

- iv. Townhouses, garden apartments and low-rise apartment structures shall be with a minimum of two (2) parking spaces per dwelling unit.

1302.b Commercial Parking

- i. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly. At least one (1) parking space for each three (3) seats provided for public or private assembly.
- ii. Retail stores and other places for trade or business - One (1) vehicle space for each two hundred (200) square feet of floor area for public use.
- iii. Food markets and grocery stores - One (1) vehicle parking space for each one hundred (100) square feet of floor area for public use.
- iv. Restaurants, tearooms, and cafeterias - One (1) vehicle space for each fifty (50) square feet of floor area for public use.
- v. Bowling alleys - Five (5) vehicle spaces for each alley.
- vi. Office buildings - At least one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.
- vii. Public garages, automobile, and gasoline service stations - At least one (1) parking space for each two hundred square feet of floor area, or fraction thereof, devoted to repair or service facilities, and one (1) space for each employee on the largest shift. This shall be in addition to the space allocated for the normal storage of motor vehicles. No parking shall be permitted on the public rights-of-way.
- viii. Hospitals and sanitariums - At least one (1) parking space for each three (3) beds. Such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees, one (1) parking space shall be provided for each employee on the largest shift.
- ix. Other commercial buildings - At least one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, except when otherwise authorized as a special exception consistent with the principals set forth herein for comparable buildings.

- x. Drive-in dairies and restaurants - Provisions for parking for drive-in facilities must meet with the approval of the Planning Commission and no parking on the public right-of-way shall be permitted.
- xi. Dance halls, roller rinks, clubs, lodges, and other similar places - At least one (1) parking space for each two hundred (200) square feet of floor area.
- xii. Public swimming pools - At least one (1) parking space for each three (3) persons for whom facilities for dressing are provided; or at least one (1) parking space for every twelve (12) square feet of water surface, including areas for swimming, wading, and diving, whichever requirement is greater.
- xiii. Open areas used for commercial purposes:
 - 1) Golf driving ranges - At least one (1) parking space for each tee provided.
 - 2) Miniature golf - At least two (2) parking spaces for each hole.
 - 3) Other open areas - At least one (1) parking space for each two thousand five hundred (2,500) square feet of area or fraction thereof.
- xiv. Mortuaries, funeral homes, and undertaking establishments - At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to: (a) employee parking needs; and (b) a service area for mobile equipment, such as hearses and ambulances.
- xv. Home occupation, professional - At least two (2) parking spaces for the resident, one (1) for each non-resident employee, and two (2) for patron use.
- xvi. Home occupation, non-professional - At least four (4) parking spaces for the resident and two (2) for patron use.

1302.c Industrial Parking

These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Ordinance. Off-street parking shall be provided on the premises in accordance with the following schedule.

- i. Industrial and manufacturing establishments - One (1) vehicle parking space for each employee on the combined major and next largest shift.
- ii. Truck terminals and wholesale warehouses - One (1) parking space for each employee on the combined major and next largest shift.
- iii. Visitors and salesmen - Space shall be provided in addition to the above parking requirements according to specific needs.

1302.d **Parking Prohibitions:** Parking shall not be permitted on public rights-of-way except in designated areas.

1303 Loading and Unloading Space

1303.a In addition to the off-street parking space required above, any building erected, converted or enlarged in any District for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.

1303.b All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.

In no case where a building is erected, converted, or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of materials.

1304 Access to Off-Street Parking and Loading Areas

1304.a Access to and from all off-street parking, loading, and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:

1304.b Access drives shall not open upon any public right-of-way:

- i. Within eighty (80) feet of the nearest right-of-way line of any intersecting public street or highway.

- ii. Where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles perhour or less, the sight-distance requirement may be reduced to two hundred fifty (250) feet.

1305 Parking and Loading Area Setbacks

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Ordinance.

ARTICLE XIV - SUPPLEMENTAL REGULATIONS

1401 Conditional Uses

Uses specified as conditional within the District Regulations of this Ordinance shall be permitted only after review by the Planning Commission and approved by the Township Supervisors based on the determination that the conditional use is appropriate to the specific location for which it is proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Ordinance. The following criteria shall be used as a guide in evaluating a proposed conditional use: The presence of adjoining similar uses; an adjoining zone district in which the use is permitted; the need for the use in the area proposed as established by the Comprehensive Plan or other valid service; sufficient area to effectively screen the conditional use from adjacent different uses; conditions not detract from the permitted uses of the District; conditions were such that there were several potential sites for the particular use but not sufficient need to establish a permitting zone district or to leave the District open to the indiscriminate placement of such use; sufficient safeguards such as parking, traffic control, screening, and setbacks can be effectuated to remove any potential adverse influences the use may have on adjoining uses.

1402 Special Exception Uses

Uses specified as special exception within the District Regulations of this Ordinance shall be permitted only after approval by the Zoning Hearing Board based on the determination that the special exception use is appropriate to the specific location for which it is proposed, consistent with the community development plan, and in keeping with the purpose and intent of this Ordinance. Criteria to be used as a guide in evaluating a proposed special exception shall be the same as described in Supplemental Regulations Section 1501.

1403 Height Regulations

1403.a Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, not to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, radio and television antennae, silos and ornamental or necessary mechanical appurtenances. Any structure designed to have a height of one hundred and fifty (150) feet or more above ground level must be approved by the Federal Aviation Agency and a written statement of approval must accompany the Permit Application.

1403.b No dwelling shall be less than one (1) story in height, except during a reasonable period of construction not to exceed a twenty-four (24) month period from the date of issuance of the Zoning Permit. This time period may be extended by the Zoning Hearing Board.

1403.c No accessory building shall be more than one (1) story or fifteen (15) feet, whichever is the lesser.

1404 Natural Resource Use Limitations

1404.a Natural Resource Use, for the purpose of extracting minerals from the earth in Districts where authorized as conditional use, shall be regulated by the provisions of Act No. 147 of the General Assembly of the Commonwealth of Pennsylvania, effective January 1, 1972, known as the "Surface Mining Conservation and Reclamation Act," with the addition of the following requirements:

- i. Vibrations: Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- ii. Emissions: The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise, or similar substances of conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point the property line of the use creating the emission are hereby prohibited.
- iii. Fencing: A six (6) foot fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches.
- iv. Buffer Planting: Where adjacent to residential districts, trees and shrubs must be planted to screen the operation from normal view. The same shall be applicable when such operation is adjacent to a public right-of-way.
- v. Setbacks:
 - a) Residential - When adjacent to a residential district, no stockpiles, waste piles, processing or manufacturing equipment and no part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet from the residential district.

- b) Street - From the right-of-way line of a public street or highway, no part of a quarrying or excavating operation shall be closer than one hundred (100) feet. Where both sides of the right-of-way are in a quarry or excavation operation in single ownership, the required street setback may be reduced to fifty (50) feet on each side of the right-of-way.
- c) Commercial Use - When adjacent to a commercial district, no part of the quarrying or excavation operation shall be located closer than two hundred (200) feet from the commercial district.
- d) Industrial Use - When adjacent to an industrial district, no part of the quarrying or excavation operation shall be closer than one hundred (100) feet from the industrial district. When a quarry property abuts another quarry property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five (75) feet from the abutting quarry property or the railroad's right-of-way.

1404.b Existing Natural Production Uses

i. Operations existing prior to the effective date of this Ordinance, which are nonconforming as to setback requirements, shall not be required to correct such existing nonconformity. Any required fencing and/or screen planting shall be provided within six (6) months after the effective date of this Ordinance.

1405 Nonconforming Use

- 1405.a The Zoning Officer shall identify and register all structures and uses which are in conflict with the use designated for the zone in which they are situated.
- 1405.b Continuation - Any lawful use of a structure or land existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance.
- 1405.c Extensions - A nonconforming use may be expanded to a distance no greater than one hundred fifty (150) feet in any direction from the existing nonconforming use, whichever is the lesser, or in the case of a building, the expansion shall be limited to an area equal to fifty (50) percent of the existing total usable floor area of the building.

1405.d Nonconforming Lots of Record

- i. In any district, in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of the Ordinance. Consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of re-subdividing the area when two or more nonconforming lots have contiguous frontage and are in single ownership.
- ii. This provision shall apply even though such lot fails to meet requirements of side, front or rear yards or the minimum lot area requirements applicable in the district in which the lot is located.

1405.e Restoration

- i. A nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or a similar cause deemed to be no fault of the owner may be rebuilt when authorized as a special exception. Request for special exception must be submitted within (1) year from the date of damage or destruction or the nonconforming use shall not be restored.
- ii. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Approval shall be for the same use or for a use of a more restricted classification.
- iii. Restoration regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by light.

1405.f Changes

- i. A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a special exception by the Zoning Hearing Board.

1405.g Abandonment

- i. If a nonconforming use of a building or land ceases for a period of two (2) years or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.
- ii. Abandonment regulations shall not apply to agricultural uses.

1405.h Zoning Permits

In a case where a zoning permit has been issued prior to the effective date of this Ordinance and the proposed use of land and/or building does not conform with this Ordinance, said proposed use shall be regulated by the nonconforming use requirements of this Ordinance and shall be considered the same as a lawful nonconforming use if construction other than excavation and foundation is undertaken within a period of thirty (30) calendar days after the issuance date of said building permit and construction thereof is complete within twelve (12) calendar months from the issuance date of the zoning permit.

1405.i Nonconforming Use of Open Land

All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of ninety (90) days or damage to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired or reconstructed.

1406 Roadside Stands

Temporary roadside stands may be erected for the sale of garden products and garden commodities produced on the same property where offered for sale, provided: No building or structure other than a portable stand shall be constructed for such sale; such stand shall be removed during seasons when such products are not being offered for sale, and in no case shall they remain longer than for a period of six (6) months of any one (1) year; and such stand shall not be placed closer than twelve (12) feet to any lot line including rights-of-way lines.

1407 Private Swimming Pools

Private Swimming pools in Districts where permitted shall comply with the following conditions and requirements.

1407.a The pool is intended solely for the enjoyment of the occupants of the principal use of the property on which it is located.

1407.b It may be located only in the rear yard or side yard of the property on which it is an accessory use.

- 1407.c It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than twenty (20) feet to any property line of the property on which it is located.
- 1407.d If the swimming pool is of the below-ground type, the pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four (4) feet in height and maintained in good condition.

1408 Public Swimming Pools

Public swimming pools in Districts where permitted shall comply with the conditions set forth in:

1408.a "Public Bathing Law," 1931, June 23, P.L. 899, and amendments thereto.

1408.b Chapter 4, Article 442, Rules and Regulations, Commonwealth of Pennsylvania, Department of Health, adopted October 30, 1959, and amendments thereto.

1409 Sanitary Landfill

Sanitary landfills, in Districts where authorized as a conditional use, shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Resources.

1410 Sanitary Sewers

The installation and operation of an individual or community sewage disposal facility necessary to provide services to dwellings, motels, hotels, rooming houses, tourist homes, commercial establishments, and industrial establishments not served by an approved sanitary sewer system shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Resources.

1411 Public Hearings

Upon the filing with the Zoning Hearing Board of an appeal, or of an application for a special exception in cases where the terms of the Ordinance require a public hearing, or of an application for a variance from the terms of this Ordinance, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing and shall, in the manner prescribed by its rules, give public notice thereof as well as official notice to the parties of interest, who shall be at least those persons whose property in question, and shall decide the same within forty-five (45) days after the hearing or, if said hearing is continued, within forty-five (45) days after said continued hearing. If the Zoning Hearing Board does not make a decision within forty-five days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the applicant. Any party may appear in person or by agent or by attorney.

1412 Junk Yards

- 1402.a All junk yards existing at the effective date of this Ordinance, within one year thereafter, and all new junk yards, where permitted, shall comply with the following improvements:
- i. Any junk yard shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge or tree-row of a variety and size at the time of planting that such will attain a height of eight (8) feet within three (3) years thereafter and maintained in a sound and attractive manner.
 - ii. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than eight (8) feet.
 - iii. Open burning of material is permissible subject to the Title 25 Rules and Regulations of the Department of Environmental Resources, paragraph 129.14. all burning shall be attended and controlled at all times.
 - iv. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor cause the breeding or harboring of rats, flies, or other vectors.
- 1412.b Any junk yard established as a Conditional Use after the effective date of this Ordinance, shall comply with the following provisions:
- i. No junk material, appurtenany structure, or other enclosure shall be stored or placed within fifty (50) feet of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and shrub growth unless the adjoining property is wooded.
 - ii. The minimum junk yard size shall be five (5) acres.
 - iii. Junk yards shall be located a minimum of one thousand (1,000) feet from a residential district.

1413 Mobile Home Parks

The following property development standards shall apply for all Mobile Home Parks:

- 1413.a No parcel of land containing less than two mobile home spaces, available at the time of first occupancy shall be used for a mobile home park.
- 1413.b The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- 1413.c Yards:
- i. Each mobile home park shall have a front yard of ten feet extending for the full width of the parcel devoted to said use.
 - ii. Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than ten (10) feet.
- 1413.d A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven feet in height that are adjacent to residential structures. Such wall, fence, or hedge shall not be constructed or planted within the required front yard setback.
- 1413.e Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum of nine (9) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
- 1413.f Each mobile home space shall be not less than 5,000 square feet. In addition to the trailer, the following areas shall be provided:
- i. Each mobile home space shall be clearly defined by permanent markers.
 - ii. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
 - iii. Mobile homes shall be so harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less than twenty feet. No mobile home shall be located closer than twenty feet from any commercial or service building within the mobile home park.

- iv. There shall be at least one off-street parking space for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.
- v. Each mobile home space shall be provided with a paved patio of at least two hundred square feet and having a storage locker of at least one hundred cubic feet. Storage lockers may be located in locker compounds.

1414 General Provisions for Mobile Home Parks

- 1414.a There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home sites.
- 1414.b All roads will comply with Township specifications.
- 1414.c Mobile home space may abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
- 1414.d Walking not less than two feet wide shall be provided from the mobile home spaces to service buildings.
- 1414.e Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by DER.
- 1414.f There shall be provided a park and recreation area having a minimum of one hundred and fifty square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty feet.
- 1414.g Each mobile home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, and laundry facilities equipped with washing machines and dryers. Outside drying yards shall be enclosed with a six foot high solid fence.
- 1414.h Trailers, with or without toilet facilities, that cannot be connected to a sanitary sewer line shall not be permitted in a mobile home park.

1414.i Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home parks except for home occupations.

1415 Application for Permit for Mobile Home Park

The application for a permit shall be filed with and issued by the Building Inspector. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale, and prepared by a licensed engineer or architect. Such copies shall be reviewed and approved by the Planning Commission, the DER, and the Zoning Officer. The following information shall be shown:

- 1415.a The location of the proposed mobile home park;
- 1415.b Plans and specifications of all buildings, improvements, and facilities constructed within the mobile home park;
- 1415.c The proposed use of buildings shown on the site;
- 1415.d The location and size of all mobile home spaces;
- 1415.e The location of all points of entry and exit for motor vehicles and internal circulation pattern.
- 1415.f The location of all landscaping to be provided;
- 1415.g The location of all lighting standards to be provided;
- 1415.h The location of all walls and fences and the indication of their height and the materials of their construction;
- 1415.i The location of all off-street parking facilities;
- 1415.j The name and address of the applicant; and
- 1415.k Such other architectural and engineering data as may be required to permit the Zoning Officer and Planning Commission to determine if the provisions of this Ordinance are being complied with.

A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

ARTICLE XV - ADMINISTRATION AND ENFORCEMENT

1501 The Zoning Officer

- 1501.a The Zoning Officer: The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by the Board of Township Supervisors who shall be known as the Zoning Officer.
- 1501.b Deputy: The Zoning Officer may designate an employee of the Township as his Deputy who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
- 1501.c Compensation: The compensation for the Zoning Officer and the Deputy Zoning Officer shall be determined by the Board of Township Supervisors.
- 1501.d Duties and Responsibilities: The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land unless it first conforms with the requirements of this Zoning Ordinance, all other Ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. He shall:
- i. Receive application, process the same, and issue permits for the erection, construction, alteration, repair extension, replacement, and/or use of any building, structure, sign, and/or land in the Township.
 - ii. At his 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 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 violation of approved plans or permit shall be noted and the holder of the permit shall be notified in writing of the discrepancies.

- iii. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He shall file and safely keep copies of all plans permitted, and the same shall be available for the use of the Board of Township Supervisors and the other officials of the Township. At least annually, he shall submit to the Board of Township Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

1502 Permits

- 1502.a Requirements: It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a building permit for such work. No 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.
- 1502.b Form of Application: The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this 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.
- 1502.c Description of Work: 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 Zoning Officer. The application for the 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.

- 1502.d Time Limit for Application: An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
- 1502.e Issuance of Permits: Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right of appeal to the 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 Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical.
- 1502.f Expiration of Permit: The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.
- 1502.g Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the 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 for any other cause set forth in the Zoning Ordinance.
- 1502.h Posting of Permit: A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.
- 1502.i Temporary Permit: A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.

- 1502.j Payment of Fees: No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance, or any other Ordinance or law.
- 1502.k Compliance with Ordinance: The 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 the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- 1502.l Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

1503 Certificate of Use and Occupancy

- 1503.a It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
- 1503.b The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may have prescribed and may be made on the same application as is required for a permit.
- 1503.c The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
- 1503.d The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.

- 1503.e The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
- 1503.f Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portion may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents; use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer; however, in no case for the period exceeding six (6) months.

1504 Enforcement, Penalty, and Remedy

- 1504.a The construction, erection, replacement, alteration, repair, extension, displacement, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit or the use of any building, structure, sign, and/or land without receipt of a certificate of use and occupancy or the failure to comply with any other provisions of this Ordinance, are hereby declared to be violations of this Zoning Ordinance.
- 1504.b The Zoning Officer shall serve a written notice of violation or order on the person, firm, or corporation, or the owner, lessee, or agent of the land upon which the violation has occurred who has committed 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 as to create a hazard or menace to the public safety, health, morals, or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.
- 1504.c If the notice of violation is not complied with within a period of five (5) days, the Zoning Officer shall institute, in the name of the Township, from the authority of the Township Supervisors, any appropriate action or proceeding at law or in equity to prevent, restrain, correct

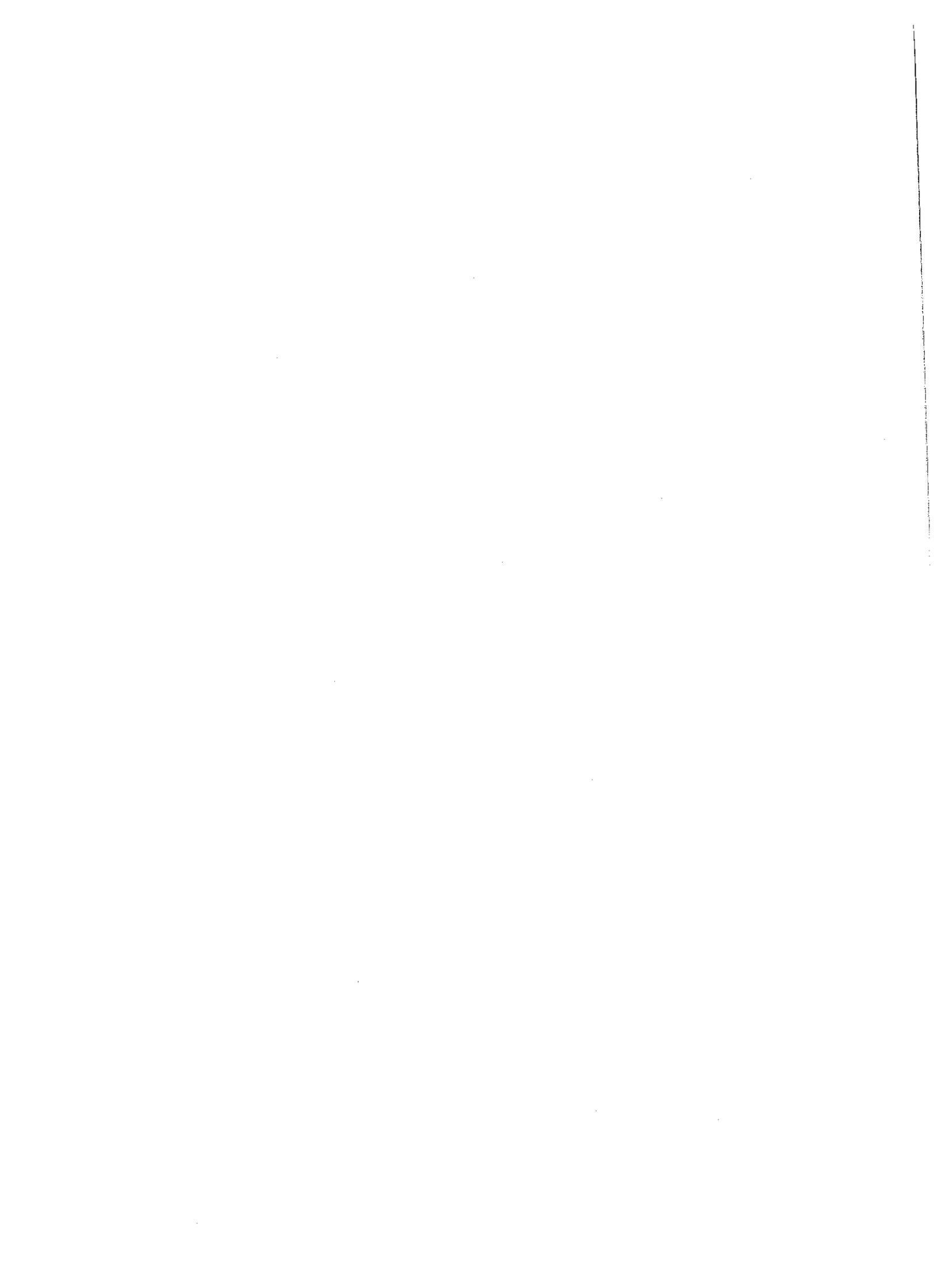
or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign and/or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.

1504.d For any and every violation of the provisions of this Ordinance the owner, lessee, general agent, contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor or any person, including the officers of a corporation, who commits, takes part in or assists in any such violation or who maintains any such buildings or land in which any such violation shall exist, shall upon conviction before a District Justice of the County having jurisdiction, be fined not more than five hundred (\$500.00) dollars, or if in default of payment, committed to the County jail for a period of time not exceeding sixty (60) days, and each day's continuance of the offense shall constitute a new offense. All fines and penalties imposed by this Ordinance shall be recoverable by summary proceedings before a District Justice of the County having jurisdiction, and all fines and penalties so recovered shall be paid to the Township Treasurer for the general use of the Township.

1504.e The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful erection 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.

1505 Zoning Hearing Board

1505.a Creation and Membership: There is hereby created, to be appointed by the Board of Township Supervisors, a Zoning Hearing Board, consisting of three (3) members. 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 years. The members of the Board shall be removable for cause, by the Board of Supervisors, upon written charges and after public hearing, if the members shall request it in writing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.



1505.b General Procedures: The Zoning Hearing Board shall be governed by the provisions of the "Pennsylvania Municipalities Planning Code, Act 247, 1968, as may be amended or revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Ordinance, unless the context clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board, and "Act 247" shall refer to the "Pennsylvania Municipalities Planning Code" of 1968.

1506 Amendments

The Board of Township 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 Township Planning Commission, the Board of Supervisors or by a petition to the Board of Township Supervisors. Such amendment, supplement, change or repeal shall be submitted to the Township Planning Commission and to the County Planning Commission for their recommendations and shall be specifically found by the Board of Township Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken by the Board of Supervisors.

1507 Validity

Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional, or invalid by any Court of competent jurisdiction, such decision shall not affect or impari the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of Dunnstable, Clinton County, Pennsylvania hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

1508 Repealer

Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

1509 Fees

All fees required by this Ordinance shall be set by the resolution of the Board of Supervisors of Dunnstable Township.

ARTICLE XVI

EFFECTIVE DATE

1601 Effective Date: This Zoning Ordinance shall become effective five (5) days after the adoption by the Board of Supervisors of the Township of Dunnstable, Clinton County, Pennsylvania.

THE TOWNSHIP OF
Dunnstable, Clinton
County, Pennsylvania

By: Robert A. Weiss
Chairman

ATTEST:

James C. Ferguson
Secretary

I, JAMES C. FERGUSON do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Board of Township Supervisors of Dunnstable Township, Clinton County, Pennsylvania on June 16, 1980.

James C. Ferguson
Secretary-Treasurer

ZONING ORDINANCE

Ordinance No. 21

AN ORDINANCE OF DUNNSTABLE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE NO. 18 FOR THE TOWNSHIP ENACTED SEPTEMBER 14, 1981; PROVIDING FURTHER REQUIREMENTS RELATING TO LAND USAGE IN THE FLOOD PLAIN DISTRICT OF THE TOWNSHIP BY ADDING TO ARTICLE III OF THE AFORESAID ORDINANCE SECTION 3.3 RELATING TO DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE AND SECTION 3.4 RELATING TO ACTIVITIES REQUIRING SPECIAL PERMITS IN THE SAID FLOOD PLAIN DISTRICT IN ACCORDANCE WITH THE PENNSYLVANIA FLOOD PLAIN MANAGEMENT ACT AND THE REGULATIONS ADOPTED BY THE DEPARTMENT OF COMMUNITY AFFAIRS AS REQUIRED BY THE SAID ACT.

BE IT HEREBY enacted and ordained by the Supervisors of Dunnstable Township, Clinton County, Pennsylvania, as follows:

ARTICLE I. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A new Section 3.3 is hereby added to Article III of the Zoning Ordinance No. 18 of Dunnstable Township passed September 14, 1981, which Ordinance provided requirements relating to land usage in flood plain districts of the Township and which new section enacted by the instant Ordinance will provide for the regulation of development which may endanger human life as follows:

- A. The provisions of this section shall be applicable, in addition to any other applicable provisions of the Zoning Ordinance No. 18 and Ordinance No. 13 of Dunnstable Township, Clinton County, Pennsylvania, as well as the provisions of any other ordinance, code or regulation of the said Dunnstable Township, Clinton County, Pennsylvania.
- B. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to

the provisions of this section, in addition to all other applicable provisions:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

C. Within any floodway district any structure of the kind described in Subsection B. above, shall be prohibited.

D. Where permitted within any Flood-Fringe District, any structure of the kind described in Subsection B. above, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half ($1\frac{1}{2}$) feet above the one hundred year flood and
2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

E. Within any General Floodplain District, any structure of the kind described in Subsection B. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

F. Except for a possible modification of the freeboard requirements involved as set forth in paragraph D above, no variance shall be granted by the Dunnstable Township Zoning Hearing Board for any of the other requirements of this section.

ARTICLE II. ACTIVITIES REQUIRING SPECIAL PERMITS

A new Section 3.4 is hereby added to Article III of the Zoning Ordinance No. 18 of Dunnstable Township passed September 14, 1981, which Ordinance provided requirements relating to land usage in flood plain districts of the Township and which new section enacted by the instant Ordinance will provide for the regulation of activities requiring special permits as follows:

A. The provisions of this section shall be applicable, in addition to any other applicable provisions of the Zoning Ordinance No. 18 and Ordinance No. 13 of Dunnstable Township, Clinton County, Pennsylvania, as well as the provisions of any other ordinance, code or regulation of the said Dunnstable Township, Clinton County, Pennsylvania.

B. Identification of Activities Requiring a Special Permit

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any floodplain district:

1. hospitals - public or private
2. nursing homes - public or private
3. jails
4. new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

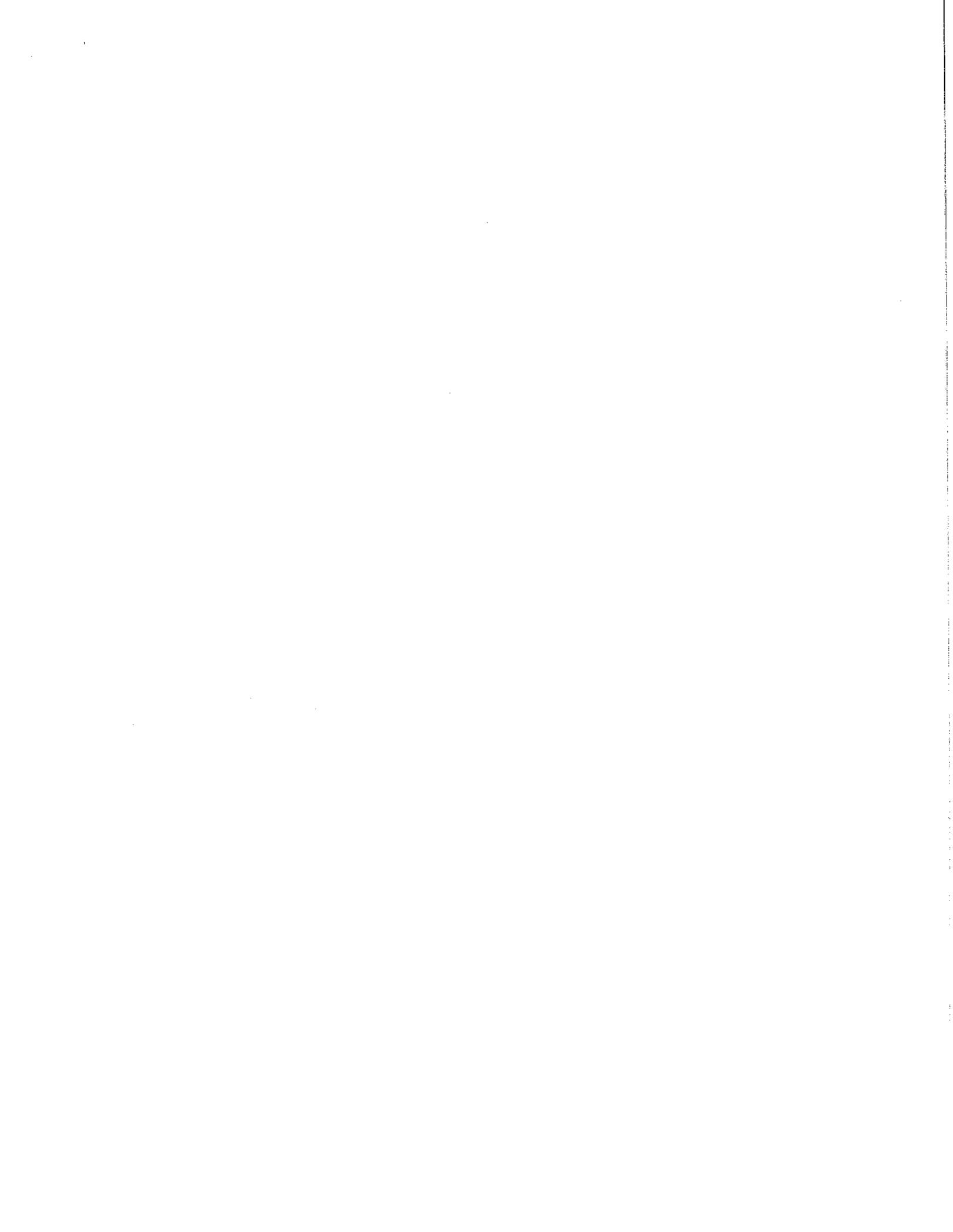
C. Application Requirements

Applicants for Special Permits shall provide five copies of the following items:

1. A written request including a completed Building Permit Application Form.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- a. north arrow, scale and date;
 - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. the location of any existing bodies of water or water-courses, buildings, structures and other public or private facilities, including railroad tracts and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
 - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

- d. detailed information concerning any proposed flood-proofing measures;
 - e. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
 - c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
 - d. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
 - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or



4. If the Township Zoning Officer approves an application, he shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township Zoning Officer shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township Zoning Officer.
6. If the Township Zoning Officer does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, he may issue a Special Permit to the applicant.
7. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township Zoning Officer and the applicant, in writing, of the reasons for the disapproval, and the Township Zoning Officer shall not issue the Special Permit.

E. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (i) the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

(ii) the lowest floor elevation (including basement) will be at least one and one-half ($1\frac{1}{2}$) feet above the one hundred (100) year flood elevation.

(iii) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc, shall be submitted in sufficient detail to allow a thorough technical review by the Township Zoning Officer and the Department of Community Affairs.

F. Within any floodplain district, any structure of the kind described in Subsection B. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

G. Except for a possible modification of the freeboard requirements involved as set forth in paragraph E above, no variance shall be granted by the Dunnstable Township Zoning Hearing Board for any of the other requirements of this section.

Enacted and ordained this 7th day of February, 1983, by the
Supervisors of Dunnstable Township at a meeting duly convened.

SUPERVISORS OF DUNNSTABLE
TOWNSHIP

ATTEST:


James O'Keefe
Secretary

Robert A. Weiss

Wayne L. Love

Richard J. Powers

ZONING ORDINANCE

Ordinance No. 18

AN ORDINANCE OF DUNNSTABLE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE NO. 13 FOR THE TOWNSHIP ENACTED JUNE 16, 1980 BY REPEALING ARTICLE XI OF THE SAID ORDINANCE AND ADDING A NEW ARTICLE XI PROVIDING REQUIREMENTS RELATING TO LAND USAGE IN FLOOD PLAIN DISTRICTS OF THE TOWNSHIP; ADOPTING THE FEDERAL INSURANCE STUDY FOR DUNNSTABLE TOWNSHIP AND ACCOMPANYING FLOOD BOUNDARY AND FLOODWAY MAP PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION; PRESCRIBING ENFORCEMENT PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF OF THE SAID ORDINANCE; AND REPEALING FLOOD PLAIN ORDINANCE NO. 1 ENACTED APRIL 23, 1973.

BE IT HEREBY ENACTED and ordained by the Supervisors of
Dunnstable Township, Clinton County, Pennsylvania, as follows:

PREAMBLE

The following Ordinance is hereby enacted by the Supervisors of Dunnstable Township, Clinton County, Pennsylvania, as an amendment to the Zoning Ordinance for the Township. The provisions of the following Ordinance shall be applicable to the Flood Plain District within the Township as delineated by the Flood Insurance Study for the Township along with accompanying Flood boundary and Floodway map prepared by the Federal Insurance Administration. The existing zoning provisions for those areas of the Township which lie within the Flood Plain District shall also be in effect except where the provisions of the following Ordinance are at variance with any existing zoning requirements in which case the provisions of the following Ordinance shall be controlling.

ARTICLE 0.1 REPEALER OF FORMER ARTICLE XI

Section 0.1 - Article XI of the Zoning Ordinance for Dunnstable Township, Clinton County, Pennsylvania, Ordinance No. _____ enacted which Article provided for various provisions relating to the flood plain district in the Township is hereby specifically repealed.

ARTICLE I GENERAL PROVISIONS

Section 1.1 - Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- B. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- D. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 - Applicability

These provisions shall apply to all lands within the jurisdiction of Dunnstable Township, Clinton County, Pennsylvania and shown as being located within the boundaries of the designated flood plain districts which are considered as part of the Official Zoning Map for the Township.

Section 1.3 - Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

Section 1.4 - Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain districts or that land uses permitted within such districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Dunnstable Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE II ESTABLISHMENT OF ZONING DISTRICTS

Section 2.1 - Description of Districts

A. Basis of Districts

The various flood plain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Dunnstable Township prepared by the Federal Insurance Administration dated September 19, 1976, as amended March 1, 1977, which, along with the accompanying Flood Boundary and Floodway Map, is herein incorporated by reference as part of this Ordinance.

1. The Floodway District (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
2. The Flood-Fringe District (FF) shall be that area of the 100 year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Boundary and Floodway Map.

B. Overlay Concept

1. The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map for Dunnstable Township, and as such, the provisions for the Flood Plain Districts shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Districts and those of any underlying district the more restrictive provisions and/or those pertaining to the Flood Plain Districts shall apply.
3. In the event any provision concerning a Flood Plain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basis underlying district provision shall remain applicable.

Section 2.2 - Zoning Map

The boundaries of the Flood Plain District are established as part of the Official Zoning Map of Dunnstable Township which is declared to be a part of this Ordinance and which shall be kept on file at the Dunnstable Township Municipal Building.

Section 2.3 - District Boundary Changes

The delineation of any of the flood plain districts may be revised by the governing body where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 2.4 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

ARTICLE III DISTRICT PROVISIONS

All uses, activities, and development occurring within any flood plain district shall be undertaken, only, in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances of Dunnstable Township. In addition, all such uses, activities, and development shall be undertaken only in compliance with Federal or State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

Prior to any proposed alteration or relocation of any stream, watercourse, etc. within Dunnstable Township, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division. Further, notification of the proposal by the Township shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

Section 3.1 - Floodway District (FW)

In the Floodway District no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.

A. Permitted Uses

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boatlaunching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

3. Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.
4. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

B. Uses Permitted by Special Exception

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance.

1. Structures, except for mobile homes, accessory to the uses and activities in Section A above.
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
3. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
4. Extraction of sand, gravel, and other materials.
5. Temporary uses such as circuses, carnivals, and similar activities.
6. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
7. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

C. No mobile homes shall be placed in any designated Floodway District or area.

Section 3.2 - Flood- Fringe District (FF)

In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

ARTICLE IV SPECIAL EXCEPTIONS AND VARIANCES - Additional Factors To Be Considered

In passing upon applications for Special Exceptions and Variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the Floodway District.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood or ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisance, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

ARTICLE V ADMINISTRATION

A zoning permit issued by the Dunnstable Township Zoning Officer shall be required for all construction and development which includes but is not limited to paving, filling, grading, excavation, mining, dredging or drilling operations, etc.

ARTICLE VI DEFINITIONS

1. Development - any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
2. Flood - a temporary inundation of normally dry land area.
3. Flood Plain - (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surfacewaters from any source.
4. Flood Plain Districts - those flood plain districts specifically designated in Dunnstable Township Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW) and Flood-Fringe District (FF).
5. One Hundred Year Flood - a flood that, on the average, is likely to occur once every 100 years (i. e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

6. Zoning Hearing Board - Zoning Hearing Board for Dunnstable Township, Clinton County.

ARTICLE VII REPEALER OF FLOOD PLAIN ORDINANCE NO. 1

Flood Plain Ordinance No. 1 of Dunnstable Township, Clinton County, Pennsylvania, enacted April 23, 1973, is hereby expressly repealed.

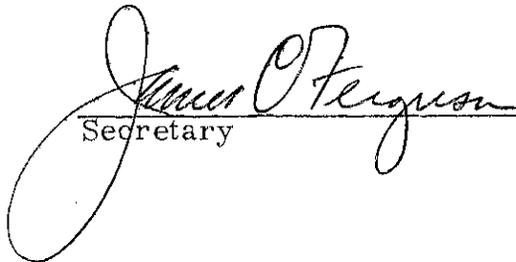
ARTICLE VIII ENFORCEMENT PENALTIES AND REMEDIES

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500.00) dollars. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day a violation is continued shall constitute a separate offense. In addition, the Supervisors of Dunnstable Township or an officer authorized by the Board of Supervisors may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this Ordinance.

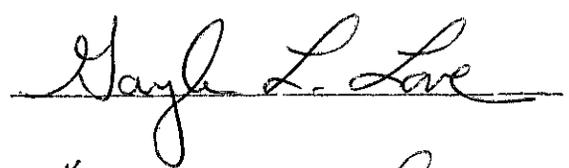
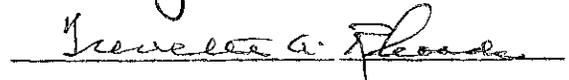
ENACTED and ORDAINED on this 14th day of September, 1981,

by the Supervisors of Dunnstable Township at a meeting duly assembled.

ATTEST:


Secretary

SUPERVISORS OF DUNNSTABLE
TOWNSHIP

AN ORDINANCE AMENDING THE DUNNSTABLE TOWNSHIP
ZONING ORDINANCE BY AMENDING THE ZONING MAP

The Township of Dunnstable, Clinton County, Pennsylvania,
herby ordains as follows:

Section 1: The Zoning map of the Township of Dunnstable adopted
contemporaneously with the Dunnstable Township Zoning Ordinance approved
June 16, 1980 is hereby amended as follows:

A: A parcel of land consisting of 12.97 acres purchased by
Dean A. & Jody K Helbley from Elmer L. Peake bounded on the south by properties
of Elmer L. Peake & Edwin J. Morley, on the west by the property of the Lock
Haven Mausoleum Company, on the north by the property of Kenneth Broughton, and
on the east by a fifty (50) foot private right of way, is hereby changed in
classification from R-1 Residential to Agricultural.

B: A parcel of land consisting of 8.86 acres purchased by Donald
C. Decker from Foster Rayson, bounded on the south by TR 433, on the ~~west~~ and
north by the property of Robert Probst and on the east by properties of Fred
Reeder and Foster Rayson, is hereby changed in classification from R-1
Residential to Agricultural.

Section 2: This Ordinance shall take effect in accordance with the
provisions of the Pennsylvania Municipalities Planning Code.

ENACTED AND ORDAINED THIS 5th day of April, 1982.

SUPERVISORS OF DUNNSTABLE TOWNSHIP,
CLINTON COUNTY, PENNSYLVANIA

Robert A. Weiss

Wayne L. Love

Richard L. Powers
Supervisors

ATTEST:

James C. Ferguson
Secretary

Ordinance No 1-90

AN ORDINANCE OF DUNNSTABLE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA, AMENDING THE ZONING MAP FOR DUNNSTABLE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA

BE IT HEREBY enacted and ordained by the Supervisors of Dunnstable Township, Clinton County, Pennsylvania, as follows:

1. The zoning map for Dunnstable Township, Clinton County, Pennsylvania, for the land described herein below is amended to change the zoning classification for the below described section of land from General Commercial to R-1 Low Density Residential:

BEGINNING at a point in the centerline of Pa. Route 150-SR150 (being a variable width right-of-way) at its intersection with the northerly boundary line of land now or formerly of Charles Mogish, being the northwestern corner of the herein described parcel; thence along said centerline of Pa. Route 150 the following three (3) courses and distances: (1) north seventy-five (75) degrees fifty-two (52) minutes twenty-eight (28) seconds east, three hundred thirty-nine and 28/100 (339.28) feet to a point, said point being a point of curvature; thence (2) by the arc of a curve to the left having an arc length of one thousand two hundred forty-three and 33/100 (1,243.33) feet, a radius of eleven thousand four hundred fifty-nine and 16/100 (11,459.16) feet, a central angle of six (6) degrees thirteen (13) minutes zero (00) seconds, a chord distance of one thousand two hundred forty-two and 72/100 (1,242.72) feet and a chord

bearing of north seventy-two (72) degrees forty-five (45) minutes fifty-eight (58) seconds east to a point, said point being a point of tangency; thence (3) north sixty-nine (69) degrees thirty-nine (39) minutes twenty-eight (28) seconds east, eight hundred twenty-two and 27/100 (822.27) feet to a point at the northeastern corner of said herein described parcel; thence through said right-of-way line of Pa. Route 150 and along the eastern boundary line of lands now or formerly of Charles Mogish south thirty-one (31) degrees forty-seven (47) minutes forty-five (45) seconds east, two hundred four and 06/100 (204.06) feet to a point in said eastern boundary lines of lands now or formerly of Charles Mogish; thence through said lands now or formerly of Charles Mogish the following three (3) courses and distances: (1) south sixty-nine (69) degrees thirty-nine (39) minutes twenty-eight (28) seconds west, eight hundred sixty-two and 79/100 (862.79) feet to a point, said point being a point of curvature; thence (2) by the arc of a curve to the right having an arc length of one thousand two hundred sixty-five and 03/100 (1,265.03) feet, a radius of eleven thousand six hundred fifty-nine and 16/100 (11,659.16) feet, a central angle of six (6) degrees thirteen (13) minutes zero (0) seconds, a chord distance of one thousand two hundred sixty-four and 41/100 (1,264.41) feet and a chord bearing of south seventy-two (72) degrees forty-five (45) minutes fifty-eight (58) seconds west to a point, said point being a point of tangency; thence (3) south

seventy-five (75) degrees fifty-two (52) minutes twenty-eight (28) seconds west, two hundred seventy-four and 78/100 (274.78) feet to a point in the western boundary line of said lands now or formerly of Charles Mogish; thence along said western boundary line of said lands now or formerly of Charles Mogish and through said right-of-way of Pa. Route 150 north thirty-two (32) degrees zero (0) minutes eight (08) seconds west, two hundred ten and 15/100 (210.15) feet to the point of beginning.

2. In all other respects the zoning map for Dunnstable Township, Clinton County, Pennsylvania, as previously adopted and/or amended shall remain unchanged.

IN WITNESS WHEREOF, the Supervisors of Dunnstable Township, Clinton County, Pennsylvania, at a meeting duly convened, have adopted the aforesaid Ordinance this 5th day of March, 1990.

ATTEST:

DUNNSTABLE TOWNSHIP SUPERVISORS

Juan P. Regasa
Secretary

Robert A. Weise
James L. Porman
Geoff D. Smith

DUNNSTABLE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 10-2010-1

AN ORDINANCE AMENDING DUNNSTABLE TOWNSHIP'S ZONING ORDINANCE BY AMENDING PORTIONS OF THE ZONING MAP.

The Township of Dunnstable, Clinton County, Pennsylvania, hereby enacts and ordains as follows:

Section 1: The Zoning Map of the Township of Dunnstable is hereby amended as follows:

That portion of property in Dunnstable Township, Clinton County, Pennsylvania as is cross-hatched on the map attached hereto, is hereby changed from its current classification of Low Density Residential (R1), Agricultural (A) or Commercial General (C) to Research and Development and Industrial Light (I).

The parcels hereby affected are as follows:

- (a) Clinton County Tax Parcel No. 2-1-15, now or formerly owned by George and Patsy Jochum, which property is currently zoned Commercial.
- (b) Clinton County Tax Parcel No. 2-1-15-H1, now or formerly owned by Barry and Swarsatt Sapolink, which property is currently zoned Commercial.
- (c) Clinton County Tax Parcel No. 2-1-15-H, now or formerly owned by Gas Field Specialists, which property is currently zoned Commercial and Low Density Residential.

- (d) Clinton County Tax Parcel No. 2-1-15-J1, now or formerly owned by Jamie Hess, which property is currently zoned Commercial and Low Density Residential.
- (e) Clinton County Tax Parcel No. 2-1-15-J, now or formerly owned by Gas Field Specialists, which property is currently zoned Commercial and Low Density Residential.
- (f) Clinton County Tax Parcel No. 2-1-15-K, now or formerly owned by Gas Field Specialists, which property is currently zoned Low Density Residential.
- (g) Clinton County Tax Parcel No. 2-1-15-M2, now or formerly owned by Gas Field Specialists, which property is currently zoned Low Density Residential.
- (h) Clinton County Tax Parcel No. 2-1-15-L, now or formerly owned by Gas Field Specialists, which property is currently zoned Low Density Residential.
- (i) Clinton County Tax Parcel No. 2-1-15-E1, now or formerly owned by Gas Field Specialists, which property is currently zoned Agricultural.
- (j) A portion of Clinton County Tax Parcel No. 2-1-15-M3, specifically being that portion East of Big Plum Run, currently owned by Gas Field Specialists, which property is currently zoned Low Density Residential.
- (k) Clinton County Tax Parcel No. 2-1-15-E, now or formerly owned by Stephen and Ruth Grieb, which property is currently zoned Agricultural.
- (l) Clinton County Tax Parcel No. 2-1-19, specifically being that portion South of Big Plum Run, currently owned by Stephen and Ruth Grieb, which property is currently zoned Agricultural.
- (m) Clinton County Tax Parcel No. 2-1-21, specifically being that portion South of Big Plum Run and South of Tax Parcel No. 2-1-22, currently owned by Stephen and Ruth Grieb, which property is currently zoned Agricultural.
- (n) Clinton County Tax Parcel No. 2-1-22, now or formerly owned by Dean Helbley, which property is currently zoned Agricultural.
- (o) Clinton County Tax Parcel No. 4-1-37-D, now or formerly owned by Dean Helbley, which property is currently zoned Agricultural.

(p) Clinton County Tax Parcel No. 4-1-37-C, now or formerly owned by Dean Helbley, which property is currently zoned Agricultural.

(q) Clinton County Tax Parcel No. 2-1-15F, now or formerly owned by Steven Masters, which property is currently zoned Low Density Residential.

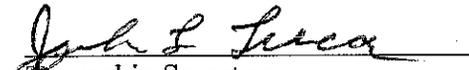
Section 2: All Ordinances or parts of Ordinances inconsistent herewith shall be and the same are hereby repealed.

Section 3: This Ordinance shall be effective immediately.

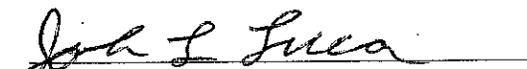
ENACTED AND ORDAINED as an Ordinance of the Township of Dunnstable, this 6th day of October, 2010.

ATTEST:

DUNNSTABLE TOWNSHIP
SUPERVISORS:


Township Secretary


Robert Mann, Chairman


John Lucas, Supervisor


Gerald Smith, Supervisor

