

## **Chapter 103**

### **ZONING**

#### **ARTICLE I General Provisions**

- § 103-1. Title.**
- § 103-2. Legislative intent.**
- § 103-3. Construal of provisions; objectives.**

#### **ARTICLE II Terminology**

- § 103-4. Word usage.**
- § 103-5. Definitions.**

#### **ARTICLE III Zoning Map**

- § 103-6. Official Zoning Map adopted.**
- § 103-7. Replacement of Official Zoning Map.**

#### **ARTICLE IV Interpretation of District Boundaries**

- § 103-8. Rules for interpretation.**

#### **ARTICLE V General District Regulations**

- § 103-9. Application of regulations.**
- § 103-10. Compliance required.**
- § 103-11. Unlawful acts.**

- § 103-12. Required yards and spaces.
- § 103-13. Yards and lots.
- § 103-14. Determination of permitted uses.
- § 103-15. Annexed territory.

ARTICLE VI  
Use Districts

- § 103-16. Districts enumerated.

ARTICLE VII  
R-1 Low-Density Residential Districts

- § 103-17. Intent.
- § 103-18. Permitted uses.
- § 103-19. Special exception uses.
- § 103-20. Lot and yard requirements.
- § 103-21. Off-street parking.
- § 103-22. Signs.
- § 103-23. Supplementary district regulations.
- § 103-24. Environmental and energy requirements.

ARTICLE VIII  
R-2 Medium-Density Residential Districts

- § 103-25. Intent.
- § 103-26. Permitted uses.
- § 103-27. Special exception uses.
- § 103-28. Lot and yard requirements.
- § 103-29. Off-street parking.
- § 103-30. Signs.
- § 103-31. Supplementary district regulations.
- § 103-32. Environmental and energy requirements.

ARTICLE IX  
R-3 High-Density Residential Districts

- § 103-33. Intent.
- § 103-34. Permitted uses.
- § 103-35. Special exception uses.
- § 103-36. Lot and yard requirements.
- § 103-37. Townhouses and garden apartments.
- § 103-38. Off-street parking.
- § 103-39. Signs.
- § 103-40. Supplementary district regulations.
- § 103-41. Environmental and energy requirements.

#### ARTICLE IXA

##### R-R Retirement Residential District

- § 103-41.1. Intent.
- § 103-41.2. Permitted uses.
- § 103-41.3. Lot and building requirements; management; supplementary district regulations.

#### ARTICLE X

##### C-1 Neighborhood Commercial Districts

- § 103-42. Intent.
- § 103-43. Permitted uses.
- § 103-44. Lot, yard and building height requirements.
- § 103-45. Off-street parking and loading.
- § 103-46. Signs.
- § 103-47. Supplementary district regulations.
- § 103-48. Environmental and energy requirements.

#### ARTICLE XI

##### C-2 Highway Commercial Districts

- § 103-49. Intent.
- § 103-50. Permitted uses.
- § 103-51. Objectionable uses.
- § 103-52. Lot, yard and building height requirements.

- § 103-53. Off-street parking and loading.
- § 103-54. Signs.
- § 103-55. Supplementary district regulations.
- § 103-56. Environmental and energy requirements.

ARTICLE XII  
I-1 Industrial Districts

- § 103-57. Intent.
- § 103-58. Permitted uses.
- § 103-59. Special exception uses.
- § 103-60. Lot and yard requirements.
- § 103-61. Off-street parking and loading.
- § 103-62. Signs.
- § 103-63. Supplementary district regulations.
- § 103-64. Environmental and energy requirements.

ARTICLE XIII  
F-1, F-2, F-3 and F-4 Floodplain Districts

- § 103-65. Intent.
- § 103-66. Definitions.
- § 103-67. Delineation of districts.
- § 103-68. General regulations.
- § 103-69. F-1 Approximated Floodplain and F2 Floodway Districts.
- § 103-70. F -3 Flood Fringe District
- § 103-70.1. F -4 Special Floodplain District.
- § 103-71. Prohibited uses.
- § 103-72. Additional regulations.
- § 103-73. Special exceptions and variances.
- § 103-74. Nonconforming structures and uses.
- § 103-75. District requirements.
- § 103-76. Contents of permit application; review.
- § 103-77. Warning and disclaimer of liability.
- § 103-78. Building permits required.

ARTICLE XIV  
Supplementary District Regulations

- § 103-79. Intent.
- § 103-80. Accessory buildings and structures.
- § 103-81. Accessory uses.
- § 103-82. Projections into yards.
- § 103-83. Home occupations.
- § 103-84. Visibility at intersections.
- § 103-85. Fences, walls and hedges.
- § 103-86. Structures to have access.
- § 103-87. Water supply and sewage facilities required.
- § 103-88. Minimum floor and lot area requirements.
- § 103-89. Corner lots.
- § 103-90. Modification of front yard requirements.
- § 103-91. Animals.
- § 103-92. Dangerous structures.
- § 103-93. Gasoline pumps and service equipment.
- § 103-94. Storage of unlicensed or uninspected vehicles.
- § 103-95. Major recreational equipment.
- § 103-96. Mobile home parks and mobile home subdivisions.
- § 103-97. Exceptions to height limitations.
- § 103-98. Public utilities.
- § 103-99. Municipally owned facilities.

ARTICLE XV  
Environmental Improvements and Energy Conservation Requirements

- § 103-100. Intent.
- § 103-101. Definitions.
- § 103-102. Environmental improvements.
- § 103-103. Standards for parking lots.
- § 103-104. Solar, wind and alternate energy standards.
- § 103-105. Maintenance and protection standards.
- § 103-106. Variances.
- § 103-107. Plans and permits.

ARTICLE XVI  
**Off-Street Parking and Loading**

- § 103-108. **Intent.**
- § 103-109. **Definitions.**
- § 103-110. **Facilities required prior to occupancy.**
- § 103-111. **General requirements.**
- § 103-112. **Schedule of required spaces.**
- § 103-113. **Separate- or combined-use facilities.**
- § 103-114. **Access drives.**
- § 103-115. **Loading and unloading spaces.**
- § 103-116. **Illumination of parking and loading areas.**
- § 103-117. **Improvements.**
- § 103-118. **Approval of plans required.**

ARTICLE XVII  
**Signs and Advertising Structures**

- § 103-119. **Intent.**
- § 103-120. **Determination of sign area.**
- § 103-121. **General requirements.**
- § 103-122. **Signs permitted in all districts.**
- § 103-122.1. **Signs permitted in Retirement Residential Districts.**
- § 103-123. **Signs permitted in residential districts.**
- § 103-124. **Signs permitted in commercial and industrial districts.**
- § 103-125. **Nonconforming signs.**
- § 103-126. **Enlargement of permitted sign.**

ARTICLE XVIII  
**Nonconforming Lots, Uses and Structures**

- § 103-127. **Intent; construal of provisions.**
- § 103-128. **Nonconforming lots of record.**
- § 103-129. **Nonconforming uses.**
- § 103-130. **Nonconforming structures.**
- § 103-131. **Nonconforming uses of structures or land and structures in combination.**
- § 103-132. **Classification of special exceptions.**
- § 103-133. **Nonconforming signs.**

ARTICLE XIX  
**Administration and Enforcement**

- § 103-134. **Zoning Administrator.**
- § 103-135. **Enforcement notice.**
- § 103-136. **Permit requirements.**
- § 103-137. **Application for building and zoning permit.**
- § 103-138. **Incomplete applications.**
- § 103-139. **Approval or disapproval of permit application.**
- § 103-140. **Revocation of permit.**
- § 103-141. **Expiration of permit.**
- § 103-142. **Certificate of zoning compliance.**

ARTICLE XX  
**Zoning Hearing Board**

- § 103-143. **Board established; membership.**
- § 103-144. **Organization; rules; records to be kept.**
- § 103-145. **Removal of members.**

ARTICLE XXI  
**Jurisdiction and Procedures**

- § 103-146. **Authority.**
- § 103-147. **Hearings.**
- § 103-148. **Jurisdiction of Zoning Hearing Board.**
- § 103-149. **Jurisdiction of Board of Supervisors.**
- § 103-150. **Judicial remedies.**
- § 103-151. **Variances.**
- § 103-152. **Special exception uses.**
- § 103-153. **Time limitations for filing.**
- § 103-154. **Expiration of special exception or variance; enforcement.**

ARTICLE XXII  
**Judicial Remedies**

§ 103-155. **Judicial remedies.**

ARTICLE XXIII  
**Appeals Procedure; Powers of Supervisors**

§ 103-156. **Appeals procedure; powers of Supervisors.**

ARTICLE XXIV  
**Fees, Charges and Expenses**

§ 103-157. **Schedule established.**

§ 103-158. **Payment of fee required prior to filing.**

ARTICLE XXV  
**Amendments**

§ 103-159. **Amendments.**

ARTICLE XXVI  
**Construal of Provisions**

§ 103-160. **Construal of provisions.**

ARTICLE XXVII  
**Violations and Penalties**

§ 103-161. **Violations and penalties.**

**[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 8-8-1989 as Ord. No. 79. Sections 103-5, 103-34D(11), 103-35, 103-58D(5), 103-59, 103-74, 103-85, 103-101, 103-125 and 103-133 amended and §§ 103-20A, 103-43H and 103-58E added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## GENERAL REFERENCES

Planning Commission - See Ch. 2I.  
Brush, grass and weeds - See Ch. 51.  
Dogs and other animals - See Ch. 57.  
Individual sewage disposal systems - See Ch. 77.  
Sewers - See Ch. 81.  
Streets and sidewalks - See Ch. 85.

## ARTICLE I General Provisions

### § 103-1. Title.

This chapter shall be known and may be cited as "The North Londonderry Township Zoning Ordinance of 1989."

### § 103-2. Legislative intent.

This chapter is enacted for the purpose of promoting the health, safety, morals and the general welfare of the township. It is to reflect the intent of the township's development objectives as stated in the Comprehensive Plan, as adopted. It is designed to:

- A. Lessen congestion in the roads and highways.
- B. Secure safety from fire, panic and other danger.
- C. Provide adequate light and air.
- D. Prevent the overcrowding of land.
- E. Avoid undue congestion of population.
- F. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements.
- G. Conserve the value of buildings.
- H. Encourage the most appropriate use of land throughout the township.

**§ 103-3. Construal of provisions; objectives.**

- A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and the general welfare of the township. The Comprehensive Plan in accordance with which this chapter is enacted and which is reflected in the provisions of this chapter has been formulated to implement the purpose set forth in § 103-2 hereinabove, in the respects therein stated and more particularly with a view toward, inter alia, the following objectives:
- (1) Guiding and encouraging the future development of the township in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, nonmanufacturing, office, laboratory and recreational areas within the township, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography and soil conditions, existing man-made conditions and the trends in population, in the direction and manner of the use of land, in building development and in economic activity, considering such conditions and trends both within the township and with respect to the relation of the township to surrounding areas.
  - (2) Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth.
  - (3) Protecting and conserving the value of land and buildings throughout the township, depending on necessity or circumstances, appropriate to the various zoning districts established herein.
  - (4) Bringing about through proper timing the gradual conformity of land use to the Comprehensive Plan aforesaid and minimizing conflicts among the use of land and buildings.
  - (5) Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the township, having particular regard to traffic to and from the expressways and to avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.

- (6) Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and in the provision of safe and proper semiprivate enterprise in building development, investment and other economic activity relating to land use.
- B. Insofar as such objectives are consistent with the purpose set forth in § 103-2 and with the aforesaid minimum requirements therefore, the provisions of this chapter shall be interpreted, administered and applied in such manner as will facilitate attainment of said objectives.

## ARTICLE II Terminology

### § 103-4. Word usage.

Unless otherwise stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural.
- C. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- D. The male gender references to "he" or "him" include the feminine "she" or "her" respectively.
- E. The word "lot" includes the words "tract" or "parcel" and vice versa.
- F. The term "shall" is always mandatory; the term "may" is permissive.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

### § 103-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY BUILDING** - A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers or any parts thereof. An accessory building may not house a principal use, nor may it stand alone on a lot as a 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.

**ACT 247** - See "Pennsylvania Municipalities Planning Code."

**ACTIVE ADULT RESIDENTIAL COMMUNITY** - A residential development that is age-qualified in accordance with federal regulations<sup>1</sup>, including that at least eighty percent (80%) of the residents of the community shall be fifty-five (55) years of age or older, and which involves a unified development operated under common rules with private internal streets, landscaped areas along public streets, and private on-site recreational facilities. Housing shall be limited to single-family dwellings within the active adult residential community. **[Added 12-19-2005 by Ord. No. 138; amended 6-26-2006 by Ord. No. 140]**

**AGRICULTURE** - The cultivation of the soil for food products or other marketable products, not including animal husbandry, or storage and/or processing of products grown on other premises.

**ALLEY** - A thoroughfare, usually twenty (20) feet or less in width, which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation.

**ALTERATION** - An enlargement of the total floor area of a building, an extension of a roofline to cover additional lot area not previously covered or construction which increases the cubic content of a building.

**ALTERATION, STRUCTURAL** - A change in the supporting members of a building such as bearing walls, columns, beams or girders.

**ANIMAL HUSBANDRY** - The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

<sup>1</sup> Editor's Note: Reference is to the Federal Fair Housing Act and regulations promulgated thereunder.

- A. ANIMAL HUSBANDRY, INTENSIVE - The practice of raising, keeping or breeding livestock or fowl that involves large numbers of animals or birds concentrated in a small area utilizing mass feeding. This shall include feedlots, poultry houses and other buildings, structures, corrals or pens in which animals are confined in close quarters. This shall also include the raising of swine under any conditions.
  
- B. ANIMAL HUSBANDRY, NONINTENSIVE - The practice of raising, keeping or breeding livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations and similar uses satisfying the above criteria.

APARTMENT - A dwelling unit which is part of a dwelling complex as defined elsewhere in this chapter, such as garden apartments, two-family detached or two-family semidetached, and is commonly rented on a monthly or longer basis.

AUTOMOBILE BODY SHOP - A building that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

BASEMENT - A story partly below the finished grade, but having at least one-half (1/2) of its height, measured from the finished floor to the finished ceiling, above the average level of the finished grade where such grade abuts the exterior walls of the building. A "basement" shall be considered as one (1) story in determining the permissible number of stories.

BOARDINGHOUSE - (Reserved)

BUFFER AREA - A yard space adjacent to a property line or building which contains landscaping and plantings designed to screen, separate and shield a use from adjoining properties.

BUILDING - A structure which has a roof supported by columns, piers or walls and which is intended for the shelter, housing or enclosure of persons, animals or chattel or which is to house a use of a commercial or manufacturing activity.

- A. BUILDING, ATTACHED - A building which has two (2) party walls in common.

- B. BUILDING, DETACHED - A building which has no party wall.
- C. BUILDING, SEMIDETACHED - A building which has only one (1) party wall in common.

**BUILDING AREA** - The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings, exclusive of cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches; bay windows and cantilevers not extending more than one (1) story and not projecting more than five (5) feet; and steps and balconies.

**BUILDING HEIGHT** - The vertical dimensions measured from the average elevation of the finished lot grade around the building to the highest point of the roof.

**BUILDING LINE** - An imaginary line located along and parallel to a wall or other exterior supporting member of a structure or portion thereof, excluding self-supporting projecting architectural features that project five (5) feet or less. Minimum yard requirements are applied at the shortest distance from the lot lines to said building lines.

**BUILDING, PRINCIPAL** - A building in which the principal use of the lot is conducted.

**CARPORT** - See "garage, private."

**CELLAR** - A story partly below the finished grade having at least one-half (1/2) of its height, measured from the finished floor to the finished ceiling, below the average level of the adjoining finished grade where such finished grade abuts the exterior walls of the building. A "cellar" shall not be considered a story in determining the permissible number of stories.

**CENTER LINE** - The line, whether painted or not, which is the center of the paved portion of a street or road. The center line may also be equidistant from the edges of the street right-of-way unless indicated differently on a subdivision or development plan.

**CERTIFICATE OF ZONING COMPLIANCE** - A certificate issued and enforced by the Zoning Administrator upon the completion of the construction of a new

building or upon a change or alteration of a structure or use of a building which certifies that the applicant has complied with all pertinent requirements and regulations as provided herein. This certificate is also used for registration of nonconforming uses of land or buildings.

CLINIC - An individual building or cluster of buildings, on a lot in single or common ownership, operated by one (1) or more licensed Pennsylvania health professionals for the purpose of providing treatment to the public on an outpatient basis.

COMMON OPEN SPACE - An area of land or water or combination of both located within a development site and designed and intended for use or enjoyment by residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMPREHENSIVE PLAN - A document designed by and for North Londonderry Township to state basic policies, development objectives and directions of future growth. It is a factual document that describes how the physical, social and economic past have formed the present-day Township, and it serves as an aid in the decision-making and rule-making processes that shape the Township's growth.

CONDOMINIUM - A building or complex of buildings in which units of property (i.e., single-family dwellings) are owned by individuals, and the balance of the complex or property (i.e., recreation areas, green space, and the like) is owned in common by the owners of the individual units. **[Added 12-19-2005 by Ord. No. 138]**

CONSTRUCTION - The building, reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure including mobile homes. This shall include the placing of construction materials in a permanent position and fastened or placed in a permanent manner. Earthmoving activities shall not be deemed "construction."

CONVALESCENT HOME - See "nursing home."

COVERAGE - See "lot coverage."

DENSITY - The ratio of permitted uses to lot area specified by each district or type of use throughout this chapter.

DEVELOPMENT PLAN - The provisions for development of a planned residential development, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures; "intensity of use or density of development; streets, ways and parking facilities; common open space; and public facilities.

DISTRICT - A portion of North Londonderry Township within which certain uniform regulations or combinations thereof apply under the provisions of this chapter.

DWELLING, SINGLE-FAMILY DETACHED - A detached or separate building designed for or occupied exclusively by one (1) family on an individual lot; however, this shall not include single-unit mobile homes, which are defined separately.

DWELLING, SINGLE-FAMILY SEMIDETACHED - A building with one (1) dwelling unit from ground to roof and only one (1) party wall in common with another dwelling unit. Commonly described as a duplex, the "semidetached single-family dwelling" is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot and is usually owner-occupied.

DWELLING, TWO-FAMILY DETACHED - A separate building on an individual lot with two (2) dwelling units from ground to roof, one (1) unit being entirely or partially over the other. These units are normally renter-occupied and are not designed for further subdivision.

DWELLING, TWO-FAMILY SEMIDETACHED - A building with two (2) dwelling units from ground to roof, one (1) unit entirely or partially over the other, and only one (1) party wall in common with another, connected to a building which may contain one (1) or two (2) dwelling units.

DWELLING UNIT - One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities for one (1) family.

DWELLING UNIT, SINGLE-FAMILY SEMIDETACHED TRIPLEX - A freestanding building comprised of three (3) separate, ground to roof individual dwelling units. The two (2) end units shall share one (1) common wall while the

interior unit shall share two (2) common walls. Each unit shall have a separate ground level entrance. [Added 12-19-2005 by Ord. No. 138]

FAMILY - One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or are legal foster children, no such "family" shall contain over five persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

GARAGE, PRIVATE - A building, attached to or detached from the principal building, which provides for the storage of motor vehicles of the family or families residing on the premises and in which no occupation, business or service for profit is conducted. Within this definition is included the building commonly known as a "carport."

GARAGE, REPAIR - A structure, building or area of land or any portion thereof used for the servicing and repair of automotive vehicles. A "repair garage" may provide one (1) or more of the following services: general mechanical repair of motor vehicles, including state inspection, lubrication, washing or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include body work, straightening of body parts, painting, welding and storage of unlicensed vehicles or vehicles kept for parts.

GARDEN APARTMENTS - Multifamily apartment buildings located on a plat of land under one (1) ownership. "Garden apartments" are two (2) stories high, with individual apartments on each story. Garden apartment buildings shall contain at least three (3) but not more than sixteen (16) dwelling units in a single structure, with the units generally renter-occupied. The garden apartments share:

- A. A common yard area which is the sum of the required lot areas of all dwelling units within the complex;
- B. Common off-street parking;
- C. Common outside apartment access for some of all units; and
- D. Central utilities.

GASOLINE STATION - A structure, building or area of land or any portion thereof that is used solely for the sale of gasoline or other motor vehicle fuel,

lubricants or minor accessories for travelers' convenience, e.g., windshield wiper blades, spark plugs, fuses, bulbs, etc. This use may not include the sale of automotive parts, tires, service, polishing or washing. Any business or industry dispensing gasoline for its own use and vehicles will not be deemed a gasoline station.

**GRADE, FINISHED** - The completed surfaces of lawns, walks and roads brought to grades as shown on official plans of designs relating thereto.

**GREENHOUSE** - A building designed to allow the maximum amount of sunlight and to control temperature and humidity in order to propagate plants or vegetative growth whereas the plant or its part is removed for sale or process elsewhere, or are enjoyed or consumed by the occupants of the premises. Any greenhouse in which there are retail sales and/or items stocked for resale is a commercial use.

**GROUP CARE FACILITY** - A state authorized, certified or licensed facility, situated and operated as a substitute home with a family environment serving thirteen (13) or fewer mentally disordered, handicapped, dependent or neglected persons who do not require nursing care. Adult supervision and supportive care is provided to residents on a twenty-four- hour basis and is performed in accordance with the Public Welfare Code of Pennsylvania.<sup>1</sup>

**HABITABLE FLOOR AREA** - The sum of the floor areas of all heated, finished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; and attached garages which have been converted into an integral part of the living quarters. It does not include garages; porches, whether roofed, unroofed or enclosed; roofed terraces; unfinished and unheated basements, attics, cellars or garages, etc.

**HOME OCCUPATION** - Any gainful occupation conducted within a dwelling which is of a service or professional nature such that the following conditions are met as applicable: the proprietor engages in the sale of a service; the handling of any durable goods is limited to repairing or handcrafting; and the handling of nondurable or consumable goods for sale is incidental to the service. Such home occupations include but are not limited to: physicians, dentists, lawyers, architects, engineers and accountants; insurance, real estate or securities brokers; barbers and beauticians; photographers; tutors of individual students; seamstresses and tailors;

<sup>1</sup> Editor's Note: See 62 P.S. § 101 et seq.

and other occupations meeting these criteria which are not otherwise prohibited by law. Occupations of a nature that involve stocking of items for retail or wholesale transfer or use of facilities that involve a gathering of people or occupations that normally use large areas or customarily are not compatible with dwellings by virtue of creating excessive noise, fumes, odor, dust, electrical interference or substantially more than normal residential levels of traffic are prohibited. Prohibited home occupations include but are not limited to: retail and wholesale stores; instructional classes of all types; shops and equipment storage of contractors; auto, truck or engine repair; or clinics.

**HOMEOWNERS ASSOCIATION** - The residents of a subdivision, garden apartment or townhouse development who are bound by contractual agreement as a condition of their occupancy to share costs for maintenance of common open space, private streets or other duties unique to their surroundings. The agreement is not related to municipal ordinances.

**HOSPITAL** - A place having facilities for the diagnosis, treatment or other medical care of persons as inpatients or outpatients, including such establishments as a sanitarium, sanatorium and preventorium.

**HOTEL** - A building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. A "hotel" may include accessory commercial services primarily for serving its occupants and only incidentally the public.

**JUNKYARD** - A lot, land, structure or part thereof used for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded materials, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

**KENNEL** - See "pet kennel."

**LANDSCAPING** - Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

LAUNDROMAT - A business premises equipped with individual clothes-washing and/or clothes-drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multifamily housing development.

LICENSED PENNSYLVANIA HEALTH PROFESSIONAL - Persons duly authorized by the Commonwealth of Pennsylvania to practice specialties limited to the following, for purposes of this chapter: chiropractors, dentists, dental hygienists, medical doctors, midwives, nurses, optometrists, osteopaths, opticians, podiatrists, psychiatrists, psychologists and physical therapists.

LIVESTOCK - Any of the bovine, equine, porcine, ovine or gallinaceous species, including but not limited to cows, steers, horses, ponies, pigs, sheep, goats and poultry.

LOADING SPACE - An off-street area having adequate width, length and overhead clearance, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LOT - A single tract or parcel of land, with a corresponding legal description, held in single or joint ownership, which is occupied or capable of being occupied by a principal building or principal use, together with such accessory buildings or structures and such open spaces as are required or permitted by this chapter.

LOT AREA - An area of land which is determined by the limits of the property lines bounding that area and expressed routinely in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area for purposes of satisfying requirements of this chapter.

LOT, CORNER - In all districts, corner lots shall have one (1) required front yard, one (1) required rear yard and two (2) required side yards (all required yards being measured from either the road right-of-way line or the adjacent interior lot line). The yard toward which the front entrance of the building faces shall be designated as the front yard. (In no instance shall any object, structure or planting interfere with the visibility at any intersection as specified in § 103-84.) **[Amended 10-20-2003 by Ord. No. 129]**

LOT COVERAGE - The total of all building areas and structure areas, excluding driveways, sidewalks and other standard paved vehicular or pedestrian accessways, divided by the lot area and expressed as a percentage.

LOT DEPTH - A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

LOT LINE - The line or boundary of a lot dividing it from another lot or from a street.

LOT, THROUGH - An interior lot having frontage on two (2) parallel or approximately parallel streets. The through lots shall have one (1) front yard and one (1) rear yard; the area of frontage providing primary access to the lot shall be designated as the front yard. **[Amended 4-15-2002 by Ord. No. 126]**

LOT WIDTH - The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, in the case where one (1) side lot line is not parallel to the other side lot line, or of pie-shaped lots, the required lot width shall be measured at a point equal to fifty percent (50%) of the depth of the lot.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or two (2) or more units designed to be joined into one (1) 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 PARKS AND SUBDIVISIONS - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME SITE - An area within a mobile home park or mobile home subdivision designated to contain one (1) mobile home and the necessary utility connections and appurtenances.

MODULAR HOME - A sectional, single-family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For

the purposes of this chapter, modular homes shall be regulated as conventional single-family dwellings which are constructed on the site.

**MOTEL** - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for occupancy, primarily for travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms, but shall not be construed to include mobile homes or recreational vehicles.

**NONCONFORMING BUILDING** - See "nonconforming structure."

**NONCONFORMING LOT** - A lot, the area or dimension of which was lawful prior to the adoption or amendment of these zoning provisions but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [**Amended 11-12-1991 by Ord. No. 86**]

**NONCONFORMING SIGN** - A sign whose size, dimension or location was lawful prior to the adoption or amendment of these zoning provisions but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.<sup>3</sup>

**NONCONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use provisions of these zoning provisions, or amendment to these zoning provisions heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.<sup>4</sup>

**NONCONFORMING USE** - A use of land, building or structure, which does not comply with the applicable use provisions of this chapter or amendments thereto, where such use was lawfully in existence at the time of the enactment of this chapter or amendments or prior to the application of this chapter or amendments by reason of annexation.

**NURSERY (HORTICULTURE)** - Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants, including the buildings,

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions, Art. I.

<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. I, General Provisions, Art. I.

structures and equipment customarily incidental and accessory to the principal use.

**NURSERY (SCHOOL)** - A place where children are educated and/or temporarily cared for.

**NURSING HOME** - A place with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire. Other housing styles which are administrated by and subordinate to the primary purpose of the nursing home may also be permitted.

**OFFICE, PROFESSIONAL** - A building containing office space for one (1) or more persons engaged in occupations or callings which require extensive learning and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance or instruction is provided. Occupations or vocations which are trades, crafts or businesses and often involve the sale of a product shall not be considered professional offices.

**PARKING LOT** - An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

**PARKING SPACE** - An area open or within a building, accessible from a street or alley, for parking of motor vehicles for owners, occupants, employees, customers or tenants of the principal building or use. One (1) space shall equal one hundred eighty (180) square feet.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE<sup>5</sup>** - This enabling legislation provides the mechanism whereby municipalities can plan for community development through the adoption of a comprehensive plan and zoning ordinance and the establishment of planning commissions, planning departments and zoning hearing boards. The Code authorizes the above bodies to request appropriations, charge fees, make inspections, hold public hearings, make legal appeals and process penalties for violations. For the purposes of this chapter, the Planning Code is intended to include the current law and future amendments and shall be referred to hereinafter as the "Planning Code" or the "Act."

**PERMIT** - A building and zoning permit issued by the Zoning Administrator.

<sup>5</sup> Editor's Note: See 53 P.S. § 10101 et seq.

PET, HOUSEHOLD - An animal, bird or insect that is kept for pleasure rather than utility and which may be kept inside or outside a dwelling.

PET KENNEL - An enclosure or area located outside a dwelling, which is designed for keeping more than three (3) birds or animals; however, this does not include zoos or menageries if permitted as a principal use.

PET, NONHOUSEHOLD - A domesticated animal that is kept for pleasure and is kept outside of a dwelling and may be in any district, provided that the lot area has a minimum of three (3) acres.

PET, NOVELTY - An animal, bird or insect that is kept for pleasure that is not a customary household pet, nor of a domesticated variety, provided that it is not otherwise prohibited by law and is kept inside a dwelling.

PLANNING COMMISSION - The North Londonderry Township Planning Commission.

POULTRY - See "livestock."

PREMISES - A lot, parcel or tract of land and any structures thereon.

PRINCIPAL USE - The main purpose for which land or a building is designed, arranged or intended, or for which it may be occupied or maintained.

PRIVATE ROAD - An access road other than a municipally owned road.

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

PUBLIC SEWER - The municipally owned and operated sewage collection system.

PUBLIC WATER - The system of water distribution and sales operated by license and authority of the Pennsylvania Public Utility Commission.

RECREATIONAL EQUIPMENT - All devices manufactured or designed to be used for personal recreation, including recreational vehicles, boats, trailers, items designed to be mounted on motor vehicles, or cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

RECREATIONAL VEHICLE - A vehicular portable structure, self-propelled or towed, built on a chassis (motorized home, converted bus, tent trailer or similar device), which is designed to be used as a temporary dwelling for travel and recreational purposes and which may have a self-contained water supply and sewage holding capacity.

RESTAURANT, DRIVE-IN - A commercial establishment where food or beverage is sold for consumption on the premises, either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE-THROUGH - An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window without the need for the customer to leave his vehicle.

RESTAURANT, FAST-FOOD - A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "take-out" service. Food preparation is designed for immediate service to customers, is often prepared in advance and does not have service to the customer's table.

RIGHT-OF-WAY LINE - See "street line."

ROAD - See "street."

ROOMING HOUSE - See "boardinghouse."

ROW HOUSE - See "townhouse."

SETBACK - The horizontal distance from a lot line to the part of the building nearest to such a lot line. (See also "yard.")

SHOPPING CENTER - A group of stores, two (2) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit.

**SIGN** - Includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); or any other device or similar character which satisfies any of the following; is a structure or any part thereof, or is attached to, painted on or in any other manner represented on a building or other structure; is used to announce, direct attention to or advertise; or is visible from outside a building.

- A. **FREESTANDING SIGN** - An independently supported sign which is not attached to any building or structure.
- B. **WALL SIGN** - A sign which is erected or displayed on or parallel to the surface of a building and does not project more than twelve (12) inches therefrom. Signs with greater than twelve-inch projections are regulated as projecting signs.
- C. **PROJECTING SIGN** - A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs of which any part projects more than twelve (12) inches shall be treated as projecting signs.
- D. **ROOF SIGN** - A sign erected or displayed on a rooftop.

**SIGN, ADVERTISING** - Any sign which is owned and operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises where it is located, including billboards.

**SIGN AREA** - The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

**SIGN, DOUBLE-FACED** - A sign consisting of two (2) display areas placed back-to-back or joined along a common edge and treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is

greater than forty-five degrees (45°), the structure shall be treated as having two (2) sign areas.

**SITE PLAN** - A plan of a lot or subdivision on which is shown topography; the location of all buildings, roads, rights-of-way and boundaries; all essential dimensions and bearings; and any other information deemed necessary by the township in unusual or special cases.

**SPECIAL EXCEPTION** - A procedure of approval vested with the Zoning Hearing Board prior to the issuance of a permit and conducted in accordance with requirements of the Act<sup>6</sup> and this chapter. It is applied as directed throughout this chapter.

**STORY** - A story is that part of a building between the surface of any floor and the next floor above it, or, in its absence, the finished ceiling or roof above it. A split-level shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story, and, if less than two (2) feet below the top plate, shall be counted as a half story.

**STREET** - A public thoroughfare or right-of-way, dedicated for public use, accepted and maintained by the township or state, which affords primary vehicular access to abutting properties.

**STREET LINE** - The line determining the limit of the street or public right-of-way, either existing or proposed, also referred to as the street lot line or road right-of-way line. The street line shall be determined as a line twenty-five (25) feet from the center line of the existing street where a definite right-of-way has not been established, or where it is less than twenty-five (25) feet from the center, for purposes of administration of this chapter.

**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 (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or

<sup>6</sup> Editor's Note: See 53 P.S. § 10101 et seq.

building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted.

**TOWNHOUSE** - A single-family dwelling located on an independent lot and constructed as a part of a series of three (3) or more connected single-family dwellings and as one (1) dwelling from ground to roof. Townhouses are typically two (2) stories high, and units are considered attached dwellings, except for the end units of a building series. Townhouses are generally owner-occupied and provide residents with individual yards, parking and utility access. Common areas and facilities, including parking areas, may be designed for use by all residents of the townhouse development.

**TRAVEL TRAILER** - See "recreational vehicle."

**VARIANCE** - A modification of the regulations of this chapter granted by the Zoning Hearing Board to a petitioner pursuant to the provisions of this chapter and the Act.<sup>7</sup>

**YARD** - An open space, other than a court, unoccupied by a structure. Fences, walls, posts, trees, lawn furniture and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**YARD, FRONT** - An unoccupied space, open to the sky, between the front property line (street line) and the nearest building line of the principal building.

**YARD, REAR** - An unoccupied space, open to the sky, between the rear property line and the nearest building line of the principal building.

**YARD, REQUIRED FRONT** - An unoccupied space, open to the sky, between the front property line (street line) and the building line at such distance therefrom as may be specified herein for each district, and extending the full width of the lot.

**YARD, REQUIRED REAR** - An unoccupied space, open to the sky, between the rear property line and the building line at such distance therefrom as may be specified herein for each district, and extending the full width of the lot.

**YARD, REQUIRED SIDE** - An unoccupied space, open to the sky, between the

<sup>7</sup> Editor's Note: See 53 P.S. § 10101 et seq.

side property line and the building line at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

**YARD, SIDE** - An unoccupied space, open to the sky, between the side property line and the nearest building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

**ZONING ADMINISTRATOR** - The agent(s) or official(s) designated by the Township Supervisors to enforce the Zoning Ordinance.

### ARTICLE III **Zoning Map**

#### **§ 103-6. Official Zoning Map adopted.**

- A. The township is hereby divided into zones or districts as shown on the Official Zoning Map<sup>8</sup> which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary and bearing the Seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 2, Section 2.01, of Ordinance Number 79 of the Township of North Londonderry, Lebanon County, Pennsylvania,"<sup>9</sup> together with the date of the adoption of this chapter.
- C. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code,<sup>10</sup> changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map. The entry shall contain at least the following: the ordinance number, date of enactment, effective date (if different) and some reference by symbol or number to the location on the map where the change is made, which entry shall be signed by the Chairman of the Board of Supervisors and attested by the Township Secretary. Any amendment to this chapter which involves matter portrayed on the Official Zoning Map enacted to

<sup>8</sup> Editor's Note: The Official Zoning Map is on file and available for inspection in the township offices.

<sup>9</sup> Editor's Note: See now Art. III, § 103-6, of this chapter.

<sup>10</sup> Editor's Note: See 53 P.S. § 10101 et seq.

become immediately effective shall not be effective until after such change and entry has been made on said map. Any amendment enacted to be effective at a certain later date shall not be effective on that date unless the entry is made as prescribed above.

- D. No changes of any nature shall be made on the Official Zoning Map or to matter shown thereon except in conformity with the amending procedures set forth in this chapter and the Pennsylvania Municipalities Planning Code.<sup>11</sup>
- E. The Official Zoning Map, which shall be located in the office of the Township Supervisors, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the township.

**§ 103-7. Replacement of Official Zoning Map.**

- A. In the event that the Official Zoning Map<sup>12</sup> becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary and bearing the Seal of the township under the following words: "This is to certify that this is the Official Zoning Map, adopted \_\_\_\_\_ as part of Ordinance No. \_\_\_ of the Township of North Londonderry, Lebanon County, Pennsylvania."
- B. Unless the prior Official Zoning Map<sup>13</sup> has been lost or has been totally destroyed, the prior map or any significant parts remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE IV

**Interpretation of District Boundaries**

**§ 103-8. Rules for interpretation.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning

<sup>11</sup> Editor's Note: See 53 P.S. § 10101 et seq.

<sup>12</sup> Editor's Note: The Official Zoning Map is on file and available for inspection in the township offices.

<sup>13</sup> Editor's Note: The Official Zoning Map is on file and available for inspection in the township offices.

Map,<sup>14</sup> the following rules shall apply:

- A. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township limits shall be construed as following such limits.
- D. Boundaries indicated as following railroad tracks shall be construed to be midway between the tracks.
- E. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections A through E above, the Zoning Hearing Board shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was a lot of record at the time of passage of this chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line but not beyond the lot line.

ARTICLE V  
**General District Regulations**

**§ 103-9. Application of regulations.**

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly, except as hereinafter provided.

**§ 103-10. Compliance required.**

<sup>14</sup> Editor's Note: The Official Zoning Map is on file and available for inspection in the township offices.

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

**§ 103-11. Unlawful acts.**

No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.

**§ 103-12. Required yards and spaces.**

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

**§ 103-13. Yards and lots.**

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements within their respective zoning districts established by this chapter.

**§ 103-14. Determination of permitted uses.**

When a specific use is neither permitted nor prohibited in a schedule of district regulations, the Zoning Hearing Board shall be empowered to determine whether the use in question shall be a permitted use in that district, basing the decision on the intent for "the district compared with the other districts.

**§ 103-15. Annexed territory.**

All territory which may hereafter be annexed to the township shall be considered to be in the R-1 Residential District until otherwise classified.

**ARTICLE VI  
Use Districts**

**§ 103-16. Districts enumerated.**

For the purpose of regulating and restricting the location of trades, industries, multiple-family dwellings, single-family houses and other uses of property, the number of square feet of lot area per dwelling unit, the width of lots, the location and size of yards and the size and height of buildings, the Township is divided into classes of use districts termed respectively:

Class R-1	Low-Density Residential Districts
Class R-2	Medium-Density Residential Districts
Class R-3	High-Density Residential Districts
Class R-R	Retirement Residential Districts [ <b>Added 2-9-1993 by Ord. No. 93</b> ]
Class C-1	Neighborhood Commercial Districts
Class C-2	Highway Commercial Districts
Class I-I	Industrial Districts
Class F-1, F-2, F-3 and F-4 <sup>2</sup>	Floodplain Districts

**ARTICLE VII  
R-1 Low-Density Residential Districts**

**§ 103-17. Intent.**

The regulations of the R-1 Residential Districts are designed to encourage the continued use of agricultural land in harmony with low-density residential development using on-site water sources and sewage disposal. Additional uses are permitted which are deemed compatible with those named above.

**§ 103-18. Permitted uses.**

Permitted uses shall be as follows:

<sup>2</sup> Editor's Note: The F-4 Floodplain District was added pursuant to Ord. No. 118, adopted 9-21-1999, which ordinance added provisions on the F-4 District. See Article XIII, F-1, F-2, F-3 and F-4 Floodplain Districts.

- A. Agriculture, including nurseries and noncommercial green houses.
- B. Nonintensive animal husbandry, including pasturing, apiaries, hatcheries or similar nonintensive uses, provided that:
  - (1) Buildings in which livestock are kept shall be no closer than 50 feet to lot lines or street right-of-way lines.
  - (2) Storage of manure or other odor- or dust-producing substances shall be no closer than 50 feet to lot lines or right-of-way lines.
- C. Intensive animal husbandry, provided that:
  - (1) Buildings in which livestock are kept shall be no closer than 100 feet to lot lines or street right-of-way lines.
  - (2) Storage of manure or other odor- or dust-producing substances shall be no closer than 100 feet to lot lines or street right-of-way lines.
- D. Single-family detached dwellings.
  - (1) Erection of a second dwelling on a lot, provided that:  
**[Added 6-26-2006 by Ord. No. 140]**
    - (a) The minimum lot area is five (5) contiguous acres.
    - (b) All yard requirements and other zoning requirements of this chapter can be met for each dwelling.
    - (c) All requirements of the Lebanon County Subdivision and Land Development Ordinance can be met for each dwelling as if each were on an individual lot.
    - (d) It can be demonstrated that the second dwelling will have minimal adverse or detrimental effects on the existing neighborhood.
- E. Churches and similar places of worship and associated parish houses and cemeteries, provided that, in addition to other requirements of this chapter:
  - (1) The minimum lot width is 200 feet.

- (2) The minimum yard size for buildings is 50 feet for each yard.
  - (3) Parking is arranged off-street at one space for each three seats in the principal assembly room, and a minimum of 2/3 of the required spaces are graded, paved and striped. The remaining spaces may be gravel, lawn or other suitable surface, available for overflow parking.
- F. Publicly owned kindergarten, elementary, middle and high schools.
- G. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:
- (1) Roadside stands in seasonal operation for the sale of products grown or raised on the same premises. The stand shall be no closer than 20 feet to the edge of a cartway and have signs not larger than 15 square feet.
  - (2) Home occupations as regulated and defined by this chapter.
- H. Golf courses. **[Added 2-9-1993 by Ord. No. 93]**
- I. **[Added 4-12-1994 by Ord. No. 103]** Offices of licensed Pennsylvania health-care professionals, provided that, in addition to other requirements of this chapter:
- (1) No more than eight principals are practicing on the premises and no more than 25 support personnel are employed.
  - (2) The minimum lot area shall be five acres.
  - (3) The minimum lot width shall be 300 feet.
  - (4) The minimum front yard setback for buildings (accessory buildings included) shall be 75 feet.
  - (5) The minimum front setback for parking areas shall be 75 feet.
  - (6) The minimum side yard setback for buildings (accessory buildings included) shall be 75 feet.
  - (7) The minimum side setback for parking areas shall be 50 feet.

- (8) The minimum rear yard setback for buildings (accessory buildings included) and parking areas shall be 50 feet.
- (9) One sign may be permitted, not to exceed 32 square feet in area for each side and to be located no closer to a side property line than 75 feet and no closer to a road right-of-way than 10 feet. A lighted sign shall be illuminated without objectionable glare.

**§ 103-19. Special exception uses.**

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereunder and the general conditions of Article XXI are met:

- A. Membership clubs or lodges organized for the benefit of their members and for no business or commercial activity.
- B. Offices of licensed Pennsylvania health professionals, provided that:
  - (1) The architecture is compatible with nearby buildings in the district.
  - (2) No more than three (3) principals are practicing on the premises and no more than six (6) support personnel are employed.
- C. Sawmills and other establishments associated with forestry.
- D. Riding academies, commercial stables and animal hospitals.
- E. Private or parochial schools and institutions of higher education.
- F. Travel trailer campgrounds.
- E. Group care facilities.

**§ 103-20. Lot and yard requirements.**

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements that follow, unless otherwise specified heretofore in this Article, shall

be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

**District Requirements**  
**[Amended 11-12-1991 by Ord. No. 86; 9-10-1996 by Ord. No. 111]**

Use	Lot Requirements			Yard Requirements		
	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
Any Unit	1	150	25	50	15	25
Single-family detached						
No public utilities	1	150	25	50	15	25
With public utilities	1	150	25	50	15	25

B. No building or structure shall exceed thirty-five (35) feet in height unless exempted by this chapter.

**§ 103-21. Off-street parking.**

Off-street parking shall be provided in accordance with Article XVI of this chapter.

**§ 103-22. Signs.**

Signs may be permitted in accordance with Article XVII of this chapter.

**§ 103-23. Supplementary district regulations.**

The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements for this district.

**§ 103-24. Environmental and energy requirements.**

The environmental and energy requirements in Article XV shall apply, where applicable, as additional requirements for this district.

ARTICLE VIII  
**R-2 Medium-Density Residential Districts**

**§ 103-25. Intent.**

The R-2 Residential District regulations are intended to encourage the development of single-family dwellings in areas that are presently served or are ultimately to be served by public water and sewer. Inasmuch as there are lands in these areas that are currently being used for agricultural purposes, it is further the intent of these regulations to allow those operations to continue and to expand as market conditions warrant. Other uses are encouraged which are compatible with and can serve certain needs of residential development.

**§ 103-26. Permitted uses.**

Permitted uses shall be as follows:

- A. Single-family detached dwellings.
- B. Single-family semidetached dwellings.
- C. Agriculture, as defined by this chapter, including nurseries and noncommercial greenhouses.
- D. Municipally owned nursery, kindergarten, elementary, middle and high schools.
- E. Community service facilities, such as museums, libraries, etc.
- F. Churches and associated parish houses and cemeteries.
- G. Accessory uses and structures incidental to and on the same lot with any of the above permitted uses as provided for in the supplementary district regulations.
- H. Home occupations as regulated and defined by this chapter.
- I. Offices of licensed Pennsylvania health-care professionals, provided that, in addition to other requirements of this chapter: **[Added 2-14-1995 by Ord. No. 105]**
  - (1) The minimum lot area shall be five acres.
  - (2) The minimum lot width shall be three hundred (300) feet.

- (3) The minimum front yard setback for buildings (accessory buildings included) shall be seventy-five (75) feet.
- (4) The minimum front setback for parking areas shall be seventy-five (75) feet.
- (5) The minimum side yard setback for buildings (accessory buildings included) shall be seventy-five (75) feet.
- (6) The minimum side setback for parking areas shall be fifty (50) feet.
- (7) The minimum rear yard setback for buildings (accessory buildings included) and parking areas shall be fifty (50) feet.
- (8) No more than sixteen (16) principals are practicing on the premises, and no more than fifty (50) support personnel are employed.
- (9) One sign may be permitted, not to exceed thirty-two (32) square feet in area for each side and to be located no closer to a side property line than seventy-five (75) feet and no closer to a road right-of-way than 10 feet. A lighted sign shall be illuminated without objectionable glare.

J. Golf courses. **[Added 2-14-1995 by Ord. No. 105]**

K. Active adult residential community, provided that, in addition to other requirements of this chapter: **[Added 12-19-2005 by Ord. No. 138]**

- (1) Minimum tract size shall be fifty (50) contiguous acres, controlled by a single entity at the time of subdivision and land development plan submissions.
- (2) Single-family detached dwellings, single-family semidetached dwellings, and single-family triplex units will be permitted.
- (3) A minimum of (60%) sixty percent of the units shall be Single-family detached dwellings.
- (4) The active adult residential community shall be organized as and operated as a condominium association under the regulations of the Pennsylvania Uniform Condominium Act.

- (5) The active adult residential community shall require the condominium association to maintain commonly owned areas, private streets, and all other common facilities. All residents of the development shall be required to pay the necessary fees to the condominium association, with a property enforcement mechanism as provided by the Pennsylvania Uniform Condominium Act.
- (6) All internal streets shall be privately owned and maintained by the condominium association and shall be built to current Township specifications.
- (7) Each Single-family dwelling shall be owned as a unit within the condominium association without the requirement of individual lot lines.
- (8) The entire active adult community shall be served by public water and sewer.
- (9) Detached accessory buildings and private residential swimming pools shall be prohibited.
- (10) The maximum density shall be four (4) units per gross acre. Areas occupied by recreational uses and buildings for residents, proposed internal streets and easements, and stormwater management facilities shall not be deleted from the total tract area for the purpose of determining maximum density.
- (11) Each dwelling unit shall have a minimum setback of thirty (30) feet from the ultimate right-of-way of any public street or twenty-five (25) feet from the edge of the cartway of any private street. The following minimum separation distances shall apply between the walls of buildings: a) fifteen (15) feet between the sides of buildings; b) twenty-five (25) feet between the rear and side of buildings; and c) forty (40) feet between the area of buildings. There shall be a minimum setback of twenty-five (25) feet around the perimeter of the active adult community development.
- (12) Each dwelling unit in the active adult community shall be limited by deed restriction, by condition of subdivision and land development approval, and shall be expressly intended for "older persons" as defined in the Federal Fair Housing Act as amended in regulations promulgated (or to be promulgated) thereunder. Each dwelling unit shall be occupied by at least one (1) person

age fifty-five (55) years or older, while occupancy by anyone under the age of nineteen (19) is prohibited.

- (13) A common recreational area shall be improved by the developer with private recreation facilities for the residents of the development and their occasional invited guests. At a minimum, this recreational area shall include an indoor community center, an outdoor swimming pool, and an accessory outdoor recreation area for facilities normally used for games by seniors. The community center shall include a minimum of thirty (30) square feet of interior building space per dwelling unit.
- (14) The community center shall, at a minimum, include the following: indoor exercise/fitness facilities, multipurpose room, kitchen, rest rooms and areas for crafts and other similar activities. The preliminary subdivision/land development plans shall include a detailed description of the types and locations of the proposed recreational facilities, as well as architectural drawings of the proposed community center.
- (15) The recreation facilities, including the community center, shall be privately owned and maintained by the condominium association and shall not be dedicated to the Township.
- (16) The community center shall be constructed as part of the initial phase of development and shall be completed by such time that twenty-five percent (25%) of the units are occupied.
- (17) Driveways from all dwellings, recreational facilities, and interior parking lots shall enter onto an internal private street or parking court system within the development. No development driveways shall enter directly onto a public street. Public streets shall be accessed by a private street network that is owned and maintained by the condominium association.
- (18) Maximum building height shall be 2.50 stories or thirty-five (35) feet, whichever is more restrictive.
- (19) A minimum of four (4) off-street parking spaces shall be provided for each dwelling unit. Two of those spaces may be located in garages, with two spaces located on the dwelling unit driveways.

- (20) Minimum parking for the community center shall be one (1) space for each three hundred (300) square feet of floor space in the community center building.

**§ 103-27. Special exception uses.**

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereunder and the general conditions of Article XXI are met:

- A. Membership clubs or lodges organized for the benefit of their members and for no business or commercial activity.
- B. Offices of licensed Pennsylvania health professionals, provided that:
  - (1) The architecture is compatible with nearby buildings in the district.
  - (2) No more than three (3) principals are practicing on the premises, and no more than six (6) support personnel are employed.
- C. Private or parochial schools and institutions of higher education.
- D. Group care facilities.
- E. Travel trailer parks.

**§ 103-28. Lot and yard requirements.**

A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in this Article, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

**District Requirements**  
 [Amended 7-14-1992 by Ord. No. 92; 9-10-1996 by Ord. No. 1111]

Use	Lot Requirements			Yard Requirements		
	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
Any Unit Single-family detached	1 acre	150	25	30	12	25

No public utilities	1 acre	150	25	30	12	25
With public utilities	20,000 sq ft	100	30	30	12	25

Use	Minimum Lot Area	Lot Requirements		Yard Requirements		
		Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
Public water and sewer	12,000 sq ft	90	35	30	12	25
Single-family semidetached	9,000 sq ft (per unit)	50	35	30	12	25
Public water and sewer						

B. No building or structure shall exceed thirty-five (35) feet in height unless exempted by this chapter.

**§ 103-29. Off-street parking.**

Off-street parking shall be provided in accordance with Article XVI of this chapter.

**§ 103-30. Signs.**

Signs may be permitted in accordance with Article XVII of this chapter.

**§ 103-31. Supplementary district regulations.**

The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements for this district.

**§ 103-32. Environmental and energy requirements.**

The environmental and energy requirements in Article XV shall apply, where applicable, as additional requirements for this district.

ARTICLE IX  
**R-3 High-Density Residential Districts**

**§ 103-33. Intent.**

The R-3 Residential District regulations are designed to allow for and encourage the development of higher-density varieties of residential living in an orderly fashion. Certain additional uses that are compatible with R-3 development and may be beneficial to the residents

are included in the list of permitted uses. These uses are either to be found in the R-2 Residential District regulations, all uses from which are deemed to be appropriate in the R-3 Districts, or are determined to be uniquely suited to the higher densities of the R-3 Districts.

**§ 103-34. Permitted uses.**

Permitted uses shall be as follows:

- A. All permitted uses of the R-2 Districts.
- B. Single-family semidetached, two-family detached and two-family semidetached dwellings in accordance with lot sizes listed in this Article.
- C. Townhouses, provided that the following requirements are met:
  - (1) The minimum lot area shall be three thousand (3,000) square feet per dwelling unit.
  - (2) The maximum density shall not exceed ten (10) dwelling units per gross acre.
  - (3) The minimum lot width shall be twenty (20) feet.
  - (4) A minimum front and rear yard of twenty-five (25) feet each shall be provided from each respective property line or paved parking area.
  - (5) A minimum side yard of fifteen (15) feet shall be provided from each detached side of buildings; however, a minimum of twenty-five (25) feet shall be provided from the side of a building to a paved parking area. A minimum distance of thirty (30) feet shall be provided between each group of townhouses.
  - (6) No group of townhouses shall consist of more than eight (8) attached dwelling units, with no more than three (3) contiguous dwellings at the same front setback, each variation being at least four (4) feet. Developers are encouraged to use variety in design and construction to enhance appearance.
  - (7) No accessory buildings or structures shall be permitted except garages.

- (8) All other requirements of this Article for townhouses shall be observed.
- (9) The development shall be served by public water and public sewer with provision for individual service connections where lots are to be sold.
- (10) Off-street parking shall be not farther than one hundred fifty (150) feet from the dwelling to be served.<sup>16</sup>

D. Garden apartments, provided that the following conditions are met:

- (1) The maximum development density shall not exceed twelve (12) dwelling units per acre.
- (2) A minimum site size of twenty-four thousand (24,000) square feet shall be provided for garden apartment development.
- (3) Garden apartment buildings shall contain at least four (4) but not more than sixteen (16) dwelling units in a single structure.
- (4) A minimum setback of thirty (30) feet shall be provided from a street right-of-way, driveway or paved parking area. Additionally, the building setback line shall be a minimum distance of thirty (30) feet from a front, side or rear property line.
- (5) A minimum isolation distance of fifty (50) feet shall be provided between garden apartment buildings.
- (6) The site shall be served by public water and public sewer.
- (7) If provided, balconies shall not extend more than eight (8) feet from the face of any principal building, and the minimum floor area of a balcony shall be seventy-two (72) square feet.
- (8) If patios are provided at ground level, they shall be designed for visual privacy and shall be a minimum of one hundred fifty (150) square feet.
- (9) Garden apartment development shall be in compliance with § 103-37 of this

<sup>16</sup> Editor's Note: Original Section 8,02, Subsection C'I I, which required approval under the subdivision regulations, was deleted at time of adoption of Code; see Ch. 1. General Provisions, Art. I.

chapter.

- (10) Off-street parking, as required by separate Article of this chapter, shall be located within one hundred fifty (150) feet of the dwelling unit to be served. Furthermore, parking facilities and driveways shall be located no less than twenty-five (25) feet from a street right-of-way and ten (10) feet from all other property lines.
- (11) Garden apartment development requires the submission of a land development plan.<sup>17</sup>
- E. Public parks and public playgrounds.
- F. Accessory uses and buildings incidental to any of the above permitted uses as provided for in the supplementary district regulations of this chapter.
- G. Home occupations as regulated in Article XIV of this chapter.

**§ 103-35. Special exception uses.<sup>18</sup>**

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereunder and the general conditions of Article XXI are met.

- A. All special exception uses as listed in the R-2 Districts.
- B. Mobile home parks and subdivisions, subject to the following regulations:
  - (1) Scope. Mobile home parks and subdivisions hereafter established in the R-2 District and expansions and alterations to existing mobile home parks and subdivisions, regardless of the district, are subject to applicable regulations of this section.
  - (2) Use of terms. A development subject to these regulations shall be known as a park unless specified differently in the text.
  - (3) Park size. Parks hereafter designed shall be at least ten (10) acres. The park

<sup>17</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

<sup>18</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

shall not be divided by any public street or alley but may contact any street or alley. Hereinafter, a street or alley so contacted shall be known as a perimeter street or alley.

- (4) Density. Each park shall have a maximum density of eight (8) mobile homes per gross acre, and no individual mobile home lot in a mobile home subdivision shall be less than two thousand five hundred (2,500) square feet.
- (5) Yard requirements, mobile homes. No mobile home shall be located at less than the following:
  - (a) Fifty (50) feet from a perimeter street line or perimeter lot line.
  - (b) Twenty (20) feet from the edge of a park street.
  - (c) Twenty (20) feet from other mobile homes.
  - (d) Ten (10) feet from interior lot lines or alleys.
- (6) Yard requirements, all other buildings. No service building or accessory building for park residents' general use shall be located at less than the following:
  - (a) Fifty (50) feet from a perimeter street line.
  - (b) Fifty (50) feet from a perimeter lot line.
  - (c) Forty (40) feet from any mobile home.
- (7) Park street. A street installed exclusively for park residents' use shall have a durable surface capable of supporting residential traffic and shall conform to the following regulations:
  - (a) A park street shall be at least twelve (12) feet wide for one-way and at least twenty-four (24) feet wide for two-way traffic when all parking is provided off- street. The traffic pattern in the park shall allow for efficient access to all points.

- (b) Each mobile home site shall be accessible from a park street; however, designated parking for a site may be provided off the site as provided herein.
  - (c) Each park shall be provided with at least two (2) points of ingress and egress for vehicular traffic from public streets.
  - (d) No more than two (2) park streets shall intersect at anyone (1) point.
  - (e) Park streets designated to provide parking for sites shall be widened by eight (8) feet on each side that is to be used for parking.
- (8) Walkways. A walkway with a paved surface shall be installed as follows:
- (a) Between each mobile home stand, as described herein, and a park street.
  - (b) Between mobile home sites and common parking areas where the site parking is designated.
- (9) Off-street parking.
- (a) Each mobile home site shall be provided with two (2) parking spaces.
  - (b) Parking spaces for a site shall be adjacent to each other.
  - (c) Parking spaces which are provided in a common parking lot shall be appropriately marked for a specific site and shall be no farther than one hundred fifty (150) feet from the site to be served.
  - (d) Parking spaces shall be accessible from a park street only.
- (10) Utility services.
- (a) Each mobile home site shall be served by either a public water system or a private, Department of Environmental Resources approved community water system which supplies water at a pressure comparable to the public system.

- (b) Each mobile home site shall be served by a connection to the North Londonderry Township sewage collection system.
- (c) All transmission lines in the park for the distribution of electricity, telephone service, television reception or others shall be buried.

(11) Common open space areas.

- (a) The park shall be provided with common open space areas not less than ten percent (10%) of the gross park area, which are for the enjoyment of all park residents. The areas may include, but are not limited to, such facilities as service buildings for meeting rooms, laundromats, storage cubicles for residents, either individually or collectively, playgrounds, swimming pools, fields and courts for various team sports and landscaped areas for passive recreation.
- (b) The park shall have at least half its common open space at one (1) continuous location, and not more than half of its common open space may be in its buffer yard.
- (c) No interior play area for children shall be less than one thousand (1,000) square feet.
- (d) The open space areas may contain a wide variety of facilities at the discretion of the owner; however, it is the intent of this chapter that all parks contain well- maintained improvements for recreation for all ages.

(12) Mobile home site improvements.

- (a) Each mobile home site shall be provided with a patio area adjacent to the mobile home. The patio shall be at least two hundred (200) square feet in area.
- (b) The patio shall have a durable surface such as concrete or wood.
- (c) Each mobile home shall be situated on a mobile home stand having no fewer than ten (10) columns or piers to support the unit; alternatively, if the mobile home will have a concrete block enclosure beneath and at the same dimensions, the weight may be

supported on steel or wood cross-members that span the width between the sidewalls of the foundation. In either case, metal straps or bands must be connected from the mobile home to the stand or foundation at least at all corners to anchor the unit in place.

- (d) Each mobile home shall be provided with a skirting of durable material to enclose the area beneath the unit.

**§ 103-36. Lot and yard requirements.**

A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in this Article, shall be provided for every dwelling unit or principal nonresidential building or use hereafter erected, altered or established in this district.

**District Requirements**  
 [Amended 7-14-1992 by Ord. No. 92; 9-10-1996 by Ord. No. 1111]

Use	Lot Requirements		Yard Requirements		
	Minimum Lot Area	Minimum Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)
Nonresidential building	3 acres	250	100	20	75
Residential					
Single-family detached (no public utilities)	1 acre	125	30	15	30
Single-family detached (public water or sewer)	12,000 sq ft	90	30	10	25
Residential (public water and sewer)					
Single-family detached	7,500 sq ft	75	30	10	25
Single-family semidetached	6,500 sq ft	50	30	10*	25
2-family detached	4,000 sq ft	50	30	10	20
2-family semi detached	3,000 sq ft	45	30	10*	20
Townhouse	(Refer to § 103-34)				
Garden apartment	(Refer to § 103-34)				

NOTES:                   \* Yard requirements apply to the unattached sides of the buildings.

- B. No building or structure may exceed thirty-five (35) feet in height unless exempted by this chapter.

## **Lot Coverage Requirements**

<b>Use</b>	<b>Maximum Lot Coverage (percent)</b>
Nonresidential building	30
Residential building	40

### **§ 103-37. Townhouses and garden apartments.**

The following criteria are to be applied as performance standards by the reviewing body as additional requirements for townhouse and garden apartment development.

- A. The developer shall vary architectural treatments between apartment buildings or between individual townhouses, as the case may be. Such variations may include, but are not limited to, building elevation, setbacks, presence of balconies, roof pitch, outside materials and use of color.
- B. Variety in the arrangement of buildings, parking areas, recreation areas, common open space and landscaping is required.
- C. Natural plantings as buffers between high-density developments and nonresidential uses is required.
- D. Underground placement of utility lines is required of all high-density residential developments.
- E. All common open space areas, patios, courts and buffer yards shall be maintained to ensure safety, privacy and comfort of residents.
- F. Collection areas for refuse shall be appropriately screened from view and secured in verminproof containers.

### **§ 103-38. Off-street parking.**

Off-street parking shall be provided in accordance with Article XVI of this chapter.

**§ 103-39. Signs.**

Signs may be permitted in accordance with Article XVII of this chapter.

**§ 103-40. Supplementary district regulations.**

The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements for this district.

**§ 103-41. Environmental and energy requirements.**

The environmental and energy requirements in Article XV shall apply, where applicable, as additional requirements for this district.

ARTICLE IXA

**R-R Retirement Residential District**

**[Added 2-9-1993 by Ord. No. 93]**

**§ 103-41.1. Intent.**

The R-R Retirement Residential District regulations are designed to allow for and encourage the development of residential medical campuses which shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old or be the remaining spouse of a deceased resident who was at least fifty (50) years old.

**§ 103-41.2. Permitted uses.**

- A. Only those uses which provide a harmonious, balanced mix of residential, medical, limited commercial and recreational, uses, primarily serving campus residents, shall be permitted. The medical services may serve off-campus residents.
- B. Permitted uses shall be as follows:
  - (1) Dwelling, nursing homes and congregate living facilities for the elderly.

- (2) Medical facilities.
- (3) Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the campus.
- (4) Recreational and social uses, such as athletic facilities, community centers and assembly halls, limited to use only by campus residents, employees or visitors.
- (5) Customary accessory uses and structures incidental to any of the above.
- (6) Golf courses.

**§ 103-41.3. Lot and building requirements; management; supplementary district regulations.**

- A. The minimum lot area shall be twenty (20) acres.
- B. The maximum campus density shall not exceed twenty (20) units per acre. In the calculation of the overall site density, every four and one-half (4½) beds located within the skilled-care center, nursing home or similar hospital institution shall equal one (1) dwelling unit and shall be included in determining the total number of dwelling units allowed under the terms of this Article.
- C. Each retirement residential medical campus shall be developed and managed by a single management body. If the ownership of the tract on which the campus is located should be divided in any fashion or for any reason, deed and other restrictions shall be required to ensure that common development, management and responsibility with respect to the campus complex is maintained.
- D. Maximum lot coverage of fifty percent (50%) with impervious surfaces is required.
- E. All facilities shall be served with public water and sewer.
- F. The site shall front on and have access to a collector or arterial road.
- G. All streets, parking and loading areas shall have concrete or asphalt surfaces.

- H. Single-family detached, semidetached and attached dwellings shall be constructed no less than twenty (20) feet apart on sides and forty (40) feet apart when the front or back of a unit faces another unit. Similarly, multifamily personal care or apartment buildings, skilled-care medical facilities and nonresidential buildings or structures shall maintain an isolation distance of forty (40) feet from all other buildings or structures.
- I. All buildings or structures shall be set back at least twenty-five (25) feet from all lot lines and set back thirty (30) feet from any public street.
- J. All buildings or structures shall be set back at least twenty-five (25) feet from all paved areas, except access to parking, loading areas and walkways.
- K. No building or structure shall exceed sixty (60) feet in height.
- L. All streets, public or private, shall be built to township standards.
- M. Plans for all living and service facilities shall be approved by the appropriate local and state agencies, including but not limited to the Department of Labor and Industry, the Department of Public Welfare and the Lebanon Area Agency on Aging.
- N. Off-street parking shall be provided in accordance with Article XVI of this chapter.
- O. Signs may be permitted in accordance with Article XVII of this chapter.
- P. The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements.

## ARTICLE X

### **C-I Neighborhood Commercial Districts**

#### **§ 103-42. Intent.**

The regulations of this district are designed to encourage commercial activity that is intended to serve nearby residential areas with personal service shops and similar uses. These uses are not dependent upon major thoroughfares and traffic volumes.

**§ 103-43. Permitted uses.**

Permitted uses shall be as follows:

- A. Retail stores for the retailing of consumer goods of all types not otherwise prohibited by law.
- B. Restaurants, excluding drive-in, drive-through and fast- feed types as defined by this chapter.
- C. Personal service shops, including but not limited to barbers, beauticians, tailors, shoe repairmen, etc.
- D. Professional offices or studios, banks, savings associations, finance agencies or other offices dispensing professional or business services.
- E. Offices of licensed Pennsylvania health professionals.
- F. Mortuaries and funeral homes.
- G. Hotels and commercial boardinghouses.
- H. Agriculture, as defined by this chapter, including nurseries and commercial greenhouses. [Added 11-12-1991 by Ord. No. 86; amended 7-14-1992 by Ord. No. 92]
- I. Nursery school/day-care centers. [Added 8-8-1995 by Ord. No. 107]

**§ 103-44. Lot, yard and building height requirements.**

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table shall be provided for every principal building or use hereafter erected or established in this district.

**District Requirements**  
[Amended 9-10-1996 by Ord. No. 111]

Minimum Lot Area (acres)	Lot Requirements		Yard Requirements		
	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)

NOTES: \* Where a side yard or rear yard adjoins a residential district, such yard shall be no less than fifty (50) feet.

- B. No building or structure shall exceed thirty-five (35) feet in height unless exempted by this chapter.

**§ 103-45. Off-street parking and loading.**

Off-street parking and loading shall be provided in accordance with Article XVI of this chapter.

**§ 103-46. Signs.**

Signs may be permitted in accordance with regulations found in Article XVII of this chapter.

**§ 103-47. Supplementary district regulations.**

The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements for this district.

**§ 103-48. Environmental and energy requirements.**

The environmental and energy requirements in Article XV shall apply, where applicable, as additional requirements for this district.

ARTICLE XI

**C-2 Highway Commercial Districts**

**§ 103-49. Intent.**

The regulations of the C-2 Commercial District are intended to encourage commercial activity in the higher traffic volume areas for uses that encompass a wider range of activities than the C-1 District. These uses are often farther from or buffered from residential areas because of

their need for more area or because they are less aesthetically compatible with residential uses than C-1 uses.

**§ 103-50. Permitted uses.**

Permitted uses shall be as follows:

A. Multiple commercial use complexes and shopping centers, provided that the following conditions are met:

- (1) The complex or shopping center shall consist of a group of two (2) or more commercial uses planned, designed and constructed as one (1) principal structure. Each commercial establishment within the complex shall share at least one (1) party wall with another establishment.
- (2) The minimum lot size shall be determined by the total gross floor area of the principal structure, according to the following table:

<b>Total Gross Floor Area (square feet)</b>	<b>Minimum Lot Area Required (acres)</b>
0 to 20,000	1
20,001 to 40,000	2
Greater than 40,000	2, plus 1 acre for each 15,000 square feet, or fraction thereof, in excess of the initial 40,000 square feet of floor area

- (3) Such use complex shall comply in all respects with the lot width, lot coverage, yard and building height requirements of this article.

- B. Offices of licensed Pennsylvania health professionals.
- C. Messenger, dispatch, express and courier services.
- D. Taxi and bus passenger stations.

- E. Indoor amusement enterprises such as arenas, bowling centers, dance halls and other similar recreation or entertainment establishments.
- F. Drive-in movie theaters.
- G. Restaurant facilities of all types as defined by this chapter, including private, membership or social clubs.
- H. Beverage distribution centers.
- I. Printing and publishing firms.
- J. Shops for building, plumbing, heating, painting or other contractors, upholstering specialists, etc.
- K. Hotels and motels.
- L. Automobile dealers and automobile washes.
- M. Gasoline stations and repair garages, subject to the following regulations:
  - (1) All work shall be conducted indoors.
  - (2) All automotive parts, dismantled and derelict vehicles and similar articles shall be stored only within an enclosed building.
  - (3) All gasoline or fuel pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or property line.
  - (4) All fuel, oil or similar combustible petroleum product storage tanks shall be located at least thirty-five (35) feet from any road right-of-way line or property line.
  - (5) Automotive vehicles without valid, current registration and state inspection shall be restricted according to the regulation for such vehicles as found in the supplementary district regulations.
- N. Automobile body shops, provided that the following conditions are met:
  - (1) All work shall be conducted indoors.

- (2) Paint booths shall be adequately filtered and vented to minimize noxious fumes.
  - (3) Flammable or combustible materials shall be stored within a fireproof enclosure within the principal structure or within an accessory building no less than fifty (50) feet from any lot line.
  - (4) Outdoor storage of auto parts or equipment shall not be permitted at any time.
- O. Lumber, coal or fuel distribution yards, provided that the following conditions are met:
- (1) All principal and accessory buildings, storage areas, scales, distribution areas and parking facilities shall be a minimum of one hundred (100) feet from any lot line or road right-of-way line.
  - (2) Fuel storage tanks shall be placed underground at least fifty (50) feet from any lot line or road right-of-way line or above ground at least one hundred (100) feet from any lot line or road right-of-way line. Warehousing and wholesaling establishments. All uses permitted in C-1 Commercial Districts.

**§ 103-51. Objectionable uses.**

All of the above permitted uses shall not be objectionable by the production of excessive smoke, dust, odors, noise, heat, vibration or glare and shall not be injurious nor adversely affect adjacent users of property. The Zoning Administrator shall require the permit applicant to demonstrate the safety of the use to the Zoning Hearing Board in an administrative review proceeding if such dangers appear likely.

**§ 103-52. Lot, yard and building height requirements.**

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in this Article, shall be provided for each principal building or use hereafter erected or established in this district.

**District Requirements**  
[Amended 9-10-1996 by Ord. No. 111]

Minimum Lot Area (acres)	Lot Requirements		Yard Requirements		
	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
1	200	50	60	30*	30*

NOTES:                   \* Where a side yard or rear yard adjoins a residential district, such yard shall be at least fifty (50) feet

- B.     No building or structure shall exceed thirty-five (35) feet unless exempted elsewhere in this chapter.

**§ 103-53.     Off-street parking and loading.**

Off-street parking and loading shall be provided in accordance with Article XVI of this chapter.

**§ 103-54.     Signs.**

Signs may be provided in accordance with Article XVII of this chapter.

**§ 103-55.     Supplementary district regulations.**

The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements for this district.

**§ 103-56.     Environmental and energy requirements.**

The environmental and energy requirements in Article XV shall apply, where applicable, as additional requirements for this district.

ARTICLE XII  
**I-I Industrial Districts**

**§ 103-57.     Intent.**

These districts are designed to accommodate and encourage wholesaling, warehousing and industrial operations, depending upon existing land uses, physical conditions and the availability of nearby municipal utilities and transportation facilities. The district accommodates extensive industrial activities in these areas so as to minimize any detrimental effects that they might have on other uses in the township and at the same time provides an industrial zone free of encroachment from other activities.

**§ 103-58. Permitted uses.**

Permitted uses shall be as follows:

- A. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, compounding or treatment nature which would not be detrimental to the health and safety of nearby owners and users of property by the production of excessive smoke, dust, odors, noise or glare. If any of the above dangers appear likely, the Zoning Administrator shall require the applicant to prove the contrary to the Zoning Hearing Board in an administrative review proceeding before a permit is issued.
- B. Warehousing and wholesaling establishments and storage yards, not including junkyards.
- C. Railroad, trucking, bussing and other transit facilities, including storage, repair and transfer operations.
- D. Automobile body shops, repair garages and gasoline stations, provided that the following conditions are met:
  - (1) Fuel pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or lot line.
  - (2) Fuel, oil or combustible product storage tanks shall be located at least thirty-five (35) feet from any lot line or right-of-way line.
  - (3) Repair work on vehicles shall be performed inside buildings.
  - (4) Automotive parts, dismantled and derelict vehicles and similar articles or parts thereof shall be stored within buildings.

- (5) Automotive vehicles without valid, current registration and inspection shall be restricted according to the supplementary district regulations.  
**[Amended 11-12- 1991 by Ord. No. 86]**
- (6) A building used for an automobile body shop shall be a minimum of fifty (50) feet from each lot line when located adjacent to a residential district.
- (7) Flammable or combustible materials associated with the automobile body shop shall be stored in accordance with current applicable regulations.
- E. Agriculture, as defined by this chapter, including nurseries and commercial greenhouses. **[Added 11-12-1991 by Ord. No. 86; amended 7-14-1992 by Ord. No. 92]**
- F. Customary accessory buildings and uses incidental to any of the above permitted uses.

**§ 103-59. Special exception uses. [Amended 11-12-1991 by Ord. No. 86]**

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereinafter and the general conditions of Article XXI are met:

- A. Automobile recycling and junkyards used for storage, wrecking and converting used or discarded materials, provided that the following conditions are met:
  - (1) The minimum lot area shall be ten (10) acres.
  - (2) Buildings or land so used shall be no closer than one hundred fifty (150) feet to a street right-of-way line and no less than five hundred (500) feet from any use district other than Industrial.
  - (3) The use shall be completely enclosed by an evergreen screen planting, placed and maintained at a height not less than eight (8) feet and backed by a solid fence at a height not less than six (6) feet.
- B. Airfields, -strips or landing facilities and buildings accessory thereto, provided that the following conditions are met:
  - (1) The minimum lot area shall be ten (10) acres.

- (2) The applicant shall submit a plat plan of the lot indicating the runway and approach area and existing residences located within five hundred (500) feet of the runway.
- (3) The runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any lot line or street right-of-way line.
- (4) A description of equipment and facilities to be used shall be made available to the Zoning Hearing Board.
- (5) The airport approach area shall be defined as a three-hundred-foot-wide area lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty (20) feet from each end of the runway. No building, structure or airport hazard within the approach area shall exceed one (1) foot in height for each twenty (20) feet that it is distant from the end of the runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.
- (6) Pulsating or intermittent lighting is prohibited.
- (7) Flood lights, spot lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.
- (8) Radios or electronic devices may be permitted after approval and license by the Federal Communications Commission.
- (9) Facilities of this nature shall conform to and operate under the standards set by the Federal Aeronautics Administration and the Pennsylvania Aeronautical Commission.
- (10) The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.

C. Sandpits, gravel pits, removal of topsoil and the excavation, extraction or removal of any natural resource from the land or ground for any purpose are permitted subject to the following conditions:

- (1) Application for the special exception shall be accompanied by an approved or pending Department of Environmental Resources permit for the facility.

- (2) The proposed facility shall not affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by wind or water.
- (3) Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty percent (30%), there shall be an appropriate protective fence with suitable gates where necessary, effectively blocking access to the area in which extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.
- (4) That portion of access roads located within one hundred (100) feet of any lot in a residential use or zoned as residential shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.
- (5) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- (6) A site plan for rehabilitation, showing both existing and final contours, shall be submitted. After any such operations, the site shall be made reusable for a use permitted in this zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be spread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth at least two (2) feet deep or to original thickness, whichever is less, and capable of supporting vegetation. Fill shall be of an acceptable material.

**§ 103-60. Lot and yard requirements.**

A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following list, unless otherwise specified heretofore in this Article, shall be provided for every principal building or use hereafter erected or established in this district.

- A. Lot area, lot width and coverage requirements.
  - (1) Minimum lot area: two (2) acres.
  - (2) Minimum lot width: two hundred (200) feet.
  - (3) Maximum lot coverage: fifty percent (50%).

B. Yard regulations. For every principal or accessory building or use in the Industrial District, the minimum yard regulations shall be as follows:

- (1) Required front yards, measured from the street right-of-way line to a building, are as follows:
  - (a) A depth of not less than one hundred (100) feet from a right-of-way line.
  - (b) A depth of one hundred fifty (150) feet if such front yard is across the street from a residential district.
- (2) Required side yards, measured from the side lot line to the building line, are as follows:
  - (a) Not less than twenty (20) feet on each side of the building.
  - (b) No building or structure may be located less than one hundred fifty (150) feet from a residentially zoned district.
- (3) Rear yards of not less than thirty (30) feet shall be provided, except that no building or structure may be located less than one hundred fifty (150) feet from a residentially zoned district.
- (4) Yards shall be appropriately landscaped and well maintained in accordance with Article XV of this chapter.

C. Height regulations. The height of any principal or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks or other mechanical appurtenances may be built to a height not to exceed one hundred twenty-five (125) feet above the finished grade when erected upon or as an integral part of the building.

**§ 103-61. Off-street parking and loading.**

Off-street parking and loading shall be provided in accordance with Article XVI of this chapter.

**§ 103-62. Signs.**

Signs may be permitted in accordance with Article XVII of this chapter.

**§ 103-63. Supplementary district regulations.**

The supplementary district regulations in Article XIV shall apply, where applicable, as additional requirements for this district.

**§ 103-64. Environmental and energy requirements.**

The environmental and energy requirements in Article XV shall apply, where applicable, as additional requirements for this district.

ARTICLE XIII

**F-1, F-2, F-3 and F-4 Floodplain Districts**

**[Amended 11-12-1991 by Ord. No. 86; 9-21-1999 by Ord. No. 118]**

**§ 103-65. Intent.**

These regulations are designed to prohibit or restrict construction of any permanent building or structure or uses and activities in any floodplain district in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the watercourses and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards and the extraordinary and unnecessary expenditure of public funds for flood protection and relief and to minimize future flood damage.

**§ 103-66. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ALLUVIAL SOILS MAPS** - Soils maps prepared by the United States Department of Agricultural, Soil Conservation Service, which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

**APPROXIMATED FLOODPLAIN DISTRICTS (F-1)** - That floodplain area for which no specific flood profiles have been provided. Where the specific base flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers, floodplain information reports, United States Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques currently acceptable by the Federal Insurance Administrator (e.g., HEC-2). Consideration shall be given to the methods specified by the United States Water Resource Council's Technical Bulletin No. 17 or 17B. This elevation information shall be subject to review by the municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Protection, a river basin commission, etc.

**BASE FLOOD** - The flood, also known as the one-hundred-year flood, which has a one-percent chance of being equaled or exceeded in any given year; the flood which has been selected to serve as the basis upon which the floodplain management provisions of this article and other ordinances have been prepared.

**BASE FLOOD ELEVATION** - The determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

**CAMPING, SHORT-TERM** - Location of a camping unit within anyone campground for a period not to exceed 15 days in anyone calendar month.

**CONSTRUCTION** - Includes the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For floodplain purposes, "new construction" includes structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the municipality.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

**FLOOD** - A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD FRINGE (F-3)** - The portion of the one-hundred-year floodplain not included in the floodway. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the flood insurance study prepared by the Federal Emergency Management Agency (FEMA). These areas are shown on the Floodway Map or Flood Insurance Rate Map (FIRM).

**FLOODPLAIN:**

- A. A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation by water.
- B. An area subject to the unusual and rapid accumulation or runoff of surface water from any source.
- C. For the purposes of this article, the floodplain shall be considered to be the one-hundred-year floodplain which is a floodplain having a one-percent chance of being subject to the above conditions during any given year.

**FLOODPLAIN DISTRICTS** - The zoning districts that establish the bounds of the base flood as identified by the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the Approximated Floodplain (F-1), Floodway (F-2), Flood Fringe (F-3) and Special Floodplain CF-4) Districts.

**FLOODWAY (F-2)** - The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one foot at any point. The detailed study of the base flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the flood insurance study prepared by the FEMA.

**HISTORIC STRUCTURE** - Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basements). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a buildings lowest floor, provided that such enclosure is not built in violation of the applicable nonelevation design requirements of this article and the Lebanon County Floodproofing Building Code.

**MANUFACTURED HOMES** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes all mobile homes and camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

**MANUFACTURED HOME PARK AND/OR SUBDIVISION** - A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a "manufactured home subdivision."

**ONE-HUNDRED-YEAR FLOOD (BASE FLOOD)** - A flood selected as the base flood, that has a one-percent-or-greater chance of occurring in any given year.

**RECREATIONAL VEHICLE** - A vehicle-type of portable structure which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; self-propelled or mounted on or drawn by another vehicle; and primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term "recreational vehicle" includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

**SPECIAL FLOODPLAIN DISTRICT** - That area identified as Zone AE on the flood insurance study, where one-hundred-year-flood elevations have been provided, but no floodway has been delineated.

**STRUCTURE** - A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home or any other man-made object usually assembled of interdependent parts or components which is designed to have more or less fixed location, whether or not permanently attached at that location.

**START OF CONSTRUCTION** - The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, start of construction means the affixing of the manufactured home to its permanent site. For manufactured homes within the manufactured home parks or manufactured home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities)

is completed. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, not that alteration affects the external dimensions of the building.

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

**SUBSTANTIAL IMPROVEMENT:**

- A. Any repair, reconstruction, alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being 10371 restored, before the damage occurred. For the purposes of this article, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- B. The term does not, however, include either any project for improvement of-a structure to correct an existing violation of state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."

**TOXIC MATERIALS** - The following materials and substances, which are listed in Section 38.7 of the Department of Community and Economic Development Floodplain Management Regulations, adopted pursuant to the Pennsylvania Floodplain Management Act (Act 1978-166),<sup>2</sup> have been determined to be dangerous to human life:

Acetone  
Ammonia  
Benzene  
Calcium carbide  
Carbon disulfide  
Celluloid  
Chlorine  
Hydrochloric acid  
Hydrocyanic acid  
Magnesium  
Nitric acid and oxides of nitrogen  
Petroleum products (gasoline, fuel oil, etc.)  
Phosphorus  
Potassium  
Pesticides (including insecticides, fungicides and rodenticides)

<sup>2</sup> Editor's Note: See 32 P.S. § 697.101 et seq.

Sodium  
Sulfur and sulfur products  
Radioactive substances, insofar as such substances are not otherwise regulated

**§ 103-67. Delineation of districts.**

- A. The floodplain districts shall include all areas of this municipality subject to inundation by floodwaters of the base flood. The basis for the delineation of the three floodplain districts (Approximated Floodplain, Floodway and Flood Fringe Districts) shall be the official Flood Boundary and Floodway Map or Flood Insurance Rate Map (dated September 22, 1999, or the most recent revision thereof) and the official flood insurance study prepared by the Federal Emergency Management Agency (FEMA) or, for those areas where no floodway has been identified in the official flood insurance study, other available studies or sources of information.
- B. Four separate districts are necessary to equitably enforce floodplain management controls in the floodplain districts. The Approximated Floodplain District (F-1) shall include all areas of the municipality subject to inundation by floodwaters of the base flood for which no specified flood profiles have been provided. The actual elevation and extent of the district is to be determined by the base flood elevation. In order to determine the base flood elevation, the following variety of sources of data shall be used:
- (1) Other official flood hazard boundary or floodway maps;
  - (2) Alluvial soil maps prepared by the United States Soil Conservation Service;
  - (3) Local data from the 1972 flood;
  - (4) Army Corps of Engineers, floodplain information reports;
  - (5) United States Geological Survey, flood prone quadrangles; and
  - (6) Other available studies and sources of floodplain information.
- C. In lieu of the previously mentioned, the municipality shall require the applicant to determine the base flood elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis 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, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality or a qualified agent

thereof. The actual elevation and extent of the district shall be determined by the base flood elevation.

- D. The Floodway District (F-2), where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this chapter using criteria that a certain area within the floodplain must be capable of carrying the water of the base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in the flood insurance study and shown on the accompanying flood boundary/floodway maps.
- E. In the Flood Fringe District (F-3) where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of the Flood Fringe District shall be the base flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study and as shown on the accompanying maps. The Special Floodplain District differs from the above defined floodplain districts in that a base flood elevation has been provided for the one-hundred-year flood, but a floodway has not been delineated.
- F. All subdivision proposals and other proposed new developments shall provide base flood delineation; however, subdivision proposals and other proposed new development greater than 50 lots or five acres, whichever is the lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a registered professional engineer.
- G. The delineation of the Floodplain, Approximated Floodplain, Floodway, Flood Fringe and Special Floodplain Districts may be revised by the municipal governing body where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers, River Basin Commission or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Emergency Management Agency (FEMA) and/or the River Basin Commission.
- H. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Where interpretation is needed concerning the exact location of any boundary of the floodplain districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

**§ 103-68. General regulations.**

- A. All uses, activities, construction, including manufactured homes, and other development occurring within the Approximated Floodplain, Floodway, Flood Fringe or Special Floodplain Districts shall be undertaken only in strict compliance with the provisions of this chapter and with all other state and federal codes, ordinances and requirements, including, but not limited to, the Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance.
- B. Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- C. No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
- D. All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the Approximated Floodplain, Floodway, Flood Fringe or Special Floodplain Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the floodplain districts is declared inapplicable as a result of any legislative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the floodplain districts are located.

**§ 103-69. F-1 Approximated Floodplain and F-2 Floodway Districts.**

- A. In the Approximated Floodplain and Floodway Districts no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or state authorities.
- B. Permitted uses. In the Approximated Floodplain and Floodway Districts, the following uses and activities are permitted, provided that the information required in of this chapter is submitted as a part of the permit application; they are in compliance with the provisions of the nearest zoning district; they will not result in

any increase in the level of the base flood anywhere; they are not prohibited by this chapter or any other ordinance; they do not require the placement or use of permanent on-lot sewage facilities within any of the floodplain districts; and they do not require encroachments, new construction, manufactured homes, storage of materials and equipment, substantial improvements, fill, vehicles or parts thereof or other development:

- (1) Agricultural uses, such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry and sod farming and wild crop harvesting.
- (2) Public and private recreational uses and activities, such as parks; picnic grounds; areas for short-term camping or recreational vehicle uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures, such as picnic pavilions, consisting of a slab, open structural supports, such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.
- (3) All uses and open structures customarily accessory to permitted uses in the nearest adjoining district, such as yard areas, gardens or play areas; signs, unroofed porches, patios, open porches or carports, provided that said structures are not enclosed by screening, latticing, studs or structural supports less than eight feet apart which would in any manner restrict the flow of floodwater and debris and are in compliance with the applicable requirements of the Lebanon County Floodproofing Building Code; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
- (4) Utilities, public facilities and improvements, such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.
- (5) Water-related uses and activities, such as marinas, docks, wharves, piers, etc.
- (6) Extraction of sand, gravel and other materials.
- (7) Storage of materials and equipment, provided that they are not buoyant; toxic to humans, animals or vegetation; 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.

**§ 103-70. F -3 Flood Fringe District.**

In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district, provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable state or federal codes and ordinances.

**§ 103-70.1. F-4 Special Floodplain District.**

In the Special Floodplain District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district, provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable state or federal codes and ordinances; any new construction, substantial improvements or other development (including fill) will not increase the level of the base flood anywhere; said uses are not prohibited by this chapter or any other ordinance; and the information required in § 103-76 of this chapter is submitted as a part of the permit application.

**§ 103-71. Prohibited uses.**

In the Floodway (F-2), Flood Fringe (F-3), Approximated Floodplain (F-1) and Special Floodplain (F-4) Districts, the following uses and activities are strictly prohibited:

- A. Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.
- B. Public or private nursing homes.
- C. Jails or prisons.
- D. Public or private schools or institutions of higher education.
- E. New manufactured home parks and manufactured home subdivisions and substantial improvements to existing manufactured home parks.
- F. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.
- G. Any other use, activity or development not specifically permitted under the terms of this chapter.

**§ 103-72. Additional regulations.**

- A. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the floodplain district shall be permitted only when in compliance with this chapter and Pennsylvania Department of Environmental Protection permit requirements.
- B. No part of any private on-lot sewage disposal system shall be constructed within any floodplain districts.
- C. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of floodwater into the system and discharges from the system into floodwaters.
- D. The municipality will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.
- E. Filling or the dumping of fill material is prohibited in the floodplain districts on vacant lots or on land not scheduled for approved construction activities. Fill may only be used in the floodplain districts to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two feet above the base flood elevation, provided that the following conditions are met:
  - (1) Use of fill shall be in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.
  - (2) Use of fill shall be permitted only when the property owner or applicant provides a document acceptable to the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.
- F. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, the Department of Community and Economic Development and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the municipality must be assured that the flood-carrying capacity of an altered or relocated watercourse will be maintained by the developer.

- G. The placement of any manufactured home in the Floodway (F-2) or Approximated Floodplain (F-1) Districts is prohibited except as a replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units shall comply with the special anchoring and site requirements of Section 1.5 of the Lebanon County Floodproofing Building Code.

**§ 103-73. Special exceptions and variances.**

In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this article, in the Pennsylvania Municipalities Planning Code (Act 247, as amended),<sup>3</sup> and other state or federal ordinances and shall apply all of the following factors:

- A. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.
- J. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.

<sup>3</sup> Editor's Note: See 53 P.S. § 10101 et seq.

- L. No variance shall be granted to allow, either in whole or in part, any prohibited use listed in § 103-71 of this chapter.
- M. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.
- N. The granting of a variance shall provide relief only from the specific terms) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums nor any state or federal permitting requirements.
- O. Variances shall not be granted which result in any increase in the base flood elevation.
- P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended).<sup>4</sup>
- Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
- R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:
  - (1) Increased insurance premium rates will result; and
  - (2) Construction occurring below the base flood elevation will increase risks to life and property.
- S. Other factors which are relevant to the purpose of this chapter.

**§ 103-74. Nonconforming structures and uses.**

A structure or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

- A. Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Floodplain (F-1) Districts:
  - (1) Shall not be moved, replaced or substantially improved, but may be modified, altered or repaired to incorporate flood proofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the base flood.

<sup>4</sup> Editor's Note: See 53 P.S. § 10101 et seq.

- (2) May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement does not exceed 25% of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the municipality, is not constructed below the existing first floor elevation and complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above-mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grading, floor elevations, use of fill, etc.
- B. Existing nonconforming structures or uses located in the Flood Fringe (F-3) and Special Floodplain (F-4) District:
    - (1) May be substantially improved, moved, replaced, modified, altered or repaired, provided that such work is conducted in full compliance with the provisions of this chapter; the North Londonderry Township Floodproofing Building Code<sup>5</sup> and any other applicable codes or ordinances.
    - (2) May be enlarged or expanded in a manner which is not a substantial improvement as defined by this chapter, and provided that said enlargement or expansion complies with the above requirements of § 103-74A(2).
  - C. If any nonconforming structure or use, including manufactured homes, located in the floodplain districts is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of 50% or more of the market value of the structure, it shall not be reconstructed, replaced or continued except in conformity with the provisions of this chapter, the Lebanon County Floodproofing Building Code and any other applicable ordinance.

**§ 103-75. District requirements.**

The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district.

**§ 103-76. Contents of permit application; review.**

- A. To ensure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as part of an application for a permit:

<sup>5</sup> Editor's Note: See Ch, 53, Building Construction, Art. III.

- (1) A plan which accurately locates the proposed construction and/or development with respect to the floodplain district boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:
    - (a) All such proposals are consistent with the need to minimize flood damage; and
    - (b) All public utilities and facilities, such as sewer, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
    - (c) Adequate drainage is provided to reduce exposure to flood hazard.
  - (2) Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the ground, base flood elevations, structure elevation, lowest floor elevation, size of the structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations and erosion control measures and the Zoning Officer may require more detailed contour and elevation data.
  - (3) A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this chapter, the Lebanon County Floodproofing Building Code and other applicable ordinances.
- B. Review of application by others. The Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g., County Conservation District, planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a Building and Zoning Permit.

- C. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

**§ 103-77. Warning and disclaimer of liability.**

The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, 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 chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of this municipality or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made thereunder.

**§ 103-78. Building permits required.**

- A. Building permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood-prone area of the municipality. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of any other required state and federal permits, including, but not limited to, the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or State Fire Marshal. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.
- B. After the issuance of a building permit or site plan approval by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer.

ARTICLE XIV  
**Supplementary District Regulations**

**§ 103-79. Intent.**

The supplementary district regulations are designed to contain a list of complementary and generally applied requirements which assist in the administration of regulations listed elsewhere in this chapter. Where applicable, these regulations shall apply uniformly to every use, activity, building or structure hereafter erected, altered, established or expanded. These regulations apply to all zoning districts and are listed comprehensively herein to avoid repetition throughout this chapter.

**§ 103-80. Accessory buildings and structures. [Amended 9-10-1996 by Ord. No. 111]**

Any building or structure attached to a principal building in any manner shall comply in all respects with the yard requirements of this chapter for a principal building. No separate or detached building or structure shall be permitted in any required front yard. Detached accessory buildings shall not be permitted within seven feet of any side or rear lot line and shall not have an average building height greater than 22 feet. In all districts, where the entrance to a detached private garage abuts a public alley, said garage entrance shall be no less than 15 feet from the right-of-way of said alley.

**§ 103-81. Accessory uses.**

- A. Private, noncommercial swimming pools which are designed to contain a water depth of 24 inches or more, regardless of whether they are permanently affixed or moveable, shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard. In all other yards, a pool shall not be closer than 15 feet to any lot line, as measured from the water's edge. All pools shall be completely enclosed with a continuous, impenetrable fence or barrier of no less than 48 inches in height above the ground level and shall be equipped with a lockable gate or retractable ladder. Any deck, patio or impenetrable surface, not under a roof or otherwise enclosed, which surrounds or is attached to or associated with a pool, shall be no closer than five feet to the side or rear lot line. **[Amended 7-14-1992 by Ord. No. 92; 1-5-1998 by Ord. No. 115; 6-21-2004 by Ord. No. 132]**
- B. Private tennis courts shall be permitted within side or rear yards, provided that such facility shall not be less than seven feet from side or rear lot lines.
- C. Nothing in this section shall be construed to limit other uses not mentioned, so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

**§ 103-82. Projections into yards.**

The following projections shall be attached to a building, may be permitted in required yards and shall not be determined in the determination of yard size:

- A. Patios, paved terraces, decks or open, unroofed porches shall be permitted in all yards, provided that such structures shall be no closer than five (5) feet to any lot line and not greater than five feet above finished grade.
- B. Projecting architectural features, such as bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features, provided they do not extend more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property lines; however, any canopies, porte cocheres or other roofs that

extend more than five feet from the building line as defined in Article II of this chapter shall be subject to the yard requirements applied from the lot line to the edge of the roof.

- C. Stairs, landings and decks which are unroofed, provided that they are no closer than five feet to any lot line.
- D. Open balconies or fire escapes, provided that such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than three feet to any adjacent property line.
- E. Front porch roofs in the R-1 and R-2 Districts, provided that, in the R-1 District, said porch roof does not extend more than eight (8) feet beyond the front building line nor be closer than thirty-five (35) feet to front street right-of-way, or, in the R-2 District, said front porch roof does not extend more than eight (8) feet beyond the front building line nor be closer than twenty (20) feet to the front street right-of-way. Front porch roofs in the R-3 District shall be no closer than twenty-five (25) feet to the front street right-of-way. **[Added 10-20-2003 by Ord. No. 129]**

**§ 103-83. Home occupations.**

A home occupation as defined in Article I may be permitted in any district under the following conditions:

- A. The proprietor of the home occupation shall reside on the premises and shall be the property owner or a member of the immediate family of the property owner. The home occupation shall be incidental to the use of the property as a residence, and there shall be no exterior evidence of the occupation nor change to the appearance of the dwelling to facilitate the operation of the occupation, other than one small sign as provided in Article XVII of this chapter.
- B. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area nor more than seven hundred fifty (750) square feet. This area shall include all functions or activities of the home occupation.
- C. The proprietor may employ not more than one assistant who does not reside within the dwelling used for the home occupation.
- D. In addition to the parking required for the residence, two off-street parking spaces shall be provided for the home occupation plus one additional space for any nonresident assistant. Off-street parking improvements shall comply with Article XVI of this chapter.

- E. Home occupations or accessory functions of a home occupation which may create objectionable noise, fumes, odor, dust, electrical interference or substantially more than normal residential traffic shall be prohibited.

**§ 103-84. Visibility at intersections.**

On a corner lot in any district a clear sight triangle shall be provided at street intersections. Within such triangles, no vision-obstructing objects (other than utility poles) shall be permitted which obscure vision above the height of thirty (30) inches and below ten (10) feet as measured from the center-line grade of intersecting streets. Such triangles shall be established from a distance of:

- A. Sixty (60) feet from the point of intersection of the right- of-way lines of intersecting streets, except that,
- B. Clear sight triangles of one hundred (100) feet shall be provided for intersections with arterial and major streets.

**§ 103-85. Fences, walls and hedges. [Amended 11-12-1991 by Ord. No. 86]**

Unless otherwise regulated, fences, walls and hedges may be permitted in any required yard or along the edge of any yard. However, no fence, wall or hedge along the side or front edges of any residential front yard shall be over thirty (30) inches in height and shall not obstruct visibility. A fence in a front yard may be up to forty-eight (48) inches in height if seventy-five percent (75%) of the fence area is open.

**§ 103-86. Structures to have access.**

Buildings hereafter erected or moved shall be on a lot adjacent to a public street, or with existing access to a public street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

**§ 103-87. Water supply and sewage facilities required.**

In the interest of protecting the public health, safety and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply and a safe and sanitary means of collection and disposal of residential, commercial or industrial sewage. Such facilities shall conform to the minimum requirements set forth by the Department of Environmental Resources.

**§ 103-88. Minimum floor and lot area requirements.**

Unless otherwise regulated in this chapter, every single-family dwelling hereafter designed, established or erected shall contain a minimum habitable floor area of seven hundred (700) square feet. Existing two-family or multifamily dwellings shall only be expanded or enlarged provided that a minimum lot area of three thousand (3,000) square feet is provided for each dwelling unit located on said property.

**§ 103-89. Corner lots. [Amended 9-19-2005 by Ord. No. 137]**

See Article II, Terminology, § 103-5, Definitions, "Lot corner."

**§ 103-90. Modification of front yard requirements.**

Where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this chapter, the front yard requirement of the unimproved lot may be reduced to the average of the existing improved lot and the required front yard.

**§ 103-91. Animals.**

Customary household pets shall be permitted in any district; however, novelty pet kennels and uses involving animal husbandry shall be permitted only as indicated in the appropriate district regulations.

**§ 103-92. Dangerous structures.**

Upon notification and request by the Zoning Administrator, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin or endangers the safety of children playing thereabouts; such building shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence within 30 days and be completed within 90 days of notification by the Zoning Administrator.

**§ 103-93. Gasoline pumps and service equipment.**

Gasoline pumps, tanks, propane tanks and all other service equipment shall be located not less than 35 feet from any lot line and/or road right-of-way line and located such that vehicles

stopped for service will not extend over the property line.

**§ 103-94. Storage of unlicensed or uninspected vehicles.**

Automotive vehicles or trailers of any kind without current, valid license plates and state inspections shall not be parked or stored on any property other than in completely enclosed buildings or properly approved junkyards. Additionally, such vehicles shall not be parked or stored along public streets in any zoning district.

**§ 103-95. Major recreational equipment. [Amended 1-14-1992 by Ord. No. 92; 6-26-2006 by Ord. No. 140]**

For purposes of these regulations, "major recreational equipment" is defined as including tractor and trailer rigs, together or separately, boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport, an enclosed building, in a rear yard or behind the nearest portion of a building to a street. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use. Additionally, no such equipment shall be parked along public streets in any zoning district for a period exceeding 72 hours.

**§ 103-96. Mobile home parks and mobile home subdivisions.**

All mobile home parks and mobile home subdivisions hereafter erected, established, substantially altered or expanded shall comply with the requirements of Article IX of this chapter. However, alterations or expansions of said parks or subdivisions shall not require special exception approval before the issuance of a building and zoning permit.

**§ 103-97. Exceptions to height limitations. [Amended 1-5-1998 by Ord. No. 115]**

The height limitations of this chapter shall not apply to church spires; farm structures, when permitted by other provisions of this chapter (e.g., silos, barns, etc.); belfries, cupolas, penthouses and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads and similar features; communication towers; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and also in accordance with any other applicable governmental regulations.

**§ 103-98. Public utilities.**

For the purposes of administering this chapter, all principal structures of utility corporations (e.g., sewage treatment plants, electrical power plants, etc.) are exempt from the use limitations of all districts, but not exempt from the requirements for a permit and minimum yards. All accessory, support or maintenance structures not requiring human occupancy are exempt from use limitations but not from permit requirements. Such structures are further required to observe a minimum yard of 10 feet from any lot or street line. Fences associated with public utilities may be erected in any yard, provided that a fence in the front yard shall observe any limitations of height unless it is placed at least ten (10) feet from the street line.

**§ 103-99. Municipally owned facilities.**

In any district, municipally owned facilities for the purpose of conducting any duly authorized function of the public business may be erected and operated. Such uses are exempt from the lot area, lot width and use restrictions of this chapter, but not from restrictions regulating yard requirements, building height, lot coverage and permit requirements.

ARTICLE XV

**Environmental Improvements and Energy Conservation Requirements**

**§ 103-100. Intent.**

The environmental improvements and energy conservation requirements are designed to recognize the need for conservation of energy and natural resources and to facilitate the utilization of renewable resources. Environmental improvements are intended to moderate the effects of solar radiation, conserve energy, improve air quality, reduce glare and noise and control erosion, largely through the planting of trees, shrubs and other vegetative cover. Energy conservation requirements are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce the need for energy dependence by encouraging the productive use of solar and wind energy components.

**§ 103-101. Definitions.**

The following terms are specifically designed for use within this Article:

**ACTIVE SOLAR ENERGY SYSTEM** - A solar energy system that requires external mechanical power to move collected heat.

**DENSE SCREEN PLANTING** - A landscaped barrier consisting of predominately [eighty percent (80%) or more] coniferous trees and shrubs, hedges, earth mounding, walls or a combination thereof maintained at a minimum height of six (6) feet. Such environmental buffer shall provide a solid visual, noise and pollutant barrier between potentially

incompatible uses. Dense screen plantings shall be at least five (5) feet in width with irregularly spaced double or triple rows of plants and shrubs to obtain a dense, solid mass.

**ENERGY STORAGE FACILITY** - Equipment consisting of containers, heat exchangers, piping and other transfer mechanisms (including fluids, gases or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**ENVIRONMENTAL IMPROVEMENTS** - Screen plantings, dense screen plantings, island plantings and perimeter plantings or such other improvements as may be required by the Board of Supervisors in keeping with this section.<sup>28</sup>

**INTERIOR ISLAND PLANTING** - A durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality and control storm water runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five (5) feet in width and contain at least one (1) shade tree per forty (40) linear feet of island or fraction thereof. Islands of forty (40) feet or less shall contain at least one (1) shade tree. The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants or other materials not exceeding three (3) feet in height.

**PASSIVE SOLAR ENERGY SYSTEM** - A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

**PERIMETER PLANTING** - A landscaped planting consisting of trees and shrubs established at less than three (3) feet or greater than six (6) feet in height so as not to interfere with any clear sight triangle. Such planting shall separate streets and vehicular use areas from parking lots, buildings and other interior improvements. Perimeter plantings shall consist of individual trees or shrubs spaced a maximum of fifty (50) feet apart to form a linear vegetative border, with grass or ground cover continuously thereunder.

**SCREEN PLANTING** -- A landscaped planting consisting of a mixture of coniferous trees or shrubs, shade trees, ornamental trees or shrubs, earth mounding, hedges or a combination thereof established at a minimum height of six (6) feet. Such planting shall separate and protect uses from noise, odor and dust, as well as moderating the effects of winter winds and summer heat. Screen plantings shall be at least three (3) feet in width with regularly spaced trees and shrubs to obtain a pervious, moderately dense planting.

**SKYSPACE** - The open space between a solar or wind collector and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

**SOLAR COLLECTOR** - A freestanding or fixed device or combination of devices,

<sup>28</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions. Art. I.

structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

SOLAR ENERGY - Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

WIND ENERGY CONVERSION SYSTEM - A device which converts wind energy to mechanical or electrical supply; commonly referred to as a windmill.

WIND ROTOR - The blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

#### **§ 103-102. Environmental improvements.**

Environmental improvements shall be required for the following:

- A. To separate commercial, industrial, institutional and other nonresidential uses from adjoining residential uses or residential districts.
- B. Around parking lots with ten (10) or more parking spaces and within the interior of parking lots with twenty-five (25) or more parking spaces, including parking lots expanded beyond these sizes.

#### **§ 103-103. Standards for parking lots.**

Perimeter plantings shall be required around the border of all parking lots containing seventy-five (75) or more parking spaces. Such plantings shall be a maximum of ten (10) feet from the edge of the paved parking surface. Interior island plantings shall be provided at the ratio of five (5) square feet of planting area for each one hundred (100) square feet of paved parking and vehicular use area and in locations which will divide and separate the parking lot.

#### **§ 103-104. Solar, wind and alternate energy standards.**

The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, the following standards apply when such systems are installed:

- A. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, are permitted for the production, collection, movement, distribution or storage of heated air, water or other medium which is intended for conveyance to a principal or accessory building.
- B. Systems may include the following, subject to the requirements contained herein:
  - (1) Solar panels with a combined glazing area of sixty-five (65) square feet or less, provided that:
    - (a) The solar panels shall not extend more than five (5) feet into any required yard when attached to a principal structure.
    - (b) The solar panels shall be a minimum of three (3) feet from any property line, whether freestanding or attached.
  - (2) Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:
    - (a) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district.
    - (b) Solar panels which are freestanding or attached to an accessory structure shall comply with the accessory structure requirements of the supplementary district regulations of this chapter.
  - (3) Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in the supplementary district regulations of this chapter.
  - (4) Detached solar greenhouses shall meet all yard requirements specified for accessory structures in supplementary district regulations of this chapter.
  - (5) Wind energy conversion systems, provided that:
    - (a) The structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from the property line or road right-of-way. The height of such structure shall not exceed seventy-five (75) feet.
    - (b) Towers may be ground- or roof-mounted and shall be securely fastened as per the manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or

turning device that reacts to wind velocity shall have a governor to control the speed of revolutions. Such governors may include a rudder that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind or other suitable manufacturer's tested device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than ten (10) feet from grade level.

**§ 103-105. Maintenance and protection standards.**

The improvements required and permitted within this Article shall be maintained and protected to assure their environmental benefits. The following specific requirements shall apply:

A. Maintenance.

- (1) Plantings. All required plantings shall be maintained in a good condition to present a healthy, neat and orderly appearance. Such plantings shall be kept free from refuse and debris. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced by the next planting period.
- (2) Energy systems. Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.

B. Protection.

- (1) Plantings. Required plantings shall not be removed except to facilitate the planting of acceptable replacement plants. Property improvements shall be protected at all times by such environmental plantings, and extensive trimming or pruning of the plantings to reduce or eliminate the protection shall not be permitted.
- (2) Energy systems. Where a solar or wind energy system has been installed, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a building and zoning permit for the solar or wind energy system.

**§ 103-106. Variances.**

The following factors shall be considered, in addition to those within Article XXI of this chapter, when reviewing petitions for variances to the provisions of this Article:

- A. Variances shall be granted only for minimum relief and not for purely financial reasons.
- B. Variances to planting requirements shall not request relief from planting height, quality or maintenance.
- C. Variances for energy systems shall allow for effective placement of energy systems, provided that the skyspace of adjoining property owners is not restricted.
- D. Variances shall consider the resulting effect on the microclimate on the property.
- E. Variances shall consider possible damage to utilities.

**§ 103-107. Plans and permits.**

- A. Plans. Plans depicting environmental and energy improvements shall be submitted at the time of application for a building and zoning permit. Information may be included on the required plot plan specified for permit application by this chapter or submitted on a separate plan. In addition to the routine information required for permit application, plans shall include:
  - (1) The location, size and species of existing plant material.
  - (2) Delineation of plants to be removed and plants to be retained.
  - (3) The location, planting size, mature size and species of all plants within required plantings.
  - (4) The proposed treatment of all ground surfaces (e.g., paving, grass, gravel, mulch, stone).
- B. Building and zoning permits. A building and zoning permit shall be required for installation, expansion or alteration of any of the environmental improvements and energy systems described within this Article. Applicable procedures for all other permits required by this chapter shall apply during the processing of such permit applications. Where desired, the Zoning Administrator may refer plans to the Soil Conservation Service or to other applicable agencies for review and comment prior to formal action on the permit application.

ARTICLE XVI  
**Off-Street Parking and Loading**

**§ 103-108. Intent.**

The regulations for off-street parking are intended to ensure that adequate, well-designed parking facilities are provided for all new, altered or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas and accessways to satisfy the minimum standards contained within this Article and prevent overcrowding, congestion and impairment of traffic circulation. The regulations contained herein treat off-street parking as a use accessory to the principal use of the lot either sharing the lot or within a permitted distance therefrom.

**§ 103-109. Definitions.**

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

**FLOOR AREA** - The total area of all the floors measured from the exterior faces of the structure or, where set forth in the schedule in this Article, only the floor area employed by a specific use.

**PARKING SPACE** - An open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers or tenants of the principal structure or use. Each parking space shall be not less than one hundred eighty (180) square feet, exclusive of all drives, curbs and turning space.

**SEAT** - The number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews or the space for loose chairs or similar seating facilities. The spacing of rows shall be thirty (30) Inches on center.

**§ 103-110. Facilities required prior to occupancy.**

Off-street parking facilities, including accessways and loading/unloading areas, shall be required in accordance with the provisions of this Article as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use as follows:

- A. Whenever a structure is constructed or a new use established;
- B. Whenever the use of an existing structure is changed to a use requiring more parking facilities; or
- C. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this Article.

**§ 103-111. General requirements.**

Off-street parking facilities shall satisfy the following general requirements:

- A. Off-street parking areas shall have safe access to and from a street; however, no portion of any street right-of-way may be used for off-street parking.
- B. Off-street parking spaces shall be designed to prevent maneuvering area necessary to park a vehicle from intersecting a street right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving other vehicles.
- C. Off-street parking spaces shall be readily accessible to and a reasonable distance from the structure and uses served. Such spaces shall be on the same lot as the principal structure or use, except where otherwise permitted by this Article.
- D. All parking facilities shall be available to patrons, customers or visitors throughout the hours of operation of the structure or use for which the spaces are provided. Carnivals, displays, promotions or other events held on parking lots shall not utilize parking spaces required for customers. Adequate additional parking spaces shall be available for the supplemental use.
- E. Parking spaces shall be improved and individually delineated in accordance with this Article. Additionally, special purpose spaces and areas such as handicapped parking, visitor-only parking, limited-time parking and fire and police spaces shall be clearly marked.
- F. Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements of this Article are provided and improved. Parking spaces may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains, unless an equivalent number of spaces are provided for use in another approved location.
- G. Unless otherwise specifically regulated, improved hard-surface off-street parking for all uses shall be limited to portions of the lot as follows:
  - (1) Parking shall not be permitted within the street right-of-way.
  - (2) Required side and rear yards may be used for parking, provided that:
    - (a) A minimum setback of five (5) feet from the property line is maintained in all cases where more prohibitive regulations do not appear herein.
    - (b) Minimum setbacks of forty (40) feet in all commercial districts and one hundred (100) feet in the Industrial District are maintained in all yards abutting a residential district boundary.

- (3) Loading and unloading areas shall not be permitted in the required front yard.

**§ 103-112. Schedule of required spaces.**

The minimum number of off-street parking spaces required for a specific use is listed in the following chart. Where appropriate, when computing the number of required parking spaces, the Zoning Administrator may exclude floor area of structures (e.g., storage, employee lounge, bathroom) which does not bear any relationship to the parking needs of the use.

<b>Structure or Use</b>	<b>Parking Spaces Required</b>
<b>Institutional</b>	
Civic and educational; primary and secondary schools; libraries; places for public assembly	1 space for each employee plus 1 space for each 6 seats in assembly rooms
Governmental; municipal buildings used for administration functions	1 space for each 200 square feet of office floor area plus 1 space for each 4 seats in assembly rooms
Places of worship	1 space for each three seats in principal assembly rooms
Welfare; hospitals	1 space per 2 beds plus 1 space for each employee
Nursing homes	1 space per each 4 guest rooms or apartment units plus 1 space for each employee
<b>Residential</b>	
1- and 2-family dwellings	2 spaces per dwelling unit; must be off-street and may be improved with paving or gravel (if gravel, then paving must be extended from existing street surface to a minimum of 10 feet beyond the right-of-way line)
Multifamily residences (including Townhouses and garden apartments)	2 spaces per dwelling unit; must be off-street and shall be improved with paving

## Structure or Use

## Parking Spaces Required

### Home Occupations

Home occupations

In addition to parking required for the residence, 2 spaces plus 1 additional space for any assistant; must be off-street and shall be improved with paving

### Commercial

Medical and dental offices, clinics professional offices and banks

1 space per 180 square feet of floor area plus 1 space for each practitioner

Other offices

1 space per 180 square feet of floor area

Motels or hotels

1 space per guest room or unit

Mortuaries

1 space per 100 square feet of assembly rooms, or 1 space for each 4 seats, whichever requires the greater number of spaces

Retail stores, service establishments and shopping centers

1 space per 180 square feet of floor area

Eating places, bars or taverns

1 space per 180 square feet of floor area, or 1 space per 4 seats, whichever requires the greater number of space

Clubs, lodges or other assembly halls

1 space per 4 seats in assembly areas

Indoor theaters

1 space per 4 seats

Dance halls, skating rinks or swimming pools

1 space per 100 square feet of area used for dancing, skating or swimming

Carnivals, racetracks and other outdoor amusement or recreation uses

1 space for each 4 seats or 4 visitors at maximum capacity

Bowling alleys

6 spaces per bowling lane

**Structure or Use****Parking Spaces Required**

Service and storage establishments	1 space for every employee on the largest shift
Gas stations, repair garages or auto body shops	1 space per employee plus 1 space per 180 square feet of floor area
Manufacturing plants or other uses permitted in a manufacturing district	1 space for every employee on the largest shift
Executive offices, sales offices and outlet stores	1 space per 180 square feet of executive and sales office floor area in addition to parking requirements for manufacturing areas

B. Other structures or uses. For a specific structure or use not scheduled, the Zoning Administrator shall apply the measurement in the above schedule deemed to be most similar to the proposed structure or use.

**§ 103-113. Separate- or combined-use facilities.**

A structure containing one use shall have off-street parking spaces required for the specific use. A structure or group of structures containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements shall have spaces for not less than the sum of the spaces required for each use. Where the applicant can demonstrate that adequate off-street parking capacity is not feasible on the same lot as the proposed nonresidential use or structure, the new use or structure may be permitted if the applicant:

- A. Provides written authorization from an adjoining or nearby property owner to allow establishment and use of parking facilities meeting the requirements of this Article on that property;
- B. Demonstrates that the above facilities on said other property are situated not farther than three hundred (300) feet from the use or building proposed by the applicant; and
- C. Demonstrates that the use of the off-premises parking facilities does not create a violation of this chapter.

**§ 103-114. Access drives.**

- A. The location and width of entrance and exit accessways to paved hard-surface parking facilities shall be planned to interfere as little as possible with the use of

nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the accessways on the frontage street shall be at least eighty (80) feet from the right-of-way line of the nearest intersecting street or any other accessway. Where there is more than one (1) accessway to a parking area, the accessways, whenever possible, shall be limited to one-way travel. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street right-of-way line, shall conform to the following schedule:

<b>Number of Lanes</b>	<b>Minimum Width (feet)</b>	<b>Maximum Width (feet)</b>
1	12	14
2	20	28
3	30	40

- B. In all cases, the radius of the edge of the accessway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.
- C. Whenever lines of parking spaces are opposite each other and separated by continuous paving, such areas shall be a minimum of twenty (20) feet in width.

**§ 103-115. Loading and unloading spaces.**

Each commercial or industrial use shall have off-street loading and unloading space at the side or rear of the principal structure according to the following table. Such space or spaces shall not be less than necessary to accommodate either common carriers or the vehicles that normally serve the use. These spaces may not intersect the parking spaces or traffic flow on the property.

<b>Gross Floor Area (square feet)</b>	<b>Loading/Unloading Spaces Required</b>
0 to 2,000	0 spaces, provided that all loading/unloading can be accomplished on-site without restricting traffic flow or disrupting off-street parking access.
2,001 to 10,000	1 space
10,001 to 50,000	2 spaces
50,001 and over	3 spaces plus 1 additional space for each 40,000 square feet in excess of 50,000 square feet

**§ 103-116. Illumination of parking and loading areas.**

Illuminated parking and loading areas shall be so designed and located that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous to pedestrians or drivers.

**§ 103-117. Improvements.**

All parking areas, loading areas and accessways (except for single- and two-family dwellings; see § 103-112A) shall have an asphalt, concrete or other similar hard surface. Improved hard-surface off- street parking areas for three (3) or more automobiles shall have individual spaces painted or physically delineated with bumper guards, etc. Surface water may not be directly discharged onto public sidewalks, roadways or other premises.

**§ 103-118. Approval of plans required.**

Detailed drawings of off-street parking and loading areas shall be submitted to the Zoning Administrator for approval prior to their construction. The drawings shall show each space and dimensions of driveways, aisles and other features required under the provisions of this chapter.

**ARTICLE XVII**  
**Signs and Advertising Structures**

**§ 103-119. Intent.**

The purpose of these regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, nor endanger public health and safety; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this chapter. Signs may be permitted only when in compliance with these provisions or other ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, placement, alteration or maintenance of signs and similar devices.

**§ 103-120. Determination of sign area.**

- A. The "area of a sign" shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When a sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn contiguously to encompass all of the letters and symbols.

- B. All double-faced or double-backed signs shall be considered as being one (1) sign, except double-faced V-signs that have interior angles greater than forty-five degrees (45°).

**§ 103-121. General requirements.**

Signs and advertising structures, where permitted under the terms of this chapter, are subject to the following:

- A. No sign shall be erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged or relocated before a permit is obtained from the Zoning Administrator, except that no permit is required by this chapter for the following signs:
- (1) Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.
  - (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
  - (3) Legal notices, official traffic signs, community facilities signs, municipality identification signs, noncommercial historical or geographical identification information or directional signs erected by government bodies. Such signs may be placed within the road right-of-way.
  - (4) Geographical identification and greeting signs erected by civic and service organizations, provided that they do not exceed eight (8) square feet in area and are comprised of the organization's standard emblem or seal.
  - (5) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
  - (6) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
  - (7) Temporary signs as described in this Article.
  - (8) Signs identifying farms, farm associations and agricultural products, provided that no farm or association identification sign exceeds ten (10) square feet in area and no more than one (1) sign may be erected per road frontage. Signs identifying agricultural products shall not exceed three (3) square feet in area.
  - (9) Hunting, fishing and trespassing signs and signs indicating private ownership of roadways or property, provided that such signs do not exceed

four (4) square feet in area, and when erected along street frontage, the signs shall be spaced at intervals of not less than one hundred (100) feet.

- (10) Signs up to six (6) square feet in area which are necessary for the identification, protection and operation of public utility facilities.
- B. Every sign shall be maintained in a safe, presentable and structurally safe condition at all times, including the replacement of defective parts, painting, repainting, cleaning or other acts required for the maintenance of said sign. The Zoning Administrator shall require such maintenance, and in the event that the sign owner fails to comply, the Zoning Administrator shall proceed against the owner with remedies as provided by this chapter. A sign which pertains to a time, event, purpose or use which is no longer relevant, or has been abandoned or changed, shall be removed by the owner of the sign or the owner of the premises upon which the sign is located.
- C. No sign shall be so illuminated as to cast a glare upon vehicular traffic. No sign shall be so illuminated as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of light shall be steady and stationary.
- D. No sign shall be higher than thirty-five (35) feet from the average grade near the base to the highest part of the sign.
- E. No sign shall be erected so as to obstruct entrance to or exit from a required exitway such as a door, window or fire escape.
- F. No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflecting material that creates a flashing action and is so located as to obstruct view to a traffic sign or signal. A sign which resembles an official traffic sign or signal by way of its appearance or content shall be prohibited.
- G. Unless otherwise provided, no sign shall be painted, pasted or affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street.
- H. Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in that portion of a lot known as the "clear sight triangle" as defined in the supplementary district regulations.
- I. Unless otherwise provided, all signs shall be on-premises, and no sign shall be erected before a permit has been secured from the Zoning Administrator and approval has been received from other applicable state or local agencies.
- J. No sign shall contain obscene material.

**§ 103-122. Signs permitted in all districts.**

The following signs are permitted in all zoning districts:

- A. Temporary signs which do not require a permit:
  - (1) Temporary signs of painters, mechanics, contractors, realtors and the like not exceeding a total of sixteen (16) square feet in area, provided that such signs are removed as soon as the work has been completed.
  - (2) Temporary signs and banners of a noncommercial nature across a public right-of-way, provided that:
    - (a) Permission is obtained from the Township Supervisors via the Manager;
    - (b) They are erected in a location which will not cause a traffic hazard;
    - (c) They are installed safely and securely and are maintained; and
    - (d) They are removed when the use to which they refer is completed.
  - (3) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization. Such signs shall not exceed sixteen (16) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.
  - (4) Temporary signs directing patrons, members, audiences or customers to temporary exhibits, shows, events or activities (e.g., yard sales, conventions, etc.). Such signs shall not exceed sixteen (16) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.
  - (5) Signs erected in conjunction with a political election, provided that all signs are removed within forty-eight (48) hours after the date of the election.
- B. Off-premises directional signs which require issuance of a permit. Off-premises directional signs which are used to direct patrons, members, audiences, customers or clients to service clubs, churches or commercial, industrial, institutional or other organizations may be erected subject to the following requirements:
  - (1) A sign shall indicate no more than the name of the organization and the direction to the facility.
  - (2) Except at intersections, no sign shall be placed within two hundred (200) feet of another sign associated with the same principal use.

- (3) All signs shall be placed within two (2) miles of the use and no more than six (6) signs for each principal use may be erected within the borders of the township.
  - (4) Signs shall not exceed four (4) square feet in area, and no moving parts or illumination may be permitted.
  - (5) Application for off-premises directional sign permits shall include a map indicating locations of placement requests and the landowner's written approval, the name to be placed on the sign and the distances from the facility to each sign.
- C. One (1) nameplate for a home occupation, provided that the sign does not exceed four (4) square feet in size and identifies only the name of the occupant and title of the occupation. A lighted sign shall be illuminated without objectionable glare.
  - D. One (1) institutional sign and/or one (1) bulletin board for places of worship, schools, hospitals, libraries, museums, social clubs and similar uses, provided that the total area for both sign and bulletin board does not exceed thirty-two (32) square feet in area and is located no closer to a road right-of-way than two (2) feet. A lighted sign or board shall be illuminated without objectionable glare. Each street frontage of a corner lot is entitled to the above-named allowance.
  - E. Subdivision signs.
    - (1) Temporary. A sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within thirty (30) days of the sale date of the last lot.
    - (2) Permanent. A sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.
    - (3) One (1) sign per road frontage of the tract before subdivision may be permitted, provided that the sign is placed at an entrance to the subdivision, is located on the property to be subdivided and does not exceed twenty-four (24) square feet in area. No portion of any sign shall be erected within the clear sight triangle, as defined in the supplementary district regulations.

**§ 103-122.1. Signs permitted in Retirement Residential Districts. [Added 2-9-1993 by Ord. No. 93]**

The following types of on-premises signs may be permitted in the Retirement Residential Districts unless otherwise prohibited:

- A. One (1) institutional sign for each main entrance, provided that each sign does not exceed thirty-two (32) square feet in area for each side and is located no closer to a

road right-of-way than ten (10) feet. A lighted sign shall be illuminated without objectionable glare.

- B. On-campus directional signs.
- C. Signs permitted in all districts.

**§ 103-123. Signs permitted in residential districts.**

The following types of on-premises signs may be permitted in residential districts unless otherwise prohibited:

- A. Signs for the advertisement of agricultural businesses as follows:
  - (1) For each property involved in agribusiness, one (1) sign may be erected, provided that no sign or portion thereof shall be located closer than two (2) feet to the road right-of-way in addition to the following:
    - (a) Wall or projecting sign: The maximum sign area may not exceed sixteen (16) square feet.
    - (b) Freestanding sign: The maximum sign area may not exceed twenty-five (25) square feet.
- B. Signs for nonconforming commercial or industrial uses as follows:
  - (1) For each property involved in a commercial or industrial use, a total sign area of fifty (50) square feet may be permitted. No sign or portion thereof shall be located closer than ten (10) feet to the road right-of-way.
    - (a) Projecting sign: The maximum sign area may not exceed sixteen (16) square feet.
    - (b) Freestanding sign: The maximum sign area may not exceed twenty-four (24) square feet.
    - (c) Wall or window sign: The maximum sign area may not exceed sixteen (16) square feet.
- C. Signs permitted in all districts.

**§ 103-124. Signs permitted in commercial and industrial districts.**

Only on-premises signs may be permitted, except for certain off-premises signs as provided in this Article. For commercial uses, except for certain exemptions in this section regarding shopping centers, the total sign area of all signs on the property may not exceed two hundred fifty (250) square feet. All wall, projecting, roof or freestanding signs must be erected in compliance with the following standards:

- A. Signs for the advertisement of agribusiness as permitted by this Article.
- B. Signs for commercial, office, institutional and industrial uses as follows:
  - (1) One (1) wall sign for each road frontage, provided that it is attached to the wall of the principal building and projects horizontally no more than twelve (12) inches therefrom and occupies no more than fifteen percent (15%) of the total area of the front wall of the principal building. It may not project more than three (3) feet above the roofline or parapet wall.
  - (2) One projecting or roof sign for each road frontage, provided that it does not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed one hundred (100) square feet in area.
  - (3) One (1) freestanding sign for each road frontage, provided that it does not exceed sixty (60) square feet in area. It may not extend nearer to the road right-of-way line than a distance of two (2) feet and may not exceed thirty-five (35) feet in height.
- C. Shopping center signs. General shopping district or shopping center identification signs, provided that they are freestanding and not attached to any building. A maximum of two (2) such signs may be permitted for anyone (1) general shopping district or center. The height of signs may be a maximum of fifty (50) feet measured from the ground, and the maximum size of the sign message may not exceed five hundred (500) square feet per sign.
- D. Commercial signs within shopping centers. Individual commercial uses within shopping centers are intended by this Article to be exempt from the maximum total of this section. This exemption applies only to wall, projecting and roof signs. Such uses are restricted by the size limitations for each of the types of signs listed in this section.
- E. Signs permitted in all districts.

**§ 103-125. Nonconforming Signs.<sup>29</sup>**

Any sign legally erected, constructed, replaced, altered, enlarged or relocated before the effective date of this chapter that would not be permitted under the terms of this chapter may

<sup>29</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

remain and continue to be used, maintained and repaired, provided that:

- A. A nonconforming sign may not be replaced, altered, relocated or reconstructed except to bring the sign into compliance with the provisions of this chapter that are affected by the action proposed.
- B. A nonconforming sign may be used, maintained and repaired subject to the following requirements:
  - (1) Maintenance and repair of a nonconforming sign is allowable when such activities are necessary to maintain the sign in a presentable condition. Maintenance and repair activities may not include alterations, relocation or reconstruction but may include replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. If a nonconforming sign is removed for any of the allowable activities and is not reerected within sixty (60) days, it shall lose its nonconforming status. A reerected sign may be permitted only in full compliance with this chapter.
  - (2) Nothing in this chapter may prohibit the change in the advertising, identifying or directional message of a nonconforming sign so long as the change does not involve any alterations, relocation or reconstruction of the nonconforming sign. If the message change requires removal of the sign, the time limit of sixty (60) days to reerect shall apply as given above.
  - (3) A nonconforming sign which has been damaged or destroyed by fire, explosion, accident or calamity shall be repaired in place; or, if damaged to an extent that requires removal, may be repaired and replaced, provided that:
    - (a) The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign.
    - (b) Repair is completed within sixty (60) days from the date of damage. Failure to repair within sixty (60) days shall result in the loss of nonconforming sign status and any replacement sign shall conform to all applicable chapter requirements.
  - (4) When a nonconforming sign has been demolished or destroyed by deterioration or removal or has been moved from its location for reasons other than an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced except in conformity with the provisions of this chapter.

- C. A nonconforming sign which pertains to a time, event, purpose or use which is no longer relevant or has been abandoned or changed shall be removed by the owner of the sign or the owner of the premises upon which the sign is located.
- D. Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

**§ 103-126. Enlargement of permitted sign.**

An applicant may seek permission of the Zoning Hearing Board through the process of a special exception to enlarge the area of a sign which is otherwise permitted by the terms of this Article. The applicant shall demonstrate to the Board that the permitted area does not provide the effect or visibility that it is reasonable to expect for the sign and the use to which it refers.

**ARTICLE XVIII  
Nonconforming Lots, Uses and Structures**

**§ 103-127. Intent; construal of provisions.**

- A. Within each zoning district established by this chapter or its amendments there exist: lots; uses of land; structures; and uses of structures or of land and structures in combination which were lawful prior to the enactment or amendment of this chapter, but which would be prohibited, regulated or restricted under the terms of this chapter and which are hereinafter referred to as nonconforming. It is the intent of this chapter to allow these nonconformities to remain or continue until they are brought into compliance. It is further the intent of this chapter that:
  - (1) The presence of existing nonconformities does not constitute grounds for the addition of structures or uses in the same district which are not permissible by right; and
  - (2) Extension or enlargement of a nonconforming use by the addition of uses not normally accessory to the existing nonconforming use is not permissible.
- B. Nonconforming uses are declared by this chapter to be incompatible with the permitted uses of a district. A nonconforming use of structure, land or structure and land in combination may be extended or enlarged only as provided herein.
- C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of enactment or pertinent amendment of this chapter and upon which actual construction has been carried on diligently. Additionally, where excavation, demolition or removal of an

existing structure has begun preparatory to rebuilding, such activities shall be deemed actual construction, provided that work is carried on diligently.

**§ 103-128. Nonconforming lots of record.**

- A. Following the effective date of this chapter, a permissible principal structure and customary accessory structures may be erected upon a single nonconforming lot of record. The lot may be used even if deficient in area or width or both, and it must be in separate ownership from adjoining lots. Compliance with other requirements of this chapter is not exempted.
- B. If two (2) or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for no more than three (3) years before the date of adoption of this chapter, such lots may be developed, as recorded, provided that yard dimensions and requirements other than those applying to area or width shall conform to the regulations for the district in which such lots are located.
- C. If two (2) or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for more than three (3) years before the date of adoption of this chapter, such lots may be developed, provided that:
  - (1) The lot area and lot width of all lots is seventy-five percent (75%) or more of the required lot area and width.
  - (2) All yard, lot coverage and other applicable requirements of the district can be satisfied.
  - (3) Contiguous nonconforming lots which cannot satisfy requirements of Subsection C(1) and (2) of this section shall be combined, enlarged or resubdivided to satisfy the requirements of Subsection C(1) and (2).
- D. No portion of a nonconforming lot shall be sold or used in a manner which further diminishes compliance with the lot area and lot width requirements of this chapter, nor shall a portion of a conforming lot be sold or used in a manner which creates a nonconforming lot.

**§ 103-129. Nonconforming uses.**

Where lawful use of land exists at the date of enactment of this chapter which would not be permitted by the regulations imposed by this chapter, and where such use involves no principal structure, the use may be continued, provided that:

- A. No such nonconforming use of land may be resumed if it has been: abandoned as indicated by the removal of all or substantially all physical evidence of its existence; abandoned by discontinuance for a period of one (1) year as indicated by the lack of discernable activity at the premises and the failure of the proprietor to display documentation satisfactory to the Zoning Administrator that the use is active; or superseded by the presence of another activity allowed in the district, whether or not required to be issued a permit. The use is formally abandoned when so declared to the owner and proprietor by written notice from the Zoning Administrator.
- B. The use may not be expanded by the erected of a principal structure if none was present on the date of adoption of this chapter.
- C. No valid nonconforming use of land may be expanded across lot or tract lines or across street right-of-way lines onto other lands of the proprietor after the enactment of this chapter.

**§ 103-130. Nonconforming structures.**

A lawful structure existing at the effective date of adoption of this chapter that could not otherwise be built due to restrictions on lot coverage, height, yards, its location on the lot or other requirements concerning the structure may remain, subject to the following provisions:

- A. A structure may be enlarged or extended to continue an existing, established nonconforming building line, provided that the addition conforms to other applicable yard, lot coverage and height requirements as found herein.
- B. A nonconforming structure or portion thereof may be extended along established, existing building lines, provided that:
  - (1) The extension meets all other applicable yard, lot coverage and height regulations.
  - (2) Extension or enlargement along the nonconforming setback line shall be limited to a maximum one-hundred-percent increase of the area of land covered by the portion of the structure which is in a nonconforming position. Extension or enlargement in a conforming manner is not subject to the one-hundred-percent limitation. No permit may be issued for any extension that causes the nonconforming structure to become more nonconforming.
- C. A nonconforming structure which has been damaged or destroyed to any extent by fire, explosion, accident or calamity may be repaired or reconstructed, provided that:

- (1) The rebuilt structure is unchanged from its original size or location, or is less nonconforming than the original structure.
  - (2) Repair or reconstruction is commenced within one (1) year from the date of damage or destruction and completed within eighteen (18) months. Failure to repair or reconstruct within the above period shall result in loss of nonconforming rights, and any successive structure shall conform to all applicable chapter requirements.
- D. A nonconforming structure which has been demolished or destroyed to any extent by deterioration or removal shall not be reconstructed or structurally replaced, except for any conforming portions of that nonconforming structure, which may be replaced.
- E. Should a nonconforming structure be moved for any reason, the following apply:
- (1) Relocation on part of the same land area previously covered by the structure shall equal or decrease the nonconformity; or
  - (2) Relocation to the previously unoccupied area shall conform to all applicable chapter requirements.

**§ 103-131. Nonconforming uses of structures or land and structures in combination.**

If lawful use involving principal structures or land and structures in combination exists at the effective date of adoption of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following:

- A. Abandonment of a nonconforming use of a structure (or a land/structure combination) ends that nonconforming status so that the nonconforming use of record may not thereafter be reestablished. Successive uses of the premises are required to conform to pertinent regulations herein. Abandonment is deemed to occur when the nonconforming use is:
- (1) Superseded by another use, the owner's intent to abandon being taken by such action regardless of whether procedures prescribed by this chapter were begun.
  - (2) Ceased by a discontinuance of the use for a period of one (1) year as evidenced by but not limited to the following characteristics documented at the beginning and throughout the year of observing the premises:
    - (a) Removal of signs.

- (b) Buildings fallen into disrepair.
  - (c) Failure to meet tax obligations.
  - (d) Lack of discernable activity on the premises as compared to the activity on premises of similar use.
  - (e) Failure to supply supporting information to the Zoning Administrator to document ongoing activity in the nonconforming use.
- B. Enlargement of either the structure containing the nonconforming use or the land used in conjunction with the use is limited to the lot or tract upon which the use is located, or another lot or tract which:
  - (1) Is contiguous to the lot where the nonconforming use is located.
  - (2) Is now and has been held in the same ownership as the lot where the nonconforming use is located since prior to the enactment of this chapter.
  - (3) Does not contain a principal use.
  - (4) Is not separated from the lot where the nonconforming use is located by a street right-of-way,
- C. Any nonconforming use of a structure (or land and structure in combination) may, as a special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- D. Where valid nonconforming status applies to the use of a structure (or land and structure in combination), the owner's willful and voluntary destruction of that structure revokes the nonconforming status, and it may not be resumed. A structure destroyed or damaged by causes which are not the voluntary actions of the owner may be replaced or restored within one (1) year of the damage.

**§ 103-132. Classification of special exceptions.**

A use which is present at the enactment of this chapter and which is permissible as a special exception in its district is hereafter classifiable as a permitted use. Where express conditions and criteria are attached to the approval of such use as a special exception, the same are necessary for any change, expansion or enlargement as part of the permit review process.

**§ 103-133. Nonconforming signs. [Amended 11-12-1991 by Ord. No. 86]**

A sign legally erected, constructed, replaced, altered, enlarged or relocated before the effective date of this chapter which does not conform to applicable standards of this chapter is a nonconforming sign. Following the effective date of this chapter, no work may be done to the sign unless it conforms to pertinent requirements of the sign regulations in this chapter.

**ARTICLE XIX**  
**Administration and Enforcement**

**§ 103-134. Zoning Administrator.**

- A. A Zoning Administrator designated by the Township Supervisors shall administer and enforce this chapter. He may be provided with the assistance of such other persons as the Township Supervisors may direct. The Zoning Administrator shall administer the Zoning Ordinance in accordance with its literal terms. He shall not have the power to permit any construction, use or change of use which does not conform to the Zoning Ordinance.
- B. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the actions necessary to correct them. He shall have the authority to order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings, signs or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work in progress; or any other action provided by this chapter to ensure compliance with, or prevent violation of, its provisions.

**§ 103-135. Enforcement notice. [Amended 7-14-1992 by Ord. No. 92]**

- A. If it appears to the municipality that a violation of any zoning ordinance enacted under this Act<sup>1</sup> or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested, in writing, by the owner of record.
- C. An enforcement notice shall state at least the following:
  - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
  - (2) The location of the property in violation.

<sup>1</sup> Editor's Note: The words "this Act" refer to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101.

- (3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**§ 103-136. Permit requirements.**

No building, structure, sign or land may be erected, constructed, reconstructed, altered, converted, removed, moved, added to, used or the use therein changed unless and until a building and zoning permit is obtained from the Zoning Administrator. The permit requirements apply to all permanent, temporary, seasonal, part-time or movable buildings, structures, signs or uses unless exempted elsewhere in this chapter. No building and zoning permit may be issued by the Zoning Administrator except in conformity with the provisions of this chapter, unless he receives a written report from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this chapter granting authority to so issue.

**§ 103-137. Application for building and zoning permit.**

Applications for a building and zoning permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, who shall be known hereinafter as the applicant. Applications shall be submitted to the Zoning Administrator and contain the following:

- A. Building and zoning permit application form. On a form supplied by the Zoning Administrator, the applicant shall provide information to describe the size, location and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of the information.
- B. Plot plan. All applications for a building and zoning permit shall be accompanied by a plot plan in accordance with the following:

- (1) Three (3) copies of the plot plan shall be submitted, or an eight-and-one-half-by-eleven-inch plot plan is acceptable, provided that it is suitable for photocopying.
  - (2) The plot plan shall show, as applicable, the size, shape and dimensions of the lot; the size and location of all existing buildings; the size, location and use of all proposed buildings, additions or alterations; parking lots, parking spaces, driveways, signs and other site improvements; and other information as may be necessary to determine conformance with this chapter.
  - (3) Engineering, architectural or surveyor's plans may be required by the Zoning Administrator where necessary to accurately depict the proposed work on a property.
  - (4) The Zoning Administrator, at his discretion, may waive the plot plan requirement where the applicant successfully demonstrates that minimum standards are greatly exceeded.
- C. Other permit prerequisites. At the time of application, the applicant shall produce, as applicable, a valid on-site sewage disposal permit, road encroachment permit, recorded subdivision plan or other necessary approval preliminary to issuance of the building and zoning permit.
- D. Application fee. All applications for a building and zoning permit shall be accompanied by a fee in accordance with the current schedule of fees adopted by resolution by the Township Supervisors.

**§ 103-138. Incomplete applications.**

When an applicant fails to complete and sign the building and zoning permit application form; submit a plot plan; pay the required application fee; secure and produce other permit prerequisites; or submit other information required by the Zoning Administrator, the application for a building and zoning permit shall be deemed incomplete. The Zoning Administrator shall notify such applicants whose applications are incomplete to submit the necessary supplemental information. Such notice shall prescribe a reasonable period of time to complete the application or to respond with reasons why the application should be held open. Failure to complete the application or to respond shall result in written disapproval, in accordance with procedures as given in this Article.

**§ 103-139. Approval or disapproval of permit application.**

After an application has been determined to be complete, the Zoning Administrator shall take official action to approve or disapprove the permit application in accordance with the following:

- A. Approval. When a completed application is found to conform to the provisions of the Zoning Ordinance, the Zoning Administrator shall issue an approved building and zoning permit. Issuance of the permit shall be accompanied by an approved plot plan, where applicable, and a placard for display on the premises during the construction or alteration period. Building and zoning permits are nontransferable and are valid for work authorized therein and for the owner and property so designated.
- B. Disapproval. When a completed application is found not to conform to the provisions of the Zoning Ordinance, the Zoning Administrator shall disapprove the application for a building and zoning permit. Plot plans submitted with the application shall also be disapproved. The disapproval shall be in writing, citing the deficiencies of the application. Appeals from a disapproval by the Zoning Administrator shall be taken in the manner set forth in Article XXI of this chapter.

**§ 103-140. Revocation of permit.**

- A. Building and zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans. A building and zoning permit shall be revoked, in writing, by the Zoning Administrator for any of the following reasons:
  - (1) When use, alteration or construction does not comply with or exceeds the scope of that authorized by the building and zoning permit;
  - (2) When information pertinent to the application for a building and zoning permit has been falsified or misrepresented;
  - (3) When other provisions of this chapter are violated in conjunction with the use, alteration or construction authorized by the building and zoning permit; or
  - (4) When a decision to approve a permit by the Zoning Administrator was done in error.
- B. A written revocation of the permit shall be provided to the applicant, indicating the reasons for such action. Additionally, the offenses shall subject the violator to the penalties provided by this chapter if not corrected.

**§ 103-141. Expiration of permit.**

- A. An approved building and zoning permit shall expire:
- (1) If the work described has not begun within ninety (90) days from the date of issuance; or
  - (2) If the work described has not been completed within two (2) years from the date of issuance. Upon the expiration of a building and zoning permit, the work shall cease, and it may not commence unless and until a new building and zoning permit is approved.

**§ 103-142. Certificate of zoning compliance.**

- A. The Zoning Administrator shall maintain certificate of zoning compliance forms which shall be used as follows:
- (1) Nonconformities. The Zoning Administrator shall, in conjunction with the proposal of an applicant, register nonconforming lots, structures, uses of land or of structures and land in combination in order to record wherein each differs from the provisions of this chapter. Authorization to renew, change, extend, enlarge or alter the nonconformity may not be permitted unless and until the characteristics of the nonconformity are recorded on a certificate. The Zoning Administrator may require written documentation contemporaneous to the time before enactment of this chapter to verify these characteristics and the dates of their establishment.
  - (2) Approved uses and structures. Owners or occupants of uses or structures authorized by approved building and zoning permits may request a certificate of zoning compliance to verify that the use or construction completed is in compliance with the approved permit and the provisions of this chapter. Similarly, owners or occupants of preexisting conforming uses or structures may request a certificate of zoning compliance. Upon receipt of such a request, the Zoning Administrator shall inspect the premises and approve or disapprove a certificate of zoning compliance.
- B. Nothing contained in this section shall preclude the Zoning Administrator from conducting, at his discretion, routine inspections and investigations to determine zoning compliance, nor is he prevented from responding to complaints of zoning violations. Furthermore, departures from the characteristics described on a certificate which violate provisions of this chapter shall be punishable in accordance with penalties as provided herein.

ARTICLE XX  
**Zoning Hearing Board**

**§ 103-143. Board established; membership.**

- A. A Zoning Hearing Board shall be established. The membership of the Board shall consist of three (3) residents of the township appointed by the Township Supervisors. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall notify the Township Supervisors promptly of any vacancies. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality.
- B. The Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to provisions of this Article, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including the right to cast a vote during the proceedings, and shall have all the powers and duties set forth in this chapter and Act 247, as amended.<sup>31</sup> Alternates shall hold no other office in the municipality.

**§ 103-144. Organization; rules; records to be kept.**

- A. From its own membership the Board shall elect its officers, who shall serve annual terms and may succeed themselves. For the conduct of a hearing or the taking of an official action, a quorum shall be not less than a majority of all the members of the Board; however, the Board may appoint a Hearing Officer from its own membership to conduct a hearing on its behalf, and the parties may waive further action as provided in this Article.
- B. If a quorum is not reached by reason of absence or disqualification, the Chairman shall seat as many alternate members as are needed to provide a quorum. Alternate members shall continue to serve on the Board in all proceedings for which the alternate was appointed until a final determination has been made. The seating of alternates shall be done on a case-by-case basis in rotation according to declining seniority among alternates.
- C. The Board may make and rescind rules and forms for its procedure consistent with ordinances of the township and the laws of the commonwealth. The Board shall keep records of its business, such records being the property of the township, and shall report its activities to the Township Supervisors as requested.

**§ 103-145. Removal of members.**

A Board member may be removed for malfeasance, misfeasance or nonfeasance in office

<sup>31</sup> Editor's Note: See 53 P.S. § 10101 et seq.

or for other just cause by a majority vote of the Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

ARTICLE XXI  
**Jurisdiction and Procedures**

**§ 103-146. Authority.**

The Zoning Hearing Board and the Supervisors shall have the authority to hear and decide petitions as provided by the Act<sup>32</sup> where their respective jurisdictions are exclusive and final. These areas of jurisdiction are listed in this Article and are fully enumerated in the Act, as are the procedures by which hearings shall be held. Additional procedures not listed but within the intent of the Act and other applicable ordinances and laws of the commonwealth are reserved to each respective body.

**§ 103-147. Hearings.**

- A. A written petition shall be submitted by the applicant on a form to be provided by the Zoning Administrator. For the purpose of describing these procedures, the word "applicant" shall include "appellant," and the word "petition" shall include "appeal." The petition shall specify at least the applicant's name and address, the property location, the type of petition, a brief description of the circumstances that cause the petition to be necessary and the reasons why the petition ought to be granted. The petition shall be considered complete when, along with the above information, a fee is submitted in the amount set by resolution by the Supervisors.
- B. Public notice as defined by this chapter shall be given, and written notice shall be provided to the applicant, township officials, interested parties and property owners adjoining the affected property or within one hundred (100) feet. In addition, written notice shall be conspicuously posted on the affected property at least one (1) week prior to the hearing. Times and dates of continued hearings shall be promulgated only as necessary to inform interested parties.
- C. The public hearing shall be held within sixty (60) days of the date of the petition, unless the applicant has agreed, in writing, to an extension of time.
- D. The parties to the hearing shall be the township, any person affected by the petition who has made timely appearance of record before the Board, and any other person, including civic or community organizations. The Board may supply forms and require persons to enter appearances, in writing, in order to become parties.

<sup>32</sup> Editor's Note: See 53 P.S. § 10101 et seq.

- E. The hearing shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the applicant, in addition to the municipality, may, prior to the decision, waive decision or findings by the Board and accept the decision' or findings of the Hearing Officer as final.
- F. The Chairman, Acting Chairman or Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. Parties shall have the right to be represented by counsel and have the right to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Board or the Hearing Officer shall keep a tape record, or a stenographic record, if requested, of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid either by the Board, if the Board or Hearing Officer orders the transcript; the person appealing from the decision of the Board; or the party requesting the original transcript. The cost of additional copies of the original shall be paid by the person requesting such copies.
- I. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded the opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given opportunity to be present.
- J. The Board or the Hearing Officer shall render a written decision or findings, if no decision is called for, within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the petition is contested or denied, the decision shall be accompanied by findings of fact, related conclusions with reference to the provisions of law relied upon and the appropriate reasons for arriving at those conclusions. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period named above or fails to hold the hearing within sixty (60) days from the date of the applicant's request, the decision shall be deemed to

have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been deemed to be rendered in favor of an applicant because of the Board's failure to meet or render a decision on time, the Board shall give public notice of said decision within ten (10) days of the last day it could have met to so act. If the Board fails to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the petition to appeal the decision to a court of competent jurisdiction.

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

**§ 103-148. Jurisdiction of Zoning Hearing Board.**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Supervisors as curative amendments.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleging defects in the process in enactment or adoption, such challenges to be appealed within thirty (30) days of the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Administrator, including but not limited to granting, denial or failure to act upon an application for a permit; the issuance of a cease and desist order; or the registration or refusal to register a nonconforming use, structure or lot.
- D. Appeals from a determination by the Township Engineer or the Zoning Administrator with reference to the administration of floodplain regulations contained in this or other township ordinances affecting land use.
- E. Petitions for variances from the terms of this chapter or from a flood hazard ordinance regulating land use, should such regulations ever be enacted separately, following guidelines enumerated below in this Article.
- F. Petitions for special exceptions under this chapter or a flood hazard ordinance regulating land use, should such regulation be enacted separately, following guidelines enumerated below in this Article.

- G. Appeals from the determination of the Zoning Administrator or that officer or agency which shall be charged with the responsibility to administer transfers of development rights or performance density provisions under this chapter.
- H. (Reserved) <sup>32</sup>
- I. Appeals from the determination of the Township Engineer or Zoning Administrator in the determination of land use regulations with reference to sedimentation and erosion control and storm water management when such regulations are not within the scope of the reviews conducted for subdivisions and land development plans or planned residential developments, as enacted. When such regulations are within the scope of those reviews, appeal is taken to the Supervisors pursuant to the enumerated jurisdictions of the Supervisors in this Article.
- J. Appeals from the determination of the Supervisors with reference to the grant or denial of a special encroachment permit for buildings onto areas reserved for streets, water- courses or public grounds on the Official Zoning Map. <sup>33</sup>

**§ 103-149. Jurisdiction of Board of Supervisors.**

The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Applications for approval of subdivisions and land development.
- B. Applications for curative amendments.
- C. Applications for amendments to the Zoning Ordinance.
- D. Appeals from the determination of the Zoning Administrator or the Township Engineer in the administration of provisions of law with reference to sedimentation and erosion control and storm water management insofar as those provisions are within the scope of applications under the subdivision and land development regulations, as enacted. When not within such scope, the appeal is taken to the Zoning Hearing Board pursuant to the enumerated jurisdictions of the Zoning Hearing Board named above in this Article.
- E. Applications for special encroachment permits by buildings onto areas reserved on the Official Zoning Map for streets, watercourses or public grounds.

**§ 103-150. Judicial remedies.**

<sup>32</sup> Editor's Note: Former Subsection H, concerning appeals from the Zoning Administrator under the preliminary opinion procedure, was repealed 7-14-1992 by Ord. No. 92.

<sup>33</sup> Editor's Note: The Official Zoning Map is on file and available for inspection in the township offices.

Nothing in this Article shall be construed to deny any person the right to appeal directly to a court where appropriate pursuant to the Pennsylvania Rules of Civil Procedure.

**§ 103-151. Variances.**

- A. The Zoning Hearing Board shall hear and decide petitions for variances from the terms of this chapter where, owing to unique circumstances, a literal enforcement of the provisions of this chapter would inflict unnecessary hardship upon an applicant. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (3) That such unnecessary hardship has not been created by the applicant.
  - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting a variance, the Board may attach reasonable conditions and safeguards as it deems necessary to implement the purposes and intent of this chapter.

**§ 103-152. Special exception uses.**

The Zoning Hearing Board shall hear and decide petitions for special exceptions when authorized in this chapter according to express standards and criteria as applicable. In addition to such standards, findings shall be made on the following criteria, where relevant:

- A. A special exception use shall satisfy all requirements and conditions specified for it plus other pertinent regulations of this chapter.

- B. Reasonable conditions and safeguards, in addition to those expressed in this chapter, may be attached to the approval by the Board in granting the special exception as it deems necessary to implement the purposes and intent of this chapter.
- C. The special exception use shall be compatible with adjacent and nearby properties and shall not adversely affect the public health, safety or interest.
- D. The special exception use shall be designed to provide satisfactory arrangement for:
  - (1) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and conveniences, traffic flow and control and access by emergency vehicles.
  - (2) Off-street parking and loading areas, where required, with particular attention to the items in Subsection D(1) above and the noise or other health effects of these characteristics of use on adjoining properties in the district.
  - (3) Refuse areas as to location, safe and sanitary maintenance, protection from vermin and screening.
  - (4) Utility locations, ease of access and safety precautions, as necessary.
  - (5) Screening and buffering, if necessary, with reference to type, dimensions and character.
  - (6) Signs and proposed exterior lighting with reference to glare, traffic safety and harmony with properties in the district.
  - (7) Required yards and other open spaces as specified in this chapter.

**§ 103-153. Time limitations for filing.**

It is the intent of this chapter to refer to the Act under Article IX<sup>34</sup> for those guidelines that limit the filing of a timely proceeding and for the effect upon development of such filing.

**§ 103-154. Expiration of special exception or variance; enforcement.**

- A. The authorization of a special exception or variance is intended by this chapter to be valid only for the applicant and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require reapplication to the Board. If the special exception or variance has not been

<sup>34</sup> Editor's Note: See 53 p.s. § 10101 et seq. and, in particular, 53 P.S. § 10901 et seq.

implemented within one (1) year of the date of the decision, said approval shall expire. If the property affected by the variance or special exception is transferred in ownership prior to the implementation of the special exception or variance, said approval shall immediately become invalid upon such transfer of ownership.

- B. The Zoning Administrator is empowered to order development or uses authorized by the Zoning Hearing Board to cease and desist where:
- (1) The applicant repeatedly violates conditions or safeguards specified in the Board's decision;
  - (2) The applicant initiates use or construction contrary to the Board's decision;  
or
  - (3) The applicant is found to have misrepresented or falsified information pertinent to the Board's decision.
- C. Failure by an applicant to meet the special conditions and safeguards of the Board, if attached to an approval, shall be deemed a violation of this chapter and may be punishable as provided herein. The Supervisors may also determine to proceed in courts of law or equity to prevent or remedy violations of this chapter.

## ARTICLE XXII Judicial Remedies

### § 103-155. Judicial remedies.

Nothing contained in this chapter shall be construed to deny any person the right to proceed directly to court where appropriate under the Pennsylvania Rules of Civil Procedure relating to actions in mandamus or to appeal in response to an action of the Supervisors or the Zoning Hearing Board.

## ARTICLE XXIII Appeals Procedure; Powers of Supervisors

### § 103-156. Appeals procedure; powers of Supervisors.

- A. It is the intent of this chapter that, unless appropriate reasons to proceed directly to court are present, all questions of use, development, enforcement and interpretation shall be first presented to the Zoning Administrator. The second level of appeal is the Zoning Hearing Board or, in certain cases, the Supervisors as listed. Appeal from those decisions of the Zoning Hearing Board or Supervisors shall be to the court.

- B. It is the intent of this chapter that, pursuant to the Act,<sup>35</sup> the Supervisors have retained the following:
- (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter.
  - (2) Establishing a schedule of fees and charges.
  - (3) Administering certain areas of jurisdiction which are specifically listed in Article XXI.

ARTICLE XXIV  
**Fees, Charges and Expenses**

**§ 103-157. Schedule established.**

The Supervisors shall establish a schedule of fees, charges and expenses and a collection procedure for building and zoning permits, certificates of zoning compliance, appeals, petitions and other matters pertaining to this chapter. The schedule of fees shall be available to the public in the office of the Zoning Administrator and may be altered or amended only by the Supervisors.

**§ 103-158. Payment of fee required prior to filing.**

This chapter shall be administered such that, until all applicable fees, charges and expenses have been paid in full, an application or petition filed under this chapter is considered incomplete, and no action is required to be taken by an officer or appointed member with administrative authority as delegated herein on such application or petition.

ARTICLE XXV  
**Amendments**

**§ 103-159. Amendments.**

- A. The regulations, restrictions and boundaries set forth in this chapter may be amended, supplemented, changed or repealed. However, no such action may be taken until after a public hearing is held by the Supervisors, at which time parties in interest and citizens shall have the opportunity to be heard. Public notice as defined by the Act<sup>36</sup> shall be given before such hearing. The Supervisors may, at their discretion, follow procedures outlined in the Act for the initial adoption of zoning ordinances.

<sup>35</sup> Editor's Note: See 53 P.S. § 10101 et seq.

<sup>36</sup> Editor's Note: See 53 P.S. § 10101 et seq.

- B. If the amendment is initiated by any parties other than the Planning Commission, the Supervisors shall submit each such amendment to the Planning Commission and to the Lebanon County Planning Department to provide an opportunity to submit recommendations at least thirty (30) days prior to the hearing.
- C. When the proposed amendment includes a change to the Official Map, notice of the public hearing shall be conspicuously posted at sufficient points along the perimeter of the tract to notify potentially interested parties. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

**ARTICLE XXVI  
Construal of Provisions**

**§ 103-160. Construal of provisions.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety and general welfare. Whenever the requirements of this chapter do not coincide with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, it is intended that the most restrictive, or those imposing the higher standard, shall govern.

**ARTICLE XXVII  
Violations and Penalties**

**§ 103-161. Violations and penalties.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than five hundred dollars (\$500.), plus all court costs, including reasonable attorney fees incurred as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, North Londonderry Township shall enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall

constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the North Londonderry Township Zoning Ordinance shall be paid over to North Londonderry Township.

- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.
- C. Nothing herein contained is intended to prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.