

Silver Spring Township

Zoning Ordinance



Cumberland County, PA

ADOPTED
March 2022

Formatted for printing: May 2022

This Ordinance effort is funded in part by the
Cumberland County Land Partnerships Grant Program.

**ORDINANCE OF THE BOARD OF SUPERVISORS OF
SLIVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE 2022-02**

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of 1968, PL 805, No 247 as reenacted and amended, empowers Townships of the Second Class to plan their development and to govern the same by zoning ordinances; and

WHEREAS, the Township of Silver Spring, Cumberland County, last adopted a Zoning Ordinance dated 10-11-1995 by Ord. No. 95-10; as amended through 8-26-2009 by Ord. No. 13-2009, and all related subsequent amendments; and

WHEREAS, the Township considered policies generally consistent with the 2019 Comprehensive Plan and its subsequent February 2022 Update and other Township- wide planning strategies, and

WHEREAS, additions, deletions, and revisions were made to the Zoning Ordinance and Zoning Map, and

WHEREAS, the Silver Spring Township Planning Commission held public outreach to gather input and feedback from the public as part of the Zoning Ordinance and Zoning Map amendment processes; and


WHEREAS, the Silver Spring Township Board of Supervisors held a Public Hearing pursuant to public notice, in accordance with requirements of the Municipalities Planning Code; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Silver Spring Township, in accordance with the Municipalities Planning Code, that the Silver Spring Township Zoning Ordinance and Zoning Map are hereby amended as attached hereto as Exhibit "A", and all other inconsistent ordinances or parts of ordinances or laws in conflict therewith are hereby repealed.

DULY ORDAINED AND ENACTED by the Board of Supervisors of Silver Spring Township, Cumberland County, Pennsylvania, this the 23rd day of March 2022.

ATTEST:

**BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING**



Willetta D. Huth, Secretary



Carl R. Machamer, Chairman

ARTICLE 1: BACKGROUND PROVISIONS	1
SECTION 100 SHORT TITLE	1
SECTION 101 PURPOSE	1
SECTION 102 SCOPE	1
SECTION 103 INTERPRETATION	1
SECTION 104 CONFLICT	1
SECTION 105 VALIDITY	2
SECTION 106 USES NOT PROVIDED FOR	2
SECTION 107 ESTABLISHMENT OF ZONES	2
SECTION 108 ZONING MAP AND VEHICULAR ACCESS MAP	2
SECTION 109 ZONE BOUNDARY LINES	3
SECTION 110 COMMUNITY DEVELOPMENT OBJECTIVES	3
SECTION 111 DEFINITIONS	3
SECTION 112 PUBLIC USES	42
ARTICLE 2: ZONE REGULATIONS	43
SECTION 200 CONSERVATION ZONE (C)	43
SECTION 201 AGRICULTURAL ZONE (A)	47
SECTION 202 RURAL RESIDENTIAL ZONE (R)	51
SECTION 203 RESIDENTIAL ESTATE ZONE (RE)	54
SECTION 204 R-1 RESIDENTIAL ZONE (R-1)	57
SECTION 205 HIGH DENSITY RESIDENTIAL ZONE (R-2)	62
SECTION 206 VILLAGE RESIDENTIAL ZONE (R-3)	66
SECTION 207 VILLAGE OVERLAY ZONE (VO)	68
SECTION 208 MIXED USE A ZONE (MUA)	86
SECTION 209 MIXED USE B ZONE (MUB)	93
SECTION 210 NEIGHBORHOOD COMMERCIAL ZONE (C-1)	96
SECTION 211 COMMUNITY COMMERCIAL ZONE (C-2)	99
SECTION 212 HIGHWAY COMMERCIAL ZONE (C-3)	102
SECTION 213 PROFESSIONAL OFFICE ZONE (O)	105
SECTION 214 LIGHT INDUSTRIAL ZONE (I-1)	108
SECTION 215 GENERAL INDUSTRIAL ZONE (I-2)	111
SECTION 216 QUARRY ZONE (Q)	115
SECTION 217 INTERCHANGE REGIONAL GATEWAY ZONE (INT-RG)	117
SECTION 218 INTERCHANGE PLANNED COMMERCE ZONE (INT-PC)	121
SECTION 219 FLOODPLAIN ZONE (FP)	129

SECTION 220	RESOURCE & LANDSCAPE MANAGEMENT OVERLAY ZONE (RLMO)	141
ARTICLE 3:	GENERAL PROVISIONS	150
SECTION 300	GENERAL PROVISIONS	150
300.1	Erection of more than one Principal Use on a Lot	150
300.2	Required Vehicular Access	150
300.3	Roadway Classifications	151
300.4	Zoning Requirements for use of On-Lot Sewage Disposal Systems	151
300.5	Permanent/Temporary Occupancy Requirements	152
300.6	Reasonable Request for Accommodation	152
300.7	Required Nutrient Management Plans	153
300.8	Common Facilities	154
300.9	Maximum Property Utilization Standards	154
300.10	Development Along Streams and Wetlands	156
300.11	Delineation of Natural and Cultural Features	156
SECTION 301	ACCESSORY USES AND STRUCTURES	156
301.1	Fences and Walls	156
301.2	Swimming Pools	157
301.3	Tennis Courts	157
301.4	Reserved	157
301.5	Alternative Energy Sources	157
301.6	Garage/Yard Sales	157
301.7	Accessory Repair of Personal Motor Vehicles	158
301.8	Ornamental Ponds and Wading Pools	158
301.9	Man-Made Lakes, Dams and Impoundments	158
301.10	Outdoor Storage and Display Requirements	159
301.11	Outdoor Wood-Fired Boilers or Furnaces	161
301.12	Beekeeping	162
301.13	Farm Stands	162
301.14	Farmers Market	162
301.15	Agri-tourism	163
301.16	Agricultural Marketing Enterprise or Farm Occupation	163
301.17	Non-Commercial Keeping of Livestock	164
301.18	Accessory Drive-thru/Pick-up	165
SECTION 302	OPERATIONS AND PERFORMANCE STANDARDS	166
302.1	Control of Light and Glare	166

SECTION 303	ADDITIONAL DIMENSIONAL STANDARDS	168
303.1	Setback Modifications	168
303.2	Height Limit Exceptions	169
303.3	Corner Lots	169
303.4	Minimum Habitable Floor Area	170
SECTION 304	USE SPECIFIC CRITERIA	171
304.1	Amusement Arcades	171
304.2	Automobile Parts Store and Automotive Service and Repair Facilities	171
304.3	Automobile Filling Stations (including minor incidental repair)	172
304.4	Billboards	172
304.5	Car Washes	173
304.6	Commercial Day-Care Facilities	173
304.7	Commercial Recreation Facilities	174
304.8	Reserved	175
304.9	Echo Housing	175
304.10	Farmers Markets	176
304.11	Schools, Public and Private	177
304.12	Mini-Storage	177
304.13	Retail Sale of Goods & Services in Neighborhood Commercial Zone (C-1)	178
304.14	Dry Cleaners, Laundries and Laundromats	178
304.15	Kennel, Riding Stable, and Non-Profit Animal Rescues	179
304.16	Two-Family Conversions	179
304.17	Conversion Apartments	180
304.18	Reserved	180
304.19	Forestry	180
304.20	Health and Fitness Club	182
304.21	Reserved	183
304.22	Public Utilities Structures	183
304.23	Flea Markets	183
304.24	Warehousing and Wholesale Trade Establishment	184
304.25	Automobile Detailing Salon	185
304.26	Brew Pub	186
304.27	Tasting Room	186
304.28	Alcoholic Beverage Production	187

ARTICLE 4: SPECIFIC CRITERIA	188
SECTION 400 SPECIFIC STANDARDS FOR SPECIAL EXCEPTION AND CONDITIONAL USES	188
SECTION 401 ACCESSORY APARTMENTS	188
SECTION 402 ADULT-RELATED FACILITIES	188
SECTION 403 AIRPORTS/HELIPORTS	190
SECTION 404 AUTOMOBILE SALES AND AUTOMOTIVE SERVICE, REPAIR FACILITIES, AND AUTOMOBILE SALES STORAGE LOTS	190
SECTION 405 BANKS AND SIMILAR FINANCIAL INSTITUTIONS	192
SECTION 406 BED AND BREAKFAST	192
SECTION 407 BOARDING HOUSES	193
SECTION 408 RETAIL SALE OF GOODS AND SERVICES	193
SECTION 409 EVENT CENTER	193
SECTION 410 CAMPGROUNDS	194
SECTION 411 COMMERCIAL DAY-CARE FACILITIES	195
SECTION 412 COMMERCIAL LIVESTOCK OPERATIONS	196
SECTION 413 COMMERCIAL STOCKYARDS OR FEEDLOTS	196
SECTION 414 CONVENTION CENTERS	197
SECTION 415 CONVERSION APARTMENTS	199
SECTION 416 FAMILY DAY-CARE FACILITIES	199
SECTION 417 MIXED-USE BUILDING	200
SECTION 418 GOLF COURSES	201
SECTION 419 HEALTH AND FITNESS CLUBS	203
SECTION 420 HEALTH - CARE CAMPUS AND HOSPITAL	203
SECTION 421 HEAVY INDUSTRIAL USES	206
SECTION 422 HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES	206
SECTION 423 MULTI-FAMILY (C-2 & C-3)	207
SECTION 424 HISTORIC STRUCTURES CONVERSIONS	207
SECTION 425 HOME OCCUPATIONS	209
SECTION 426 HOTELS AND RELATED FACILITIES	209
SECTION 427 PLACE OF WORSHIP AND RELATED USES	211
SECTION 428 JUNKYARDS	212
SECTION 429 MEDICAL RESIDENTIAL CAMPUSES	213
SECTION 430 NIGHTCLUBS	214
SECTION 431 ACCESSORY DRIVE-THRU/PICK-UP	214
SECTION 432 NURSING, REST, OR RETIREMENT HOMES	215

SECTION 433	OFF-STREET OFF-SITE PARKING LOTS FOR NEARBY LAND USES	215
SECTION 434	OFF-TRACK BETTING PARLORS	216
SECTION 435	PUBLIC UTILITY STRUCTURE TYPE 2	217
SECTION 436	PRIVATE CLUBHOUSES	217
SECTION 437	PUBLIC AND PRIVATE SCHOOLS	217
SECTION 438	QUARRY-RELATED MANUFACTURING, MIXING AND PROCESSING FOR SALE OF ASPHALTIC OR BITUMINOUS PRODUCTS	218
SECTION 439	RECYCLING FACILITIES FOR PAPER, PLASTIC, GLASS, AND METAL PRODUCTS	220
SECTION 440	SALES, STORAGE AND/OR WHOLESALING OF THE FOLLOWING: HOME AND AUTO-RELATED FUELS; NURSERY AND GARDEN MATERIALS, AND STOCK; CONTRACTOR SUPPLIES; AND, PLUMBING, HEATING, AIR CONDITIONING, ELECTRICAL, AND OTHER STRUCTURAL COMPONENTS OF BUILDINGS.	220
SECTION 441	SHOOTING RANGES	220
SECTION 442	SHOPPING CENTERS	222
SECTION 443	RESERVED	222
SECTION 444	SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS	222
SECTION 445	TRUCK TERMINALS	224
SECTION 446	TRUCK STOPS	224
SECTION 447	ALL OTHER USES	225
SECTION 448	WIRELESS COMMUNICATION FACILITIES	225
SECTION 449	WIND ENERGY CONVERSION SYSTEM	240
SECTION 450	BREW PUB	241
SECTION 451	TASTING ROOM	241
SECTION 452	ALCOHOLIC BEVERAGE PRODUCTION	242
ARTICLE 5: SIGNS		243
SECTION 500	GENERAL INTENT	243
SECTION 501	GENERAL REGULATIONS FOR ALL SIGNS	243
SECTION 502	SPECIFIC SIGN REQUIREMENTS	245
SECTION 503	SIGN ALLOCATION	247
503.1	Conservation Zone (C)	247
503.2	Agriculture Zone (A)	248
503.3	Rural Residential Zone (R)	249
503.4	Residential Estate Zone (RE)	250
503.5	R-1 Residential Zone (R-1)	251
503.6	High Density Residential Zone (R-2)	252

503.7	Village Residential Zone (R-3)	253
503.8	Neighborhood Commercial Zone (C-1)	254
503.9	Community Commercial Zone (C-2)	255
503.10	Highway Commercial Zone (C-3)	256
503.11	Professional Office Zone (O)	257
503.12	Light Industrial Zone (I-1)	258
503.13	General Industrial Zone (I-2)	259
503.14	Quarry Zone (Q)	260
503.15	Interchange Zones (INT-RG & INT-PC)	261
503.16	Village Overlay (VO)	262
503.17	Mixed Use A Zone (MUA)	262
503.18	Mixed Use B Zone (MUB)	262
503.19	Floodplain Zone (FP)	263
503.20	RESOURCE & LANDSCAPE MANAGEMENT OVERLAY (RLMO)	263
ARTICLE 6: NON-CONFORMITIES		264
SECTION 600	CONTINUATION	264
SECTION 601	ABANDONMENT	264
SECTION 602	EXTENSION OF A NON-CONFORMING USE OF LAND	264
SECTION 603	EXTENSION OR ALTERATION	264
SECTION 604	SUBSTITUTION OR REPLACEMENT	265
SECTION 605	RESTORATION	265
SECTION 606	PREVIOUSLY EXPANDED NON-CONFORMING USES AND STRUCTURES	265
SECTION 607	NON-CONFORMING LOTS	266
ARTICLE 7: ZONING HEARING BOARD		267
SECTION 700	ESTABLISHMENT AND MEMBERSHIP	267
SECTION 701	ORGANIZATION OF BOARD	267
SECTION 702	EXPENDITURES FOR SERVICES	268
SECTION 703	HEARINGS	268
SECTION 704	BOARD’S FUNCTIONS	270
SECTION 705	PARTIES APPELLANT BEFORE THE BOARD	274
SECTION 706	TIME LIMITATIONS	275
SECTION 707	STAY OF PROCEEDING	275
SECTION 708	APPEAL	275
ARTICLE 8: ADMINISTRATION		276
SECTION 800	ADMINISTRATION AND ENFORCEMENT	276

SECTION 801	PERMITS	278
SECTION 802	FEES	283
SECTION 803	AMENDMENTS	283
SECTION 804	CONDITIONAL USES	288
SECTION 805	SAVINGS PROVISION FOR MATTERS IN PROCESS	291
SECTION 806	REPEALS AND INCONSISTENCIES	291
SECTION 807	EFFECTIVE DATE	291

ARTICLE 1: BACKGROUND PROVISIONS

SECTION 100 SHORT TITLE

This Ordinance shall be known and may be cited as the “Silver Spring Township Zoning Ordinance of 2022.”

SECTION 101 PURPOSE

This Ordinance is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 102 SCOPE

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Ordinance. Any lawfully existing use, building, or land not in conformity with the regulations on the effective date of this Ordinance herein prescribed shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming buildings, structures, or uses.

SECTION 103 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

SECTION 104 CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued thereunder, except as provided, and only to the extent permitted by Section 508(4) of the Municipalities Planning Code. Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this Ordinance shall control.

Furthermore, except as provided for in Sections 207.B. and 400 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation, which imposes the greater restriction, shall apply.

SECTION 105 VALIDITY

Except as noted in Section 207.C. of this Ordinance, should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

SECTION 106 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety, and welfare of the neighborhood.

SECTION 107 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Silver Spring Township is hereby divided into zones and overlays, which shall be designated as follows:

Conservation (C)	Mixed Use A	Interchange Regional Gateway
Agriculture (A)	Mixed Use B	(INT-RG)
Rural Residential (R)	General Industrial (I-2)	Community Commercial (C-2)
Residential Estate (RE)	Quarry (Q)	Floodplain Overlay (FP)
Residential (R-1)	Neighborhood	Highway Commercial (C-3)
High Density Residential (R-2)	Commercial (C-1)	Resource & Landscape
Village Residential (R-3)	Office Professional (O)	Management Overlay (RLMO)
Village Overlay (VO)	Interchange Planned Commerce	
Light Industrial (I-1)	(INT-PC)	

SECTION 108 ZONING MAP AND VEHICULAR ACCESS MAP

The areas within Silver Spring Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, the Vehicular Access Map depicting vehicular control points and feeder roads is also declared to be a part of this Ordinance.

SECTION 109 ZONE BOUNDARY LINES

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

SECTION 110 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Silver Spring Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 101 above. The Ordinance is enacted with regard to the community development objectives listed in the Silver Spring Township Comprehensive Plan.

SECTION 111 DEFINITIONS

1. **WORD USAGE** - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
2. **LANGUAGE INTERPRETATION** - In this Ordinance, when not inconsistent with the context:
 - A. Words in the present tense also imply the future tense.
 - B. The singular includes the plural.
 - C. The male gender includes the female gender.
 - D. The word “person” includes an individual, incorporator’s association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 - E. The term “shall” or “must” is always mandatory.
3. **SPECIFIC WORDS AND PHRASES** - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public right-of-way street and a single tract of land containing any use other than one single-family dwelling unit or farm.

ACCESSORY APARTMENT - A detached dwelling unit with direct means of egress that is (1) contained upon the same lot as an owner-occupied single-family detached dwelling and (2) is contained within the principal dwelling building or occupies a portion of one of its accessory buildings. All accessory apartments shall have direct separate means of entrance/exit.

ACCESSORY DRIVE-THRU/PICK-UP - Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service, or obtain a product in a motor vehicle on the premises. This accessory use also includes any portion of a restaurant in which the area designated for carry-out service exceeds five percent (5%) of the total patron seating area or eighty (80) square feet (whichever is greater).

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACREAGE, GROSS - The total land area contained within a property or proposed site.

ACREAGE, NET - The land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way, or as further specified by provisions within this Ordinance.

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

ADULT-RELATED FACILITIES - A business or club, which engages in one or more of the following areas of sales, services, or entertainment:

1. **Adult Bath House:** An establishment or business, which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity, occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.
2. **Adult Body Painting Studio:** Any establishment or business, which provides the service of applying paint or other substance whether transparent or non-transparent to or on the human body when specified anatomical areas, are exposed.
3. **Adult Bookstore:** Any establishment, which has more than fifty percent (50%) of its stock in trade consisting of:
 - A. Books, films, videotapes, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices, or paraphernalia (excluding prophylactics) which are designed for use in connection with specified sexual activities.
4. **Adult Cabaret:** A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. **Adult Massage Establishment:** Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club,

health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

6. **Adult Mini-Motion Picture Theater:** An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. **Adult Model Studio:** Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. **Adult Motel:** A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. **Adult Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. **Adult Motion Picture Theater:** An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. **Adult News Rack:** Any coin-operated machine or device, which dispenses material substantially, devoted to the depiction of specified sexual activities or specified anatomical areas.
12. **Adult Out-Call Service Activity:** Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. **Adult Sexual Encounter Center:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. **Adult Theater:** A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized

by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

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

AGRICULTURE - The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, vitaculture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program; or as otherwise defined by the Pennsylvania Department of Agriculture and/or the United States Department of Agriculture.

AGRICULTURAL MARKETING ENTERPRISE - An accessory use to an agricultural operation for the purpose of directly marketing agricultural products produced by the agricultural operation in their natural or manufactured state. The term shall include any on-farm processing, packaging or other activity performed in the course of direct marketing of the farmer's agricultural products. Examples include but are not limited to farm stands, creameries, pick-your-own operations, community supported agriculture (CSA), Christmas tree farm, etc.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

AGRITOURISM - An accessory use to an agriculture/agricultural operation at which activities are offered to the public or to invited groups for the purpose of recreation, entertainment, education or active involvement in the agricultural operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. These activities may include a fee for participants. Examples include but are not limited to hayrides, corn mazes, farm tours, rodeo, educational exhibits, agriculturally related events, recreation related tours and activities, etc.

AIRPORT - Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-ways, or approach zones, together with all airport buildings and facilities located thereon.

ALCOHOLIC BEVERAGE PRODUCTION - An establishment which produces alcoholic beverage for on-site or off-site sale and distribution, and which may include a brew pub and tasting room on the premise, or as otherwise defined as “Manufacturer” by Chapter 47, the Pennsylvania Liquor Code, as amended. Beverage production may exceed 5,000 barrels of brewed and malt beverages; 100,000 gallons of distilled liquor; or

200,000 gallons of fermented beverages per year, unless otherwise Regulated by the Pennsylvania Liquor Control Board.

ALL OTHER NON-RESIDENTIAL USES - Any nonresidential use not specifically stated within this ordinance.

ALL OTHER RESIDENTIAL USES - Any residential use not specifically stated within this ordinance.

ALLEY - A strip of land over which there is a private right-of-way intended to provide vehicular access to the side and/or rear of properties with frontage on a public street. An alley is not intended for general traffic circulation.

ALTERATIONS - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building, which would change its use, location, and/or size.

AMBULATORY SURGICAL FACILITY - A facility, or portion thereof, not located upon the premises of a hospital, which provides specialty or multispecialty outpatient surgical treatment to patients who do not require hospitalization, but who require constant medical supervision following the surgical procedure performed.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL EQUIVALENT UNIT (AEU) - 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individuals comprising the unit. Animal weights shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

ANTENNA - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities defined below. An Antenna shall not include private residence-mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

ATTIC - That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE DETAILING SALON - An establishment primarily engaged in the process of detailed cleaning, enhancing or protecting the interior spaces or exterior surfaces of passenger vehicles by technicians, but not including car washes per se, or vehicle sales, storage, fueling or major mechanical or body service,

repair or reconstruction as defined or regulated elsewhere in this chapter. Auto detailing salons primarily operate on a membership-based service or appointment scheduling system.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely enclosed building.

AUTOMOBILE SALES STORAGE FACILITY - A parking lot as a principal use associated with offsite automobile sales, which is used for the storage of passenger vehicle inventory for retail sales.

AUTOMOBILE SERVICE AND REPAIR STATION - The retail repair, servicing, maintenance, and reconstruction of passenger vehicles but not including car washes per se.

BANK - See “Financial Institution.”

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BED AND BREAKFAST - A single-family detached dwelling, where between one (1) and twelve (12) rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - An accessory use permitted in any Zone, in which bees are raised and/or kept in compliance with the provisions found in Section 301.12 of this Ordinance.

BILLBOARD - A sign upon which images and/or messages of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services, or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

BOARD - The Zoning Hearing Board of Silver Spring Township.

BOARDING HOUSE - A detached building arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

BREW PUB – A restaurant-style establishment which holds a license to produce alcoholic beverages as regulated by the Pennsylvania Liquor Control Board and sells twenty-five (25) percent or more of its beverage produced to on-site customers. The on-site manufacture of alcohol beverages shall be limited to no greater than 5,000 barrels of brewed and malt beverages; 100,000 gallons of distilled liquor; or 200,000 gallons of fermented beverages per year, unless otherwise regulated by the Pennsylvania Liquor Control Board.

BUILDING - Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of the Floodplain Zone, the word “building” shall include gas or liquid storage tanks.

1. Detached: A building which has no party wall.
2. Semi-detached: A building, which has only one party wall in common.
3. Attached: A building, which has two or more party walls in common.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered patio, decks, awnings, terraces, and steps.

BUILDING AREA, HABITABLE – The space within a building intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

BUILDING SETBACK LINE - The actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes any structure above grade, except steps.

BUS, BOAT, RELATED COMMERCIAL VEHICLE SERVICE AND REPAIR FACILITY - The act of conducting support of mechanical alteration and maintenance on commercial scale vehicles.

CAFE - An exterior seating area associated with a restaurant or tavern, which is under constant supervision by an employee of the business.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITES - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CAR WASH - A principal or accessory use whereby structures equipped with apparatuses for the washing, waxing and/or vacuuming of vehicles are provided.

1. **Automatic Car Wash:** A self-serve car wash in which the vehicle enters a washing bay and is cleaned by solely a mechanized process.
2. **Full-Service Car Wash:** A car wash in which attendants are responsible for some portion of the washing process.
3. **Self-Service Car Wash:** A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle’s occupants using available equipment and cleansers.

CARPORT - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY - The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks, or swales.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area, nor as a story of permissible building height.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by the Zoning Officer, setting forth that a building, structure, or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

CHANNEL - A natural or artificial watercourse with a definite bed and banks, which confine and conduct continuously or periodically flowing water.

COLLOCATION - The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining with the express purpose and intent of selling the product.

COMMERCIAL LIVESTOCK OPERATION - (Also referenced as Concentrated Animal Operation [CAO] by PA Dept. of Agriculture) - An agricultural use involving the keeping and handling of livestock and/or poultry quantities more than 8 total animal equivalent units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application.

COMMERCIAL STOCKYARDS OR FEEDLOTS - (Also referenced as Concentrated Animal Feeding Operations [CAFO]) - An agricultural operation where certain large quantities of livestock or poultry are housed inside buildings or in confined feedlots. Classified as an operation with more than 1,000 AEUs or a CAO with more than 300 AEUs.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses, shooting ranges, amusement arcades, nor off-track betting parlors, as defined herein.

COMMERCIAL TRUCK - A vehicle that exceeds a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.

COMMERCIALLY REASONABLE - Means terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a fifty (50) mile radius of the Township.

COMMUNITY GARDEN - Land managed and maintained by a public or nonprofit organization, or a group of individuals, to grow and harvest food crops and/or ornamental plants for use by a group, individuals cultivating the land and their households for donation. Community Gardens may be divided into separate plots

for cultivation by individuals or used collectively by members of a group. A Community Garden may be a principal or accessory use of a site.

COMMON FACILITIES - Services or utilities such as, but not limited to, water and sewer service within a development site designed, constructed, and maintained primarily for the use of residents of the development.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, Silver Spring Township, Cumberland County, PA, including any amendments.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) - A farm where certain large quantities of livestock or poultry are housed inside buildings or in confined feedlots. Classified as an operation with more than 1,000 AEUs or a CAO with more than 300 AEUs. (Defined by PA Dept. of Agriculture; See also Commercial Stockyards or Feedlots)

CONCENTRATED ANIMAL OPERATIONS (CAO) - A livestock or poultry farming operation that has more than 8 total animal equivalent units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application. (Defined by PA Dept. of Environmental Protection; See also Commercial Livestock Operation)

CONCRETE BATCHING PLANT - A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incidental to such manufacturing and mixing.

CONDITIONAL USE - A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 804 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVANCY LOT - A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required Greenway land in a Resource and Landscape Management Overlay development.

CONSERVATION AREA, PRIMARY - Lands containing 100-year floodplain (including the floodway), wetlands, and prohibitive steep slopes (above 25 percent). In Resource and Landscape Management Overlay developments, all lands containing primary resources are called Primary Conservation Areas.

CONSERVATION AREA, SECONDARY - Lands containing natural or cultural features outside Primary Conservation Areas that are worthy of conservation by inclusion in Greenway land. See a prioritized list of such features in Section 618.03.01 of the Subdivision and Land Development Ordinance.

CONSERVATION PLAN - A plan including a map(s) and narrative that identifies conservation practices and includes site specific best management practices for agricultural plowing or tilling activities and animal heavy use areas, and at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONVENIENCE STORE - A retail sales business, which specializes in providing household products and foods. Convenience stores may also provide for any or all of the following as an accessory use:

1. The rental of video tapes provided that an adult bookstore is specifically prohibited;
2. The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided; and
3. The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).
4. Convenience stores shall not include the dispensing of gasoline or other vehicle fuels unless the appropriate approvals for an automobile filling station (as defined herein) have been obtained.

CONVENTION CENTER - A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions, and other similar functions.

CONVERSION APARTMENTS - The adaptation of one single-family detached dwelling to two (2) or more dwelling units.

CREMATORIUM - A location containing properly installed, certified apparatus intended for use in the act of cremation.

CUL-DE-SAC - A dead-end street equipped with a circular vehicle turnaround at its terminus.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

1. **Day-Care, Accessory:** A day-care facility that is operated as an accessory use to a dwelling unit, whereby care and supervision is offered to no more than three (3) non-residents of the site during any calendar day. These facilities are permitted by right in every zone.
2. **Day-Care, Family:** A day-care facility that is operated as an accessory use to a dwelling unit, in which the care and supervision is offered to between four (4) and six (6) non-residents of the site during any calendar day. Family day-care facilities must be registered by the Department of Public Welfare of the Commonwealth of Pennsylvania.
3. **Day-Care, Commercial:** A day-care facility that offers care and supervision to more than six (6) non-adult, non-residents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day-care be considered an accessory use to one dwelling unit. Commercial day-care facilities shall include “group child day-care homes” and “child day-care centers,” as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day-care centers must obtain a valid certificate of compliance from the Department of Public Welfare of the Commonwealth of Pennsylvania, prior to operation.
4. **Older Adult Daily Living Services** - A premises, operated in conformance with the requirements of Title 6 Chapter 11 of the Pennsylvania Code as amended, for profit or not-for-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day.

DBH (DIAMETER AT BREAST HEIGHT) - The diameter of a tree trunk measured 4.5 feet above the ground at the base of the tree. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split. The term applies to trees in the field (not nursery stock).

DENSITY - A term used to express the allowable number of dwelling units divided by the gross acreage of a total project area. The term density, when not qualified by *net* or *adjusted tract area*, shall be synonymous with the term *gross density*.

DENSITY, NET - The number of dwelling units permitted divided by net acreage or the area of a project area actually in use or proposed to be used for residential purposes.

DESIGNATED CONTROL POINTS - Locations approved for street and/or access drive connections with the Carlisle Pike.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

DEVELOPMENTAL DISABILITY - A disability of a person, which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy, autism, injury, and/or trauma.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON - A person with a developmental disability.

DISTRIBUTED ANTENNA SYSTEM (DAS) - Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION - A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

DOMESTIC PETS - Non-farm animals that are locally available for purchase as pets, as an accessory use to a dwelling unit.

DRIVE-THRU – See the definition for ACCESSORY DRIVE-THRU/PICK-UP.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All

dwelling must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.

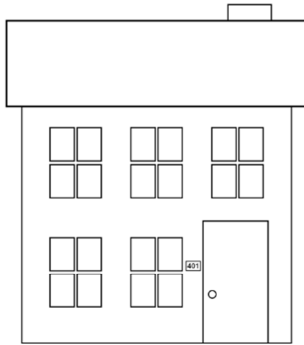


FIGURE 1

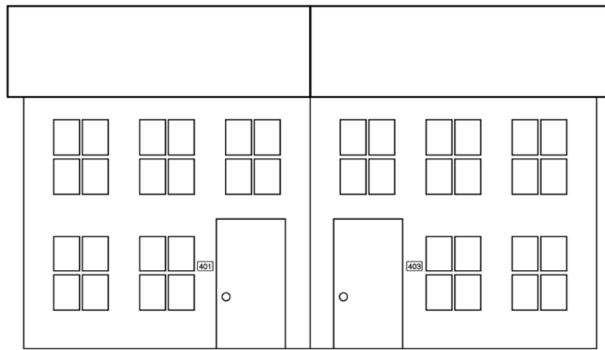


FIGURE 2

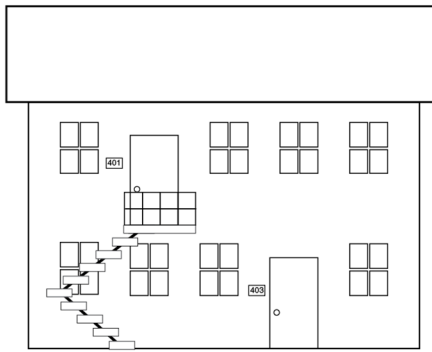


FIGURE 3

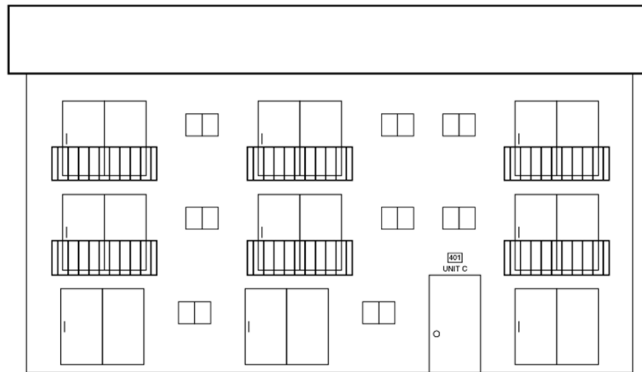


FIGURE 4



FIGURE 5

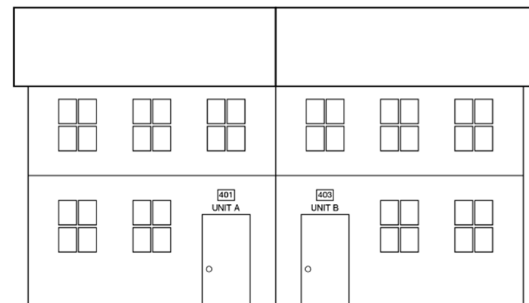


FIGURE 6

1. **Single-Family Detached (SFD):** A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and one (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they comply with paragraph 6, as follows. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)

2. **Duplex (Two-family; single-family semi-detached):** A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard. (Figures 2 and 3)
3. **Multiple Family:** A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
4. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls. (Figure 5)
5. **Quadraplex:** One detached building that contains four separate dwelling units, all of which share one or two points of exterior access. Within the Village Overlay Zone, all quadruplexes must be designed to resemble one single-family detached dwelling. (Figure 6)
6. **Mobile Home:** For the purposes of this Ordinance, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings, and the following:
 - A. All apparatuses used to tow or transport the mobile home (including, but not limited to, the towing hitch) shall be removed; and,
 - B. All mobile homes and additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top or frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]), as amended for Mobile Homes in Hurricane Zones or other appropriate standards, such as the following:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length; and,
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

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

ELIGIBLE FACILITIES REQUEST - An application for modification of an existing wireless communications facility or base station that involves 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment.

EMERGENCY - A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

EVENT CENTER - A location which is frequently rented out or reserved for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled.

FAMILY - An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common and live within one dwelling unit may be considered a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM - Unless otherwise defined by criteria of the Pennsylvania Department of Agriculture. Any parcel of land with ten (10) or more acres, or capable of generating \$2,000 in annual gross income from agriculture production, which is used in the raising of agricultural products, including, but not limited to, trees, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARMERS MARKET - A retail sales use operated by a governmental agency, a nonprofit organization, or more than one Producer that primarily sells Farm Products and Value-added Farm Products directly to consumers. Farmers' Markets can include indoor and outdoor display and sales.

FARM OCCUPATION - An accessory use to an agricultural operation at which goods and services are rendered in support of local agricultural operations or to supplement on-farm income. Examples include but are not limited to tractor repair services, custom cabinetry, welding shop, internet-based business, auctions, repair services, catering, home occupations, traditional trade businesses, etc.

FARM PRODUCTS – Items sold at a Farmers' Market from a Producer. Farm Products shall include but are not limited to agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and seafood.

FARM-RELATED BUSINESS - A principal use that may, or may not, be located upon a farm, at which goods and services are rendered in support of local farming operations.

FARM STAND - A structure for the display and sale of products grown on the property upon which the stand is located.

FARM USE - The use of land and structures for one or more of the following: the tilling of the land, the raising of crops, fruits and vegetables, and the raising and keeping of livestock and poultry; horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, and other plant materials; forestry uses related to the harvesting of lumber products.

FCC - Federal Communications Commission.

FEEDER ROAD - A roadway that directly connects to the Carlisle Pike.

FENCE - A structure designed as a barrier to restrict the movement or view of persons, animals, property, and/or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half the width and/or depth of the front yard.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FIREWOOD - The hard, fibrous substance from trees, which is used as fuel.

FLEA MARKET - The offering for sale of merchandise or goods to the general public by two or more vendors, at least one of whom is not the owner of the property on which the offering is made. Excluded from the definition of "flea market" are establishments conducting business throughout the year that are recognized by the zoning laws of Silver Spring Township as retail store or shop and located within a zoning district that permits retail store or shop uses.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse, which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOF - Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to property, structures, and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROUND - The sum of the horizontal areas of the ground floor of a building measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, GROSS - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, GROSS LEASABLE - The total floor area designed for occupancy by an owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FORESTRY - The management of forest and timberlands when practiced in accordance with sound forest management practices through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any existing, proposed, or future land development.

FRONT BUILD-TO-LINE - An area establishing the required location for all, or a portion of a building's front facade, as measured from the street line.

FRONT FACADE - The plane of the facade of the building closest to the street right-of-way, excluding stoops, porticos, open colonnades, and open porches.

FRONTAGE - The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway.

FUNERAL HOME - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematorium.

GARAGE, FRONT-LOADED - A garage having its vehicular entry door facing the street.

GARAGE, PRIVATE - An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation, or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GARAGE, REAR LOADED - A garage having its vehicular entry door facing an alley or rear lane.

GARAGE, SIDE LOADED - A garage having its vehicular entry door facing the side yard.

GOLF COURSE - A golf course with a minimum of 2,800 yards of play in nine (9) holes.

GREEN, COMMON - An area of Greenway land, surrounded by streets on at least 2 and often 3 or 4 sides, around which dwellings are organized.

GREENWAY LAND - A parcel or parcels of land and/or water, within the Resource and Landscape Management Overlay or Village Overlay Zone, set aside for the protection of natural and cultural resources. Greenway land consists of Primary and Secondary Conservation Areas and is permanently restricted against further development. The terms "Greenway" and "Greenway land" are synonymous.

GROUP HOME - A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single-family dwellings.

HAZARDOUS MATERIAL - Materials which have the potential to damage health, endanger human life or impair safety, or as otherwise defined and regulated by the PADEP and/or EPA.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed to, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND FITNESS CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEALTH CARE CAMPUS – The grouping of facilities and supportive buildings where professional health care services are provided for in-patient and/or out-patient needs.

HEAVY EQUIPMENT - Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, Class II recreation vehicles (as defined herein), boat/yachts, industrial machinery, etc.

HEAVY EQUIPMENT SALE, SERVICE AND REPAIR - The act of conducting sales and/or support of mechanical alteration and maintenance on vehicles classified as heavy equipment by the Commonwealth of Pennsylvania and not otherwise defined by this Ordinance.

HEAVY INDUSTRIAL - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of “Manufacturing.”

HEIGHT, BUILDING - A building's vertical measurement from the lowest ground level at any point along the exterior of the building to the absolute highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HISTORIC APARTMENT CONVERSION - The conversion of an historic structure into two or more dwelling units.

HISTORIC OFFICE CONVERSION - The conversion of an historic structure into one or more offices.

HISTORIC RESTAURANT CONVERSION - The conversion of an historic structure into a restaurant.

HISTORIC STRUCTURE - A structure that is on the National Register of Historic Places, or recognized by the Pennsylvania Historical Museum Commission, the Cumberland County Historical Society, or any Township appointed body created for such purposes, as being historically significant.

HISTORIC STRUCTURE CONVERSION - The conversion of an historic structure into one or more uses.

HOME OCCUPATION - A business or commercial activity, conducted as an accessory use in a dwelling unit, that does not fulfill the criteria of a no-impact home based business as defined in this Zoning Ordinance.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owners' association.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL/MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

IMPERVIOUS SURFACE - Any areas not covered solely by vegetative or mulched surfaces, including but not limited to paving; concrete; vehicle parking areas; driveways; stone, crushed gravel, or similar surfaces; decks and patios; constructed "pervious" surfaces such as but not limited to pavers, pervious concrete, and pervious asphalt; or any other manmade surfaces that aren't solely comprised of vegetation

and similar or related coverages. Artificial turf and similar synthetic vegetative surfaces shall not count as impervious coverage when constructed for recreational purposes and with proper subsurface infiltration media. (NOTE: a different definition may apply under other ordinances for the purposes of the items regulated by said ordinances)

IMPORTANT NATURAL AREAS - Lands containing habitat for flora or fauna identified in the Pennsylvania Natural Diversity Index (PNDI) or in a County natural areas inventory.

IMPORTANT NATURAL HABITAT - Any land area characterized by any or all of the following:

1. Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;
2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and,
3. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

INDOOR COMMERCIAL RECREATION – See Commercial Recreation Facility

INDOOR THEATER AND AUDITORIUM – See Commercial Recreation Facility

INVASIVE PLANT SPECIES - Predominantly non-native tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate that they out-compete many native plant species.

JOINT-USE DRIVEWAY - A common driveway that serves two to four adjoining dwellings within the Village Overlay Zone. Additionally, joint-use driveways can serve up to four adjoining residential lots.

JUNK - Used and/or discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junkyard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any establishment in or through which at least 26 animals (except relating to a farm) that are kept or transferred in a calendar year, or as otherwise defined by the Pennsylvania Dog Law, as amended.

LABORATORY FOR MEDICAL, SCIENTIFIC OR INDUSTRIAL RESEARCH AND DEVELOPMENT - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized

under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LAUNDROMAT AND/OR DRY CLEANERS - A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

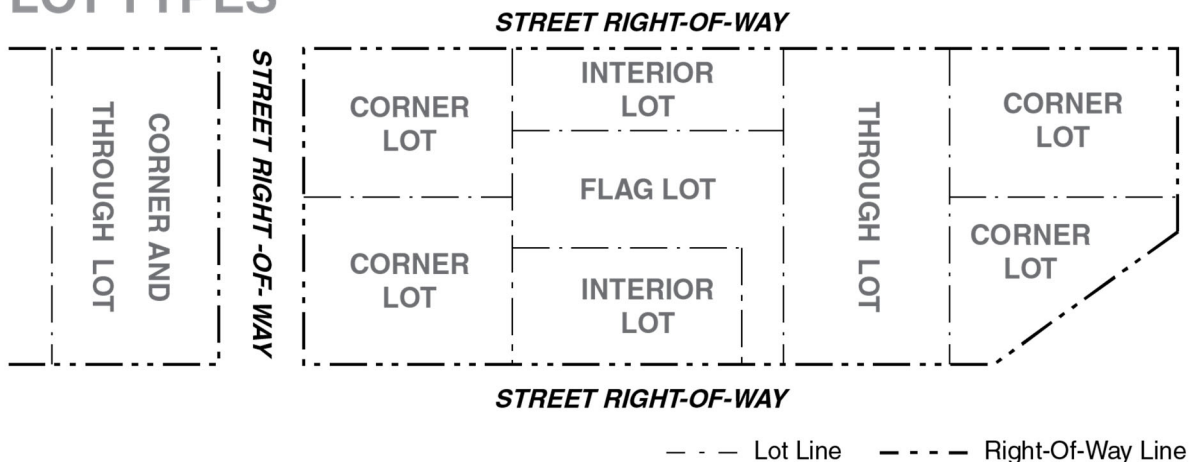
LIVESTOCK - Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or padlock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, sheep, goats, chickens, and fowl.

LIVESTOCK ENCLOSURE - A fenced-in area that presents an adequate blockade around a field, yard, or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from outside.

LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT - Any parcel or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement, or development. The word “lot” includes the word “plot”, “parcel”, or “tract”. Contiguous non-conforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

LOT TYPES



1. **Lot, Corner:** A lot, which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards and two side yards.
2. **Lot, Flag:** A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot’s frontage.
3. **Lot, Interior:** A lot other than a corner lot, the sides of which do not abut a street.

4. **Lot, Through or Reverse Frontage:** An interior lot having frontage on two parallel or approximately parallel streets, with vehicular access solely from the street with lesser volume of traffic.
5. **Lot, Double Frontage** - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundary of the lot, and vehicular access provided to both streets.

LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement. Wetland areas may be required to be deleted from the minimum lot area under Section 300.10.

LOT COVERAGE - A percentage of the lot area, which may be covered with an impervious surface.

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage.

MACHINE SHOP - Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair shops; and overhaul shops.

MANUFACTURE - A function involving either the processing or production of materials, goods, or products.

MANUFACTURING - To manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding, or litter.

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and above-ground storage.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood, which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL MARIJUANA - Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016, as hereafter amended.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by licensed medical practitioners and related service providers for the purpose of providing non-emergency health services and/or urgent care to people on an outpatient basis. Medical or Dental Clinics shall not include facilities which provide outpatient surgical treatment to patients who do not require hospitalization, but who require constant medical supervision following the surgical procedure performed.

MEDICAL RESIDENTIAL CAMPUS - A principal use whereby a comprehensive medical and residential environment primarily serves retirement-aged persons and/or those possessing some ailment or disability. Medical residential campuses also offer a variety of residential dwelling types determined by the occupants' respective needs for some level of nursing and/or medical care.

MINI-STORAGE FACILITY - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MIXED-USE - An area or zone containing a variety of complementary uses.

MIXED-USE BUILDING - A building or structure that contains a combination of complementary and integrated uses such as residential and commercial/office/civic uses.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in the latest version of the Silver Spring Township Mobile Home and Mobile Home Park Ordinance. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there imposed. For the purposes of Section 218 (Floodplain Zone) of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a mobile home.

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MORTUARY - A place for the storage of human bodies prior to their burial or cremation.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this section.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site

consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. This is also meant to include an “under 21” club that features entertainment.

NO-IMPACT HOME BASED BUSINESS - A business or commercial activity which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

NON-COMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site. May involve the breeding, raising, caring for, housing, and principally the hobby (including agricultural clubs such as 4-H, FFA and the like); personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

NON-COMMERCIAL KEEPING OF CHICKENS - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon chickens are kept exclusively by the residents of the site.

NON-CONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

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

NON-CONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-CONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional non-conformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NON-PROFIT ANIMAL RESCUE - A governmental or non-profit private organization, duly registered as such pursuant to applicable federal or state law that provides temporary homes for stray, surrendered or abandoned dogs or cats.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – All non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products, which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OFF-TRACK BETTING PARLOR - A commercial use at which persons can visit to wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

OFF-STREET/OFF-SITE PARKING - A parking lot(s) serving as a principal use as permitted by this ordinance.

ON-LOT SEWER SERVICE - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of a safe, adequate, and healthful supply of water to a single principal use from a private well.

ONE HUNDRED (100) YEAR FLOOD - A flood which is likely to be equaled or exceeded once every one hundred (100) years [i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resources Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

ONE HUNDRED (100) YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years [i.e., that has a one percent (1%) chance of being flooded each year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resources Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

ONE HUNDRED (100) YEAR FLOOD ELEVATION - The water surface elevations of the one hundred (100) year flood.

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

OUTDOOR WOOD-FIRED BOILER OR FURNACE - A wood-fired boiler or furnace that is not located within a building or structure intended for habitation by humans or domestic animals.

PA DEP - Pennsylvania Department of Environmental Protection.

PACKAGING - The act of preparing the shipment of goods developed and/or manufactured by others for the purpose of sales and delivery.

PARKING COMPOUND - A primary retail sales business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements listed in Section 603 of the SLDO.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PATIO - An open, unenclosed structure consisting only of a floor constructed at grade level.

PennDOT - Pennsylvania Department of Transportation.

PERSONS - Individuals, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the Township or to any department or agency of the Township.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLACE OF WORSHIP AND OTHER RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed, or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day care facilities.

PLANNING COMMISSION - The Planning Commission of Silver Spring Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include “planned center signs” as regulated herein.

PORCH - A roofed, open or screened structure constructed above grade level and projecting from the front, side or rear wall of a building.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premises advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land, which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land, which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIVATE CLUBHOUSE - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities nor off-track betting parlors, as defined herein.

PROCESSING - A function that involves only the cleaning, sorting, sizing, and/or packaging of products and materials.

PROCESSING OF FOOD PRODUCTS - The transformation of food products as developed and/or manufactured by others.

PROCESSING OF MINERALS - The transformation of minerals for use by others, sales and delivery.

PROFESSIONAL BIOLOGIST - An individual with at least a graduate degree in aquatic and/or terrestrial biology and/or ecology, and with a depth of knowledge in organisms and the processes of ecological systems.

PUBLIC - Unless otherwise referenced within this Ordinance, utility, and/or entity of and/or within the Commonwealth of Pennsylvania, an object, location or matter owned and/or operated by the Township, its authority, a Township-supported fire company, or a Township-supported ambulance association.

PUBLIC AND/OR NONPROFIT PARK AND PLAYGROUND - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a non-profit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, amusement arcades, off-track betting parlors and shooting ranges.

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

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

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception and/or variance requests shall also include the posting of a sign(s) at a location(s) upon the subject property to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITY STRUCTURE, TYPE 1 - A structure, building or appurtenant facility for the purpose of operating and maintaining public utilities. Type 1 is limited to smaller-scale facilities such as electric substations, water towers/tanks/reservoirs, and other similar structures necessary for the regular daily distribution of public utilities, including gas, electric, steam, telephone, and similar service.

PUBLIC UTILITY STRUCTURE, TYPE 2 - A structure, building or appurtenant facility for the purpose of operating and maintaining public utilities. Type 2 is designated for larger-scale facilities, such as water pumping stations and/or treatment, sewage disposal pumping plants and/or treatment and power-generation facilities, as well as facilities that support the emergency and/or supplemental distribution of public utilities.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC VOCATIONAL AND MECHANICAL TRADE SCHOOL - A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete education curriculum (e.g., beauty school, modeling school).

PUBLIC WATER - A municipal water supply system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

QUARRYING AND/OR MINING OF MINERALS - The process of removing or extracting stone, rock or similar materials from an open excavation for financial gain.

QUARRY-RELATED MANUFACTURING, MIXING AND PROCESSING - The extraction and/or combination of minerals found on-site. See also Processing of Minerals.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance that emits radiation spontaneously.

RECREATIONAL VEHICLE - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewage; and,
5. The unit contains some identification by the manufacturer as a travel trailer.

RECYCLING FACILITY - An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one (1) foot. See also Township Stormwater Management Ordinance.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR - A function involved in correcting deficiencies of products that affect its performance and/or appearance.

RESTAURANT WITH ALCOHOL - An establishment that serves prepared food primarily on non-disposable tableware but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition. A restaurant may include the sale of alcoholic beverages, given that such sales account for less than fifty percent (50%) of total trade.

RESTAURANT WITHOUT ALCOHOL - An establishment that serves prepared food primarily on non-disposable tableware but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition. The sale of alcoholic beverages is prohibited.

RETAIL SALE OF GOODS AND SERVICES - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RIDING STABLE - A principal use whereby equestrian instruction is offered, and horses are kept, bred, trained, and/or exercised upon land not occupied by the owner of the horse(s).

RIGHT-OF-WAY or ROW - The surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility

purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the Right(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO’s, and satellite microwave antennas.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

1. Commercial School: A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
2. Private School: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
3. Public School: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.
4. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - A. Truck driving;
 - B. Engineer repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting; and,
 - H. Other similar trades, as determined by the Zoning Hearing Board pursuant to Section 107 and Section 704.E of this Ordinance.

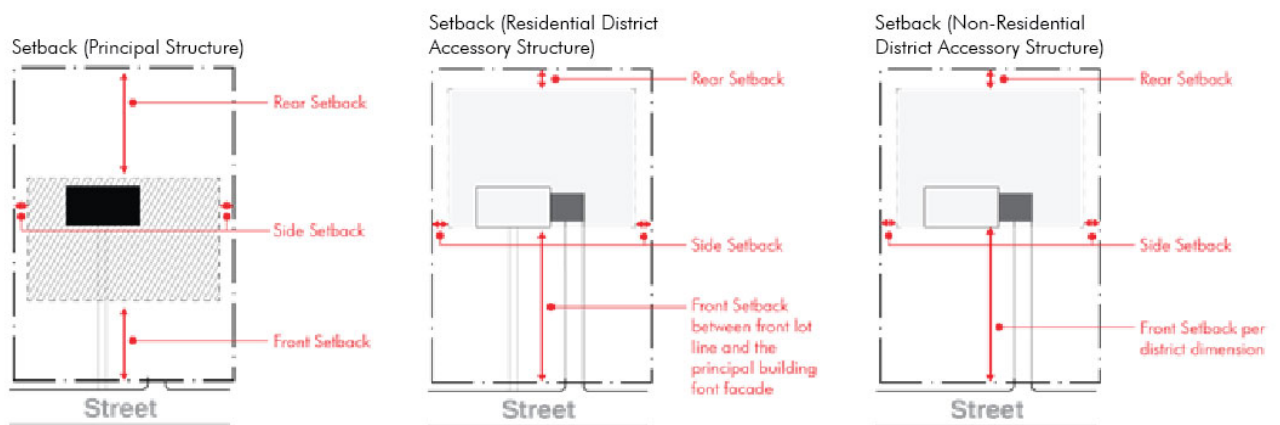
SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, and/or other similar type materials. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation, after both adjoining parcels are developed.

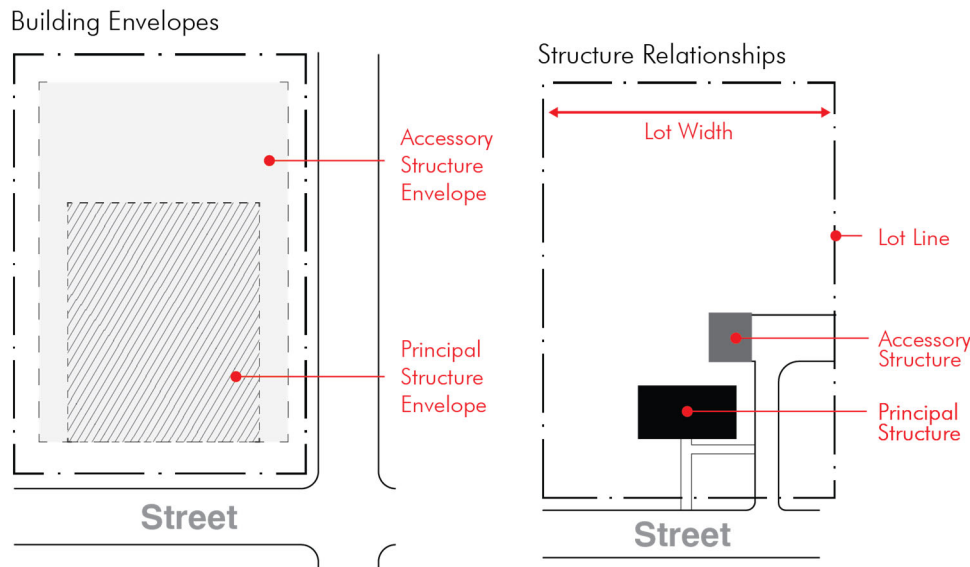
SEASONAL MERCHANDISE - Goods and products that are generally offered for retail sales to the public during specific periods of any calendar year. Examples include, but are not limited to, holiday decorations, nursery and garden stock, home and garden supplies and equipment, outdoor play and recreation equipment, etc.

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

SETBACK - The required horizontal distance between a setback line and a property or street right-of-way line.

1. Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly, called “required front yard.”
2. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”
3. Setback, Side: The distance between the side lot line and the side setback line projected from the required front yard to the required rear yard. Commonly called “required side yard.”





SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SFD - Single-family detached dwelling.

SHADE TREE - A deciduous tree that shall have a clear trunk at least five (5) feet above the finished grade.

SHOOTING RANGE - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development and/or training. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A group of stores in excess of 40,000 square feet of gross leasable area, planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN - Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place and which directs attention to a product, service, place, activity, person, institution, business or solicitation, but not flags or other insignia of any government, fraternal or similar organization.

1. **Flat Wall Sign:** A sign that is displayed and/or mounted upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than twelve (12) inches from said wall.
2. **Freestanding Sign:** A sign erected upon a permanently affixed, independent structure (legs or base).
3. **Permanent Sign:** A sign that is expected to be continuously displayed during the presence of a principal land use.
4. **Sponsorship Sign:** A Temporary Sign, which includes the name of a private individual or business entity, including a logo, trademark, or service mark of the private individual or business entity, in

recognition of financial contributions made by the private individual or business entity in support of a Public School, Private School, or Vocational-Mechanical Trade School.

5. **Temporary Sign:** A sign that is only permitted for specified periods of time, associated with some temporary event or work, conducted on the site.
6. **Under Canopy Sign:** A sign that identifies one (1) leasable unit within a shopping center and is hung from an overhead canopy of the shopping center or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided.
7. **Wall Projecting Sign:** A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

SITE - See Lot.

SLAUGHTER, PROCESS, RENDER, AND PACKAGING OF FOOD PRODUCTS - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packaging, treating, storage or sale of the product on the premises.

SLDO - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

SMALL ENGINE REPAIR SHOP - A business primarily offering the repair of household-scale engines and related products purchased elsewhere.

SMALL WIRELESS COMMUNICATIONS FACILITY (SMALL WCF) - A wireless communications facility that meets the following criteria:

1. The structure on which antenna facilities are mounted:
 - A. Is 50 feet or less in height, or
 - B. Is no more than 10 percent taller than other adjacent structures, or
 - C. Is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
2. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;

4. The facilities do not require antenna structure registration under 47 CFR Part 17;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

SOIL SURVEY - The latest published version of the USDA NRCS Web Soil Survey.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 704.C of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

STABLE - See "Riding Stable."

STEALTH TECHNOLOGY - Camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STORAGE - A function involving the deposition of materials, goods, and/or products for safekeeping.

STORAGE AND STOCKPILING OF MINERALS - The process of holding and/or containing quarry-related minerals for the purposes of future use and/or sale.

STOREFRONT - The wall of a unit of occupancy, which faces the front yard within a planned center, as defined herein.

STORY - That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

STREET - A strip of land over which there is a public or private right-of-way intended to serve as a means of vehicular and/or pedestrian access to and frontage for abutting properties. This term shall also include avenue, boulevard, road, highway, freeway, lane, viaduct and any other customarily similar dedicated. Streets are further classified as follows:

ARTERIAL - a street which provides for inter-community travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets.

COLLECTOR - a street which (1) provides access to a residential land use with a density in excess of three (3) dwelling units per acre, an industrial land use, or a commercial land use and/or serves as the main entrance or circulation street in a sizable development.

CUL-DE-SAC - a street with a single common ingress and egress with a turnaround at the end.

LOCAL - a street which provides access to a residential land use with a density of three (3) or less units per acre or an institutional land use or not classified as either Arterial or Collector.

SERVICE DRIVE OR ALLEY - a minor right-of-way on which no property fronts, which provides the secondary means of access for two or more properties.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STRUCTURE - Any assembly of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including but not limited to buildings, sheds, cabins, mobile homes and trailers, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

1. **Structure, Accessory:** A structure associated with an accessory use, (e.g., swimming pools, patios, unenclosed decks, antennas, tennis courts, garages, utility shed, etc.). Farm structures not intended for habitation are considered to be accessory structures.
2. **Structure, Principal:** A structure associated with a primary use.

Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

SUBSTANTIAL CHANGE or SUBSTANTIALLY CHANGE - A modification to an existing wireless communications facility substantially changes the physical dimensions of a tower or wireless support structure if it meets any of the following criteria:

1. For wireless communications facilities outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for wireless communications facilities in the rights-of-way, it increases the height of the facility by more than 10% or 10 feet, whichever is greater;
2. For communications towers outside the public rights-of-way, it protrudes from the edge of the tower by more than 20 feet, or more than the width of the tower structures at the level of the appurtenance, whichever is greater; for those wireless communications facilities in the public rights-of-way, it protrudes from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
4. It entails any excavation of deployment outside the current site of the communications tower; or
5. It does not comply with conditions associated with prior approval of construction or modification of the wireless communications facility unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TASTING ROOM - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, without kitchen facilities, where live entertainment (non-sexually oriented business or establishment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian. The on-site manufacture of alcohol beverages shall be limited to no greater than 5,000 barrels of brewed and malt beverages; 100,000 gallons of distilled liquor; or 200,000 gallons of fermented beverages per year, unless otherwise regulated by the Pennsylvania Liquor Control Board.

TAVERN - An establishment in which the sale of alcoholic beverages accounts for greater than fifty percent (50%) of total trade and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment (see definition for “Nightclub”) shall be permitted.

TERMINAL VISTA - The scene terminating the view down a road or street, as at an intersection or on the outside of a curve.

TESTING - A function involving the examination and assessment of qualities, performances, and/or capabilities of a product, good or material.

TOWER - A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF) - A Tower and its supporting antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. Distributed antenna system hub facilities are considered to be Tower- Based WCFs.

TOWNSHIP - Silver Spring Township, Cumberland County, Pennsylvania.

TRACT AREA, ADJUSTED - The gross tract area minus Primary Conservation Areas as well as any portions of under conservation easement that are restricted from further development.

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

TRUCK STOP - A commercial use that primarily provides fuel and parking for tractor-trailer trucks, in addition to other vehicles, and which may also include vehicle repair, a retail store, restaurant, motel, showers and similar support facilities for travelers.

TRUCK TERMINAL - An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points of junctions.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UCC - The Pennsylvania State Uniform Construction Code as adopted in its latest version by the Commonwealth of Pennsylvania and amended by technical amendment by Silver Spring Township.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

1. **Use, Accessory:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
2. **Use, Principal:** The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

VALUE-ADDED FARM PRODUCT – A product processed by a Producer from a Farm Product, including but not limited to baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee and other beverages, smoked or canned meats or fish, sausages, or prepared foods.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Pennsylvania Municipalities Planning Code.

VEHICULAR CONTROL POINTS - Preapproved locations for vehicular access to properties fronting along the (1) Carlisle Pike and (2) New Willow Mill Road within the (INT) Zone.

VETERINARY OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

WAREHOUSE - A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal.

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as “waste” by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency. For the purposes of this Ordinance, the difference between “waste” and “junk” or “recyclables” is that waste shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WECS UNIT (Wind Energy Conservation System) - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WELDING SHOP - A facility that provides the principal service of welding materials for use off-site.

WETLAND - Area with the characteristics of wetland, as defined by the U. S. Environmental Protection Agency, U. S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, and the U. S. Natural Resources Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

WHOLESALE TRADE ESTABLISHMENT - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WIND ENERGY CONVERSION SYSTEM - One or more wind turbines that are used to convert natural wind energy into electrical energy, and customary accessory structures and buildings, including substations, meteorological towers, electrical infrastructure and other appurtenant structures and facilities.

WIND TURBINE - A piece of machinery that converts natural wind energy into electricity through the use of a rotor, tower, and any transformer.

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

WIRELESS - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) - The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating FCC-licensed mobile telephone wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) - Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

WORKFORCE HOUSING - Housing that is affordable for someone earning between 80% and 120% of the median household income in Cumberland County as determined by the latest Census data. These units shall not be segregated or clustered within a neighborhood or structure and, from the exterior, will provide no evidence that distinguishes them from market-rate units.

WORKFORCE HOUSING DEVELOPMENT AGREEMENT - A written agreement duly executed between the applicant for a development, the Township, and the designated third-party administrator of the workforce housing program.

YARD - An area between the permitted structures and the property lines.

YARD DIAGRAMS



1. **Yard, Front:** The area contained between the street right-of-way line and the principal structure. For flag lots, see Section 705.04.7.b)2) of the Subdivision and Land Development Ordinance.
2. **Yard, Rear:** The area contained between the rear property line and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address. For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.
3. **Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.

ZONING - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

SECTION 112 PUBLIC USES

Public Uses as Permitted by Right in All Zoning Districts

1. The Board of Supervisors hereby recognizes the need to use and develop lands within this Township to accommodate and implement governmental functions and responsibilities of this municipality.
2. Notwithstanding anything to the contrary appearing elsewhere in this ordinance, land, buildings, or premises in all zoning districts may be used by right for the performance of any public function without regard to specific limitations or regulations pertaining to the zoning district in which such use may be located.
3. The public entity using the subject property shall provide and maintain a visual barrier or vegetative buffer between such municipal use and any contiguous residential zoning district, except where a natural or man-made barrier or buffer may already exist. The type and extent of barrier or buffer shall be determined by the Board of Supervisors after consultation with the Township Planning Commission.

SECTION 200 **ARTICLE 2: ZONE REGULATIONS**
CONSERVATION ZONE (C)

A. Purpose

This Zone seeks to protect large concentrations of environmentally sensitive features that also have significant value for passive and active recreational pursuits. Specifically, forested areas, steep slopes, stream and creek valleys, wetlands, and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas; however, some forms of development are allowed under prescribed criteria. The provisions of this Zone have been specifically formulated to satisfy Section 604. (1) of the Municipalities Planning Code, which requires local zoning ordinances to “promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.”

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Apartment	P	301.20
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	
Bed and Breakfast	C	406; 804
Campgrounds	C	410; 804
ECHO Housing	P	304.9
Family Day-Care Facility	C	416; 804
Forestry	P	304.19
Home Occupation	C	425; 804
Kennel	P	304.15
Non-Commercial Keeping of Livestock	P	301.17
Non-Profit Animal Rescue	P	304.15
Private Clubhouses	C	436; 804
Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources	P	
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Shooting Range	C	441; 804
Single Family Detached-Dwelling	P	
Riding Stable	P	304.15
Two-Family Conversion	P	304.16
Wireless Communication Facilities	C	448; 804

P – Permitted Use By Right

C – Conditional Use

**ARTICLE 2
ZONE REGULATIONS**

Silver Spring Zoning Ordinance

C. Dimensional Requirements

	AGRICULTURAL /OTHER USES	PARKS AND PLAYGROUNDS	SINGLE FAMILY DWELLINGS	SINGLE FAMILY DWELLINGS IF >50% OF SITE POSSESSES >15% SLOPE; OTHER
MIN. LOT SIZE		5,400 sf	1 acre	2 acres
MIN. LOT WIDTH				
at Building Setback Line		60 ft	150 ft	150 ft
MAX. BUILDING HEIGHT				
Principal Structure		35 ft	35 ft	35 ft
Accessory Structure		15 ft	15 ft	15 ft
MAX. LOT COVERAGE				
Impervious Surface		40%	10%	7%
MIN. SETBACK				
<i>Principal</i>				
Front, on Local/ Collector Street		40 ft	50 ft	50 ft
Front, on Arterial Street		50 ft	50 ft	50 ft
Side		30 ft	30 ft	30 ft
Rear		50 ft	60 ft	60 ft
<i>Accessory</i>				
Front		-	*	*
Side		-	15 ft	15 ft
Rear		-	15 ft	15 ft

See Section 201 of this Ordinance.

*All accessory uses for single family dwellings shall be located behind the front façade of the principal structure.

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

- 2. Maximum number of permitted dwellings or lots.
 - a. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this chapter, there may be one lot subdivided or one principal residence constructed for either a single-family detached nonfarm or farm dwelling, according to the following schedule:

Lot Area (acres)		Total Number of Permitted Lots/Dwellings*
At Least	Less Than	
2	10	2
10	20	3
20	30	4
30	40	5
40	50	6
50	60	7
60	70	8
70	80	9
80	90	10
90	100	11
100	110	12
110	120	13
120	130	14
130	140	15
140	150	16
150	160	17
160	170	18
170	180	19
180	190	20
190	200	21

- b. For parent tracts great than 15 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 220, Resource & Landscape Management Overlay.
- 3. Woodland Preservation Requirements – Only those areas necessary for the construction of buildings or structures, for which a building permit has been issued, shall be cleared of existing woodland.

- a. “Woodland” shall be defined as an area that is predominantly covered by the canopies of trees and which includes at least one tree of at least 6 inches in diameter for every 2,000 square feet of lot area.
 - b. See Section 402.03.6 of the Subdivision and Land Development Ordinance, as amended, including provisions for tree protection provisions during construction and identification of areas of woodland to be removed.
 - c. See also the forestry regulations of this Ordinance, which apply when trees are removed for commercial forestry that is unrelated to any construction or land development.
 - d. When a building or zoning permit is issued for a building, structure or principal use, removal of trees shall be allowed that are located in the following areas:
 - 1) on land to be occupied by such building, structure or use,
 - 2) within 30 feet of a building or principal use,
 - 3) on land to be occupied by or within 15 feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system or permitted accessory uses; or
 - 4) in any location where the removal of a tree is required under a Township code requirement.
 - e. If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Board of Supervisors may require conservation easements to be put into effect by the subdivider to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The enforcement mechanism for such easement shall be approved by the Board of Supervisors. The Board of Supervisors may require that the easement be enforceable by the Township and/or by any adjoining property owner.
4. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 201 AGRICULTURAL ZONE (A)

A. Purpose

The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. Areas contained within the Zone have been specifically identified as possessing valuable and non-renewable natural and cultural resources. This Zone also intends to protect the Township's agricultural economy by eliminating uses that are incompatible with farming but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Finally, the provisions of this Zone have been specifically formulated to further the objectives of the Municipalities Planning Code, which provides that local zoning ordinances shall be designed "to preserve prime agriculture and farm land considering topography, soil type and classification, and present use."

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Apartment	P	301.20
Accessory Uses; customarily incidental to the principal use; including agritourism and agricultural marketing enterprises	P	301, 301.15, 301.16
Agriculture/Agriculture Operation	P	
Airports//Heliports	C	403; 804
Bed and Breakfast	C	406; 804
Campgrounds	C	410; 804
Commercial Livestock Operation	C	412; 804
Commercial Stockyard and/or Feedlots	C	413; 804
ECHO Housing	P	304.9
Event Center	C	409; 804
Family Day-Care Facility	C	416; 804
Farm-Related Business	P	
Forestry	P	304.19
Home Occupation	C	425; 804
Kennel	P	304.15
Non-commercial Keeping of Livestock	P	301.17
Non-Profit Animal Rescue	P	304.15
Private Clubhouses	C	436; 804
Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources	P	
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Riding Stable	P	304.15

ARTICLE 2
ZONE REGULATIONS

Silver Spring Zoning Ordinance

Shooting Range	C	441; 804
Single Family Detached-Dwelling	P	
Two-Family Conversion	P	304.16
Wireless Communication Facilities	C	448; 804

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	AGRICULTURAL USES	SINGLE FAMILY DWELLINGS	OTHER
MIN. LOT SIZE	10 acres**	1 acre	1 acre
MIN. LOT WIDTH			
at Building Setback Line	100 ft	100 ft	200 ft
at Lot Frontage	60 ft	-	-
MAX. BUILDING HEIGHT			
Principal Structure	35 ft	35 ft	35 ft
Accessory Structure	85 ft***	25 ft	
MAX. LOT COVERAGE			
Impervious Surface	10%	20%	20%
MIN. SETBACK			
<i>Principal</i>			
Front	50 ft	50 ft	50 ft
Side	50 ft	15 ft	50 ft
Rear	50 ft	35 ft	50 ft
<i>Accessory</i>			
Front	-	*	-
Side	-	25 ft	-
Rear	-	25 ft	-

*All accessory uses for single family dwellings shall be located behind the front façade of the principal structure.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained within Article 3 of this Ordinance.
2. Maximum number of permitted dwellings or lots.
 - a. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this chapter, there may be one lot subdivided or one principal residence constructed for either a single-family detached nonfarm or farm dwelling, according to the following schedule:

Lot Area (acres)		Total Number of Permitted Lots/Dwellings*
At Least	Less Than	
2	20	2
20	40	3
40	60	4
60	80	5
80	100	6
100	120	7
120	140	8
140	160	9
160	180	10
180	200	11
200	220	12
220	240	13
240	260	14
260	280	15
280	300	16
300	320	17
320	340	18
340	360	19
360	380	20

- b. For parent tracts great than 15 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 220, Resource & Landscape Management Overlay .

3. Right to Farm – All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of nuisances arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 or 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.
4. Required Conservation Plan – Any agricultural, horticultural, or forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation, shall fulfill all requirements of Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall comply with such regulations.
5. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 202 RURAL RESIDENTIAL ZONE (R)

A. Purpose

The primary purpose of this Zone is to promote a continuation of the rural character of the area, characterized by a mixture of sparsely developed residential uses with undeveloped land for the purpose of protecting Primary and Secondary Conservation Areas in contiguous, un-fragmented, commonly managed landscapes. Normal agricultural operations and practices are generally anticipated in these areas. In addition, other small-scale non-residential uses have developed. This Zone will continue these development trends but will install additional protection for rural residences from the impacts of other non-residential uses. These areas are not likely to be served by public sewer or water facilities within the foreseeable future; therefore, low-density, larger lot sizes, or the option of resource/landscape management developments with open space are indicated. Because of the character of these areas, some steep slopes are included. For this reason, specific lot design requirements have been imposed on steeply sloped development sites.

B. Permitted Use

Permitted Uses		Additional Provisions Reference
Accessory Apartment	P	301.20
Accessory Uses; customarily incidental to the principal use; including agritourism and agricultural marketing enterprises	P	301, 301.15, 301.16
Agriculture/Agricultural Operation	P	
Bed and Breakfast	C	406; 804
Campgrounds	C	410; 804
Cemetery	C	427; 804
Commercial Livestock Operation	C	412; 804
ECHO Housing	P	304.9
Event Center	C	409; 804
Family Day-Care Facility	C	416; 804
Forestry	P	304.19
Golf Course	C	418; 804
Home Occupation	C	425; 804
Non-Commercial Keeping of Livestock	P	301.17
Place of Worship and other Related Uses	C	427; 804
Private Clubhouses	C	436; 804
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Schools, Public and Private	C	437; 804
Single Family Detached-Dwelling	P	
Riding Stable	P	304.15

**ARTICLE 2
ZONE REGULATIONS**

Silver Spring Zoning Ordinance

Two-Family Conversion	P	304.16
Wireless Communication Facilities	C	448; 804

P – Permitted Use By Right C – Conditional Use

C. Dimensional Requirements

	ALL AGRICULTURAL USES	ALL PERMITTED USES	ALL PERMITTED USES IF >50% OF SITE POSSESSES >15% SLOPE
MIN. LOT SIZE	10 acres**	1 acre	2 acres
MIN. LOT WIDTH			
at Building Setback Line	100 ft	150 ft	150 ft
at lot frontage	60 ft		
MAX. BUILDING HEIGHT			
Principal Structure	35 ft	35 ft	35 ft
Accessory Structure	85 ft***	15 ft	15 ft
MAX. LOT COVERAGE			
Impervious Surface	10%	10%	7%
MIN. SETBACK			
<i>Principal</i>			
Front	50 ft	50 ft	50 ft
Side	50 ft	60 ft	60 ft
Rear	50 ft	50 ft	50 ft
<i>Accessory</i>			
Front	-	*	*
Side	-	30 ft	30 ft
Rear	-	15 ft	15 ft

*All accessory uses shall not be permitted in front yard between principal building and front lot line.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.
2. Maximum number of permitted dwellings or lots.
 - a. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this chapter, there may be one lot subdivided or one principal residence constructed for either a single-family detached nonfarm or farm dwelling, according to the following schedule:

Lot Area (acres)		Total Number of Permitted Lots/Dwellings*
At Least	Less Than	
2	5	2
5	10	3

- b. For parent tracts great than 10 acres within Conservation Development Area B, any subdivision of land shall follow the provisions of Section 220, Resource & Landscape Management Overlay .
3. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 203 RESIDENTIAL ESTATE ZONE (RE)

A. Purpose

This Zone provides an appropriate location for both the continuation of rural agricultural landscapes and the limited development of low-density, large-lot single-family residential estates. Selected locations adjoin existing neighborhoods of similar housing styles, as well as vacant areas with attractive rolling topography to maximize visual appeal. This Zone generally lies beyond planned public utility service areas, which further suggests the need for low-density, larger lots to support on-lot wells and sewage disposal systems, or the option of resource/landscape management developments with open space. Permitted uses have been strictly limited to principal residences and related accessory uses. Finally, the option of resource/landscape management developments with open space and vegetative protection measures have been utilized to protect the “character” of the landscape and related natural habitats.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Apartment	P	301.20
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	
Bed and Breakfast	C	406; 804
Campgrounds	C	410; 804
Cemetery	C	427; 804
Commercial Livestock Operation	C	412; 804
ECHO Housing	P	304.9
Event Center	C	409; 804
Family Day-Care Facility	C	416; 804
Forestry	P	304.19
Golf Course	C	418; 804
Home Occupation	C	425; 804
Non-Commercial Keeping of Livestock	P	301.17
Place of Worship and other Related Uses	C	427; 804
Private Clubhouses	C	436; 804
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Schools, Public and Private	C	437; 804
Single Family Detached-Dwelling	P	
Riding Stable	P	304.15

Two-Family Conversion	P	304.16
Wireless Communication Facilities	C	448; 804

P – Permitted Use By Right C – Conditional Use

C. Dimensional Requirements

	AGRICULTURAL USES	ALL PERMITTED USES
MIN. LOT SIZE	10 acres**	3 acres
MIN. LOT WIDTH		
at Building Setback Line	100 ft	250 ft
at lot frontage	60 ft	100 ft
MAX. BUILDING HEIGHT		
Principal Structure	35 ft	35 ft
Accessory Structure	85 ft***	15 ft
MAX. LOT COVERAGE		
Impervious Surface	10%	20%
MIN. SETBACK		
<i>Principal</i>		
Front	50 ft	75 ft
Side	50 ft	50 ft
Rear	50 ft	50 ft
<i>Accessory</i>		
Front	-	*
Side	-	15 ft
Rear	-	15 ft

*All accessory uses shall not be permitted in front yard between principal building and front lot line.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

2. Woodland Preservation Requirements – Only those areas necessary for the construction of buildings or structures, for which a building permit has been issued, shall be cleared of existing woodland.
3. Subdivision of Land. For parent tracts great than 10 acres within Conservation Development Area B, any subdivision of land shall follow the provisions of Section 220, Resource & Landscape Management Overlay .
4. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 204 R-1 RESIDENTIAL ZONE (R-1)

A. Purpose

This Zone is meant to accommodate suburban detached residential growth within the Township, in a manner that contributes to the creation of a community-wide Greenway system for the benefit of present and future residents. This Zone coincides with potential sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities. All subdivisions and land developments shall be designed to accommodate public utilities as they become available.

In accordance with local planning goals, developments within this Zone are encouraged to use Resource and Landscape Management Overlay design. Such process aims to preserve any significant natural features or areas of severe development limitation. This Resource and Landscape Management Overlay approach includes provision of Greenway land to help retrofit needed neighborhood and linear parklands, as suggested within the Township's Comprehensive Recreation and Open Space Plan.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	
Commercial Day-Care Facility	C	411; 804
Event Center	C	409; 804
Family Day-Care Facility	C	416; 804
Forestry	P	304.19
Golf Course	C	418; 804
Home Occupation	C	425; 804
Non-Commercial Keeping of Livestock	P	301.17
Place of Worship and other Related Uses	C	427; 804
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	301.17, 304.22
Public Vocational and Mechanical Trade School	P	
Schools, Public and Private	C	437; 804
Single Family Detached-Dwelling	P	

P – Permitted Use By Right

C – Conditional Use

C. Dimensional Requirements

	NONE	PUBLIC WATER	PUBLIC SEWER	BOTH PUBLIC WATER AND PUBLIC SEWER	AGRICULTURAL USES
MIN. LOT SIZE	1 acre	32,000 sf	20,000 sf	15,000 sf	10 acres**
MIN. LOT WIDTH					
at Building Setback Line	280 ft	250 ft	125 ft	100 ft	100 ft
at Lot Frontage					60 ft
MAX. BUILDING HEIGHT					
Principal Structure	35 ft	35 ft	35 ft	35 ft	35 ft
Accessory Structure	15 ft	15 ft	15 ft	15 ft	85 ft***
MAX. LOT COVERAGE					
Impervious Surface	20%	25%	30%	35%	10%
MIN. SETBACK					
<i>Principal</i>					
Front	40 ft	40 ft	40 ft	35 ft	50 ft
Side	40 ft	40 ft	40 ft	20 ft	50 ft
Rear	50 ft	50 ft	40 ft	35 ft	50 ft
-					
<i>Accessory</i>					
Front - Not allowed in front yard between principal building and front lot line.					-
Side	5 ft	5 ft	5 ft	5 ft	-
Rear	5 ft	5 ft	5 ft	5 ft	-

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

Note: Existing single-family lots, regardless of whether they are serviced by public or on lot utilities, are governed by the design requirements for lots utilizing both public sewer and public water except for the following minimum yard setback standards: Front - thirty-five (35) feet, one side - eight (8) feet, both sides twenty (20) feet, and rear thirty-five (35) feet.

D. Additional Provisions

1. Permitted Density for Single-Family Detached Dwellings on Parcels Not Served by Both Public Sewer and Public Water
 - a. For each parcel of contiguous land in single ownership which is not served by both public sewer and public water, there may be five (5) lots sold or utilized for a permitted use single-family detached dwelling, provided that each of the newly created lots, as well as the parent tract, shall comply with corresponding Township design standards.
 - b. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional permitted use single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional permitted use single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the R-1 Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of permitted use single-family detached dwellings, as determined by the provisions of this section;
 - c. In the event a tract of land, which was not classified as part of the R-1 Zone on the effective date of this Ordinance, is hereafter classified as part of the R-1 Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification.
2. Residential Subdivision. For parent tracts great than 5 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 220, Resource & Landscape Management Overlay .
3. Age Restricted Residential Development
 - a. This subsection provides a density bonus for a residential development that an applicant agrees to establish as being age restricted in compliance with the Federal requirements for "Housing for Older Persons."
 - b. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:
 - 1) A minimum of one head of household of each dwelling unit shall be age 55 years or older, or who is physically disabled as defined by Social Security disability regulations, except that an applicant may choose the option under Federal law of using 62 years or older for such limit instead of 55 years or older;
 - 2) No person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year;

- c. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority, and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.
 - 1) If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.

- d. All age-restricted development shall fall under the requirements of Section 220, Resource & Landscape Management Overlay Zone (RLMO). Additional provisions include the following:
 - 1) Development must be served by both public sewer and public water services and shall only occur within Conservation Development Area B.
 - 2) The following dwelling unit densities and dimensional standards shall be modified from those set forth in Table BB and Table CC:
 - a) Densities
 - Gross Density – 3 units per acre
 - Net Density – 5.5 units per acre
 - b) Dimensional Requirements

	Single Family Detached	Duplex	Townhouse
Min. Lot Area (sf.)	6,000	3,250*	2,000*
Min. Lot Width (ft.)	40	30*	20*
Min. Front Yard (ft.)	20	20	10
Min. Side Yard (ft.)	5	5	0;15 Aggregate
Min. Rear Yard (ft.)	20	20	20

*Per unit

- e. If a condominium form of ownership or similar arrangement under the State Planned Communities Act is used, the applicant shall prove to the Township that the buildings will be laid out in such a manner that each dimensional requirement would have been met if each dwelling had been placed on its own fee simple lot.

- f. A minimum of 15 percent of the required Open Space shall be suitable for recreation for persons age 55 and older. Areas that would be needed to meet the

minimum lot area for individual dwelling units shall not count towards this recreation land requirement.

- g. An Age Restricted Residential Development shall meet all other requirements of Township ordinances that are not specifically modified by this Section.

4. Workforce Housing

- a. This Subsection provides a density bonus for a residential development that an applicant agrees to establish as being constructed for the purposes of Workforce Housing.

- 1) Workforce Housing units shall be affordable for someone earning between 80% and 120% of the median household income in Cumberland County as determined by the latest Census data.

- 2) Housing shall be deemed affordable provided that the costs of such housing including mortgage, amortization, taxes, insurance, and condominium or association fees, if applicable, constitute no more than 30% of such gross annual household income for a household size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than [30] percent of such gross annual household income for a household of the size that may occupy the unit in question.

- b. Minimum Unit Ratio. One workforce housing dwelling unit shall be provided for each four market-rate dwelling units.

- c. Density Bonus. One market-rate unit for each workforce housing dwelling unit provided on-site.

- d. Minimum Lot Size Bonus. The minimum lot size, as outlined within this District, may be reduced by 20 percent for all workforce housing units as well as for each market-rate dwelling unit at a ratio of four market-rate dwelling units for each one workforce housing dwelling unit.

- e. A written agreement between an applicant for a development and Township containing specific requirements shall be created to ensure the continuing affordability of housing included in the development.

- 5. All individual units that are proposed without the use of public utilities will be required to be situated to one side of a wider lot so that future in-fill development potentials can be protected when public utilities become available.

- 6. All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3 of this Ordinance.

SECTION 205 HIGH DENSITY RESIDENTIAL ZONE (R-2)

A. Purpose

This Zone seeks to accommodate the higher density needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. This Zone is located near existing multi-family developments and/or major transportation routes. Certain civic and residential-related uses have also been allowed to enhance convenient access to this higher concentration of residents. This Zone coincides with public utility service areas. As a result, permitted densities and housing types reflect the use of these public utilities. Finally, Resource and Landscape Management Overlay developments are a permitted use, and village development with density bonuses, are a conditional use, to encourage this preferred development pattern.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	
Boarding Houses	C	407; 804
Commercial Day-Care Facilities	C	411; 804
Conversion Apartments	P	304.17
Duplex	P	
Family Day-Care Facility	C	416; 804
Forestry	P	304.19
Home Occupation	C	425; 804
Medical Residential Campus	C	429; 804
Mobile Home Park	C	See Twp. Mobile Home Park Ordinance
Multi-Family Dwelling	P	
Nursing Home	C	432; 804
Place of Worship and other Related Uses	C	427; 804
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Quadraplex	P	
Schools, Public and Private	P	
Single Family Detached-Dwelling	P	
Townhouse	P	

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	SINGLE FAMILY DWELLING	DUPLEXES	TOWN- HOUSES	MULTIPLE FAMILY	OTHER USES	AG USES
MIN. LOT SIZE	10,000 sf	6,000 sf *	2,000 sf *	2 acres	1 acre	10 acres**
MIN. LOT WIDTH						
at Building Setback Line	80 ft	50 ft *	20 ft *	200 ft	200 ft	100 ft
at Lot Frontage						60 ft
MAX. BUILDING HEIGHT						
Principal Structure	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Accessory Structure	15 ft	15 ft	15 ft	15 ft	15 ft	85 ft***
MAX. LOT COVERAGE						
Impervious Surface	35%	35%	60%	60%	30%	10%
MIN. SETBACK						
<i>Principal</i>						
Front, on Local/Collector Street	40 ft	40 ft	40 ft	50 ft	40 ft	50 ft
Front, on Arterial Street	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft
Side	15 ft	25 ft	15 ft (end units)	30 ft	30 ft	50 ft
Rear	35 ft	30 ft	30 ft	50 ft	50 ft	50 ft
<i>Accessory</i>						
Front - Not allowed in front yard between principal building and front lot line.						-
Side	5 ft	5 ft	5 ft	5 ft	5 ft	-
Rear	5 ft	5 ft	5 ft	5 ft	5 ft	-
REQUIRED PUBLIC UTILITIES	Both Public Water and Public Sewer					
MAX. NET DENSITY (du/ac)	4	5	5	5	-	

*Per unit

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. Residential Subdivision. For parent tracts greater than 3 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 220, Resource & Landscape Management Overlay .
2. Age Restricted Residential Development
 - f. This subsection provides a density bonus for a residential development that an applicant agrees to establish as being age restricted in compliance with the Federal requirements for "Housing for Older Persons."
 - g. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:
 - 1) A minimum of one head of household of each dwelling unit shall be age 55 years or older, or who is physically disabled as defined by Social Security disability regulations, except that an applicant may choose the option under Federal law of using 62 years or older for such limit instead of 55 years or older;
 - 2) No person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year;
 - h. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority, and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.
 - 1) If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.
 - i. All age-restricted development shall fall under the requirements of Section 220, Resource & Landscape Management Overlay Zone (RLMO). Additional provisions include the following:
 - 1) Development must be served by both public sewer and public water services and shall only occur within Conservation Development Area B.
 - 2) The following dwelling unit densities and dimensional standards shall be modified from those set forth in Table BB and Table CC:
 - a) Densities
Gross Density – 5 units per acre
Net Density – 7 units per acre

b) Dimensional Requirements

	Single Family Detached	Duplex	Townhouse	Multi-Family
Min. Lot Area (sf.)	5,000	2,500*	1,750*	1 acre
Min. Lot Width (ft.)	30	25*	18*	100
Min. Front Yard (ft.)	10	10	10	20
Min. Side Yard (ft.)	5	5	0;15 Aggregate	0;15 Aggregate
Min. Rear Yard (ft.)	20	20	20	25

*Per unit

- j. If a condominium form of ownership or similar arrangement under the State Planned Communities Act is used, the applicant shall prove to the Township that the buildings will be laid out in such a manner that each dimensional requirement would have been met if each dwelling had been placed on its own fee simple lot.
 - k. A minimum of 15 percent of the required Open Space shall be suitable for recreation for persons age 55 and older. Areas that would be needed to meet the minimum lot area for individual dwelling units shall not count towards this recreation land requirement.
 - l. An Age Restricted Residential Development shall meet all other requirements of Township ordinances that are not specifically modified by this Section.
- 3. Waste Products - All dumpsters used to service multi-family dwellings shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate and screened from any adjoining roads and/or properties. Dumpsters shall not be permitted within a front yard.
- 4. All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3 of this Ordinance.

SECTION 206 VILLAGE RESIDENTIAL ZONE (R-3)

A. Purpose

This Zone intends to implement suitable policies for the protection and stabilization of older residential neighborhoods within the villages of Hogestown, Wertzville and New Kingstown. Aside from residential and public uses, non-residential uses have been limited to preserve the “small town” character of these areas. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes. Incentives are provided to coordinate vehicular access between adjoining properties.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	
All Other Residential Uses	C	447; 804
Bed and Breakfast	C	406; 804
Boarding Houses	C	407; 804
Conversion Apartments	C	415; 804
Duplex	P	
Family Day-Care Facility	C	416; 804
Forestry	P	304.19
Historic Apartment Conversions	C	424; 804
Home Occupation	C	425; 804
Non-Commercial Keeping of Livestock	P	301.17
Off-Street/Off-Site Parking	C	433; 804
Place of Worship and other Related Uses	C	427; 804
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Schools, Public and Private	P	
Single Family Detached-Dwelling	P	
All Other Residential Uses	C	447; 804

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	SINGLE FAMILY DWELLING	DUPLEXES	OTHER USES	AGRICULTURAL USES
MIN. LOT SIZE	6,000 sf	6,000 sf *	6000 sf	10 acres**
MIN. LOT WIDTH				
at Building Setback Line	60 ft	40 ft *	60 ft	100 ft 60 ft
MAX. BUILDING HEIGHT				
Principal Structure	35 ft	35 ft	50 ft	35 ft
Accessory Structure	15 ft	15 ft	15 ft	85 ft***
MAX. LOT COVERAGE				
Impervious Surface	35%	35%	70%	10%
MIN. SETBACK				
<i>Principal</i>				
Front	20 ft	20 ft	20 ft	50 ft
Side	16 ft	10 ft	20 ft	50 ft
Rear	30 ft	30 ft	30 ft	50 ft
<i>Accessory</i>				
Front - Not allowed in front yard between principal building and front lot line.				
Side	5 ft	5 ft	5 ft	-
Rear	5 ft	5 ft	5 ft	-
REQUIRED PUBLIC UTILITIES	Both Public Water and Public Sewer			

*Per unit

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. Design Features/Bonus Incentives – See the Township’s Subdivision and Land Development Ordinance.
2. All uses within this Zone shall comply with all applicable General Provisions contained within Article 3 of this Ordinance.

SECTION 207 VILLAGE OVERLAY ZONE (VO)

In compliance with Sections 605. (2) and 605. (3) of the Act, this Zone provides an optional set of design standards that can be applied to property located within the R-1 and R-2 Residential Zones. These optional design standards seek to achieve a “village” type setting that is characteristic of much of Cumberland County’s built environment and heritage. All of the design standards of this Zone are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

It is the intent of the Board of Supervisors to implement Article VII – A of the Municipalities Planning Code, Traditional Neighborhood Development, by providing standards for traditional neighborhood development as a new development, as an outgrowth or extension of existing development and as a form of infill.

It is the further intent of the Board of Supervisors to encourage flexibility, economy, and ingenuity in the development of tracts within this Zone. To this end, the Board of Supervisors shall, by conditional use approval, permit the developer to modify the design standards of this Section 207 if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design.

- A. Some of the specific development objectives of the Zone include the design and construction of neighborhoods that:
 - 1. Are distinct in their incorporation of important natural and cultural features;
 - 2. Provide for a diversity of housing types, sizes, and costs with particular emphasis on scattered-site affordable housing opportunities;
 - 3. Provide for convenient vehicular access to the neighborhood's edge but increased reliance upon pedestrian movements within its bounds;
 - 4. Integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
 - 5. Make efficient use of local infrastructure and services;
 - 6. Reflect the historic and traditional building styles so abundant within the region;
 - 7. Reserve and feature civic uses and open spaces as community focal points;
 - 8. Provide safe, efficient, and compatible linkages with existing nearby land uses, streets, sidewalks, etc.;
 - 9. Invite regular and frequent social interaction among its inhabitants; and,

10. Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.

These development objectives will be used as a measure of conformance with any proposed development within this Zone.

- B. Relationship to Other Ordinances and Sections of this Zoning Ordinance - The provisions of this Section create a conditional use overlay zone, which may be applied to lands within the R-1, and R-2 Zones. This Zone may only be applied to property upon approval by the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors. Such overlay zone establishes different land use and design requirements from those contained in this and other ordinances of the Township. To the extent the regulations within this section differ (are more or less restrictive) from others, those within this section shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.
- C. Severability and Repealer - Should any part of this section be declared invalid by the courts, the entire Section 207 shall be automatically repealed.
- D. Review Procedures - All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to Section 804 of this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s).
- E. Permitted Uses
 1. Public uses and public utilities structures excluding communication antennas, towers, and equipment;
 2. Public and/or non-profit parks;
 3. Churches and related uses;
 4. Single-family detached dwellings;
 5. Duplexes;
 6. Townhouses with no more than five (5) units per building;
 7. Quadruplexes;
 8. Accessory building apartments with no more than one (1) dwelling unit, subject to the criteria listed in Section 401 of this Ordinance;
 9. Home occupations subject to the criteria listed in Section 425 of this Ordinance;
 10. Family day-care subject to the criteria listed in Section 416 of this Ordinance;
 11. The following locally-oriented commercial uses:

- a. Barber, beauty, tanning, and health salons;
- b. Tailors, off-site dry cleaning, and shoe repair services;
- c. Retail sales and/or rental of goods such as, but not limited to, antiques, apothecaries, packaged beverages, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult-related uses);
- d. Delicatessens, bakeries, ice cream shops, caterers, restaurants (with or without alcohol), provided no drive-through facilities are used;
- e. Photographic, music, art and dance studios;
- f. Professional, medical, and/or dental offices;
- g. Banks, including outdoor tellers if pedestrian-oriented, and similar financial institutions, provided no drive-through facilities are utilized; and,
- h. Repair of clocks, jewelry, cameras, electronics, and small household appliances.
- i. Commercial day-care facilities, subject to the criteria listed in Section 411;
- j. Accessory uses customarily incidental to the above permitted uses.
- k. Greenway land.

F. Minimum Area Requirements and Maximum Permitted Density

- 1. **Minimum Area.** All applications for this Zone shall contain no less than fifteen (15) contiguous acres, Adjusted Tract Area. However, applications that expand previously approved Village Overlay Zone development shall have no minimum area requirements.
- 2. **Maximum Permitted Density.**
 - a. The maximum residential density shall be as follows:
 - 1) R1 District: 4 dwelling units/acre, ATA
 - 2) R2 District: 8 dwelling units/acre, ATA
 - 3) Accessory building apartments do not count towards the maximum density.
 - b. Where land is devoted to locally oriented commercial uses, such area shall be delineated on the plan as a separate lot, to be subtracted from the land area used to calculate maximum residential density.
 - c. No minimum lot area is established for individual dwelling units.

- G. Required Mixture of Uses - Village Overlay Zone developments of forty (40) or fewer dwelling units shall provide a mixture of uses that conform with the following ratios or Adjusted Tract Acreage:

Use	Required Percentage Land area or number of units
Greenway Land	Minimum 40% of ATA, for the R1 zone; minimum 30% of ATA, for the R2 zone
Formal greens, commons, squares and parks	Minimum 15% of Greenway Land
Single-Family Detached Dwellings	Minimum 35% of dwelling units
Other Dwellings (duplexes, townhouses, quadraplexes)	Maximum 65% of dwelling units (no minimum)
Local Commercial Uses	Maximum 5% of ATA (no minimum)

1. Village Overlay Zone developments of more than forty (40) dwelling units shall provide a mixture of uses that conform with the following ratios or Adjusted Tract Acreage:

Use	Required Percentage Land area or number of units
Greenway Land	Minimum 40% of ATA, for the R1 zone; minimum 30% of ATA, for the R2 zone
Formal greens, commons, squares or parks	Minimum 15% of Greenway Land
Single-Family Detached and Other (duplexes, townhouses, quadraplexes), Dwellings	Minimum of two dwelling types, with no more than 65% of units of any one dwelling type
Local Commercial Uses	Maximum 5% of ATA (no minimum)

- H. Maximum Coverage - In no case shall more than sixty-five percent (65%) of the ATA of a Village Overlay Zone development site be covered with buildings and/or other impervious surfaces.
- I. Architectural Considerations - All proposals within the Village Overlay Zone must incorporate architectural treatments and styles that complement the Township's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented to the Township Planning Commission and Board of Supervisors and analyzed with the following criteria:
1. Proportion of Building's Front Facades - The relationship between the width of the front of the building and the height of the front of the building.
 2. Proportion of Openings Within the Building - The relationship of width to height of windows and doors.

3. Rhythms of Solids to Voids in the Front Facade - Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.
4. Rhythm of Spacing of Buildings on Streets - In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
5. Rhythm of Entrance and/or Porch Projections - Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.
6. Relationship of Materials - Within an area, the predominant materials may be brick, stone, stucco, wood siding, or other approved material.
7. Relationship of Textures - The pre-dominant textures of an area may be smooth, such as stucco, or rough as brick with tooled joints or horizontal wood siding, or other textures.
8. Walls of Continuity - Physical ingredients, such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these form continuous, cohesive walls of enclosures along the street.
9. Relationship of Landscaping - There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
10. Paving Materials - There may be a predominance in the use of brick pavers, cobblestones, granite blocks or approved others.
11. Directional Expression of Front Elevation - Structural shape, planning of openings and architectural detail may provide a predominantly vertical, horizontal, or non-directional character to the building's facade.
12. Scale - Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches, and balconies, etc.
13. Relationship of Color - Insofar as the mass and detail, such as trim, are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.
14. Relationship of Architectural Details - Architectural details and their relationship to the structure in question and adjacent ones, including but not limited to, cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.
15. Relationship of Roof Shapes - Buildings should have compatible roof shapes, such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
16. A description of any non-structural site improvements (buffering, landscaping, and screening) that will be used to protect the integrity of the historic resources.

J. Design Requirements

1. Lot Design Standards⁶ - See following table:

Permitted Dwelling Type	Min. Lot Width at Building Line	Max. Lot Coverage ³	Front Build-to Line ¹	Min. Yard Setbacks ²		
				One Side	Both Sides	Rear
Single-Family Detached ⁴	50 ft.	50%	10-15 ft.	6 ft.	12 ft.	20 ft.
Duplex	40 ft. per unit	70%	10-15 ft.	6 ft. per unit	N/A	20 ft.
Townhouse ⁵	18 ft. per unit	62.5% or 80% ⁷	10-15 ft.	10 ft. end units	N/A	20 ft.
Quadraplex	30 ft. per unit	70%	10-15 ft.	10 ft. end units	N/A	20 ft.

¹No less than seventy percent (70%) of a building's front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to line; except, however, no less than fifty percent (50%) of any townhouse or quadruplex building must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building; including porches. No part of any building shall extend closer to a street than the front build-to line.

²Required setbacks for accessory structures shall be six (6) feet from rear and side lot lines. No accessory buildings shall be permitted within the front yard.

³Maximum lot coverage requirements shall not apply to porches located within the front yard.

⁴In addition to the principal dwelling, an accessory building apartment is permitted by special exception, subject to the criteria listed in Section 401. Such accessory building apartments shall not be calculated as part of the maximum permitted density depicted for single-family detached dwellings in this table.

⁵No townhouse building shall contain more than five (5) units. For each townhouse building containing more than four (4) units, no more than sixty-seven percent (67%) of such units shall have the same front yard setback; the minimum variation of setback shall be five (5) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above

distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- d. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands.

⁶See Section 304.22 for Public Utilities Structures.

⁷The maximum lot coverage requirements for townhouses shall be a maximum of sixty-two and one-half percent (62.5%) for end units (end units being defined as townhouse units having only one common party wall), and eighty percent (80.0%) for interior units (interior units being defined as townhouse units having two or more common party walls).

2. Residential Building Design Standards - All residences shall comply with the following:
 - a. Building Height - All principal residences shall be between one and one-half (1½), and three (3) stories in height. Accessory buildings shall be no more than fifteen (15) feet high unless an accessory apartment is provided; in such cases, an accessory building can extend up to two stories;
 - b. Building Orientation and Porches - All residential buildings' main entrances shall face the lot's front yard. At least fifty percent (50%) of all detached dwellings located along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines; and,
 - c. Building Relationship to Greenway Land - A minimum of fifty percent (50%) of residential dwelling units shall directly adjoin Greenway land or face such lands across a street.
 - d. All quadruplexes must be designed to resemble one single-family detached dwelling.
3. Vehicular Access and Parking Requirements for Residences - All driveways and off-street parking shall be provided within the rear yard. Driveway widths shall range between ten (10) and twelve (12) feet. However, one joint-use driveway shall be permitted to extend into the front yard to connect with a public street, along a common lot line serving at least two (2) adjoining residences. In no case shall any joint-use driveway serve more than four (4) dwelling units. Joint-use driveways must have a minimum width of sixteen (16) feet.
4. For purposes of this Zone, Section 300.2 of this Ordinance is partially waived to allow the creation of dwelling lots that do not have public street frontage; however, such lots must front along a commonly held green, and have direct access to a public alley, or a joint-use driveway. In such cases, the lot's front yard shall be that which is along the

green. Furthermore, the lot's front build-to line shall be measured from the edge of the green;

- K. Commercial Design Requirements - Within the Village Overlay Zone, those locally oriented commercial uses listed in Section 207 E.11. shall be permitted in one or a combination of the two following alternative design schemes:
1. Commercial Courtyard - This design scheme provides for a centralized pedestrian-oriented commercial courtyard that provides a maximum separation of commercial patrons from vehicular traffic:
 - a. Where practicable, all commercial land uses shall be centralized within one area, which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhood whose residents, would also patronize the commercial courtyard;
 - b. Commercial courtyards shall also be integrated upon a system of sidewalks and/or pedestrian pathways, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the commercial courtyard;
 - c. Where practicable, commercial courtyards will be contiguous or directly across a street from common greens as required by Section 207.L.4.B. of this Ordinance. Furthermore, commercial courtyards shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.);
 - d. Commercial courtyards shall consist of greens, commons, or squares and contain one minimum twelve (12) foot wide pedestrian path, which generally runs perpendicular from adjoining streets. Such pedestrian path shall have a dust-free impervious surface with lamp posts, trash receptacles, shade tree beds, pedestrian benches, and similar amenities;
 - e. Each commercial building's main facade, sign, and customer entrance shall front on the commercial courtyard or a centrally located green. At least fifty percent (50%) of the commercial buildings' main facades shall be placed upon a five (5) foot build-to-line, as measured from the nearest edge of the courtyard's pedestrian path or edge of the green; however, this requirement can be waived for outdoor cafes, so long as a three (3) foot high fence is placed along the same build-to-line;
 - f. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial courtyard. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise, and litter;
 - g. One sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the courtyard's pedestrian path. Such bin shall be located against the facade and shall not extend more than two (2) feet

perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours;

- h. Signs for commercial uses within the commercial courtyard shall only include flat wall signs or wall projecting signs. Overall sign size shall be limited to six (6) square feet per sign, per business. Each business will be permitted one such sign along the courtyard pedestrian path, plus another oriented to its street side. The commercial courtyard is also permitted one freestanding archway, which crosses over the common pedestrian path. Such archway must be used to identify a common name of the commercial courtyard;
- i. **Parking and Loading.** In a Commercial Courtyard Development, the commercial buildings shall face the courtyard directly or across a street. Where such a street is provided, on-street parallel parking spaces may be provided and may count towards the parking requirement. All remaining required parking shall be located to the rear of the commercial building, with up to 10% of the required parking permitted in the side yard. As an alternative, off-street parking and loading can be provided on a separate common area shared by adjoining businesses. Such common parking and loading shall be not more than three hundred (300) feet from any of the uses it serves, shall be linked via a sidewalk to the courtyard's common pedestrian path, and shall be screened from the common pedestrian path, adjoining roads, and adjoining residential areas;
- j. **Required Off-Street Parking -** Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one space per two hundred (200) square feet of total floor area.

Off-street parking lot design standards shall follow those specified for all commercial uses contained within Section 603 of the SLDO. All off-street parking for commercial uses shall be set back no less than twenty-five (25) feet from any adjoining property used principally for residential purposes. Furthermore, any street access to any off-street parking space must be set back at least forty (40) feet from the right-of-way lines of any intersecting street, or five (5) feet from a fire hydrant;

- k. For each commercial use, one upper-floor apartment with a separate ground level access and one off-street parking space must be provided;
- l. No business shall comprise more than six thousand (6,000) square feet of gross floor area (excluding the upper-floor apartment);
- m. **Lot Area Requirements -** There is no minimum lot area, however, a lot shall be created for commercial uses, located along the right of way meeting the standards of the VO district;

- n. Perimeter Buffer Requirements - A twenty-five (25) foot wide landscape buffer strip shall be provided where a commercial use adjoins a tract containing residential uses;
- o. Maximum Lot Coverage - Ninety percent (90%);
- p. Minimum Required Setbacks. - See following table:

Use	Front Yard	Side Yards Abutting Other Commercial Uses	Side Yards Abutting Public or Residential Uses	Rear Yard
Building	10 ft. minimum, 25 ft. maximum	None	25 ft.	See Section 207.K.2.P
Off-Street Parking	See Section 207.K.1.J	None	25 ft.	Not permitted
Off-Street Loading	10 ft.	None	50 ft.	Not permitted
Dumpster	Not permitted	N/A	50 ft.	Not permitted

Any off-street parking space must be set back at least forty (40) feet from the right-of-way lines of any intersecting street, and five (5) feet from a fire hydrant.

- q. Required Off-Street Loading - See Section 603 of the Subdivision and Land Development Ordinance;
- r. Height Requirements - All buildings shall have two (2), two and one-half (2½), or three (3) stories;
- s. Outdoor Storage - No outdoor storage is permitted;
- t. Waste Products - All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate and screened from any adjoining roads and/or properties.
- u. Architectural Considerations - All commercial buildings are subject to the regulations of Section 207 I.;
- v. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings; and,

- w. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
2. Main Street Setting - This design scheme provides for a centralized main street streetscape similar to that characterized by many of the historic villages and boroughs of the County.
- a. Unless impractical, all commercial land uses shall be centralized within one area, which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhood whose residents, would also patronize the commercial uses;
 - b. Main street settings shall be integrated upon a system of sidewalks, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the main street area;
 - c. Where practicable, main street settings will be contiguous to or directly across a street from, common greens as required by Section 207 L.4.b. of this Ordinance. Furthermore, main street settings shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.);
 - d. Main street settings shall require that commercial uses front along a new arterial or collector road serving the development;
 - e. Main street settings shall include sidewalks with lamp posts, trash receptacles, pedestrian benches, shade trees, and other similar amenities;
 - f. Each commercial building's facade, sign, and customer entrance must be oriented toward its adjoining street. At least fifty percent (50%) of the commercial buildings' main facades shall be placed upon a five (5) foot front build-to-line; however, this requirement can be waived for outdoor restaurant cafes, so long as a three (3) foot high fence is placed along the same build-to-line;
 - g. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted so long as they architecturally and visually complement the overall appearance and function of the main street setting. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter;
 - h. One (1) sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the main street sidewalk. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours;

- i. Signs for commercial uses within the main street setting shall only include flat wall signs or wall projecting signs. Overall sign size shall be limited to six (6) square feet per business. Each business will be permitted only one such sign. Another two (2) square foot wall sign is permitted facing the building's off-street parking area;
- j. Required Parking and Loading - Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one space per two hundred (200) square feet of total floor area. Required off-street loading spaces shall be determined by the SLDO. Such off-street parking and loading areas shall be located behind any commercial building in the rear yard. All off-street parking and loading space areas shall be provided on an integrated basis so that all uses are physically interconnected and share available parking and loading spaces. Cross access easements to ensure such integration shall be required in language acceptable to the Township's Solicitor. For the purposes of this Zone, the schedule of required parking spaces listed in the SLDO shall not apply. However, all other design standards shall be enforceable. All vehicular access to such areas shall be via common access drives, preferably not directly from the main street area, but from an intersecting side street.

In addition to the above-described off-street parking, on-street parking shall be provided as parallel parking along any side of the street upon which commercial uses front;

- k. For each commercial use, one upper-floor apartment with a separate ground-level access and one off-street parking space must be provided;
- l. No business shall comprise more than six thousand (6,000) square feet of gross floor area (excluding the upper-floor apartment);
- m. Lot Area Requirements - There is no minimum lot area, however, a lot shall be created for commercial uses, meeting the standards of the VO district.
- n. Perimeter Buffer Requirement - A twenty-five (25) foot wide landscape buffer strip shall be provided where a commercial use adjoins a tract containing a residential use;
- o. Maximum Lot Coverage - Ninety percent (90%);
- p. Minimum Required Setbacks - See the following table:

Use	Front Yard	Side Yards Abutting Other Commercial Uses	Side Yards Abutting Non- Commercial Uses	Rear Yard Abutting Other Commercial Uses	Rear Yard Abutting Non- Commercial Uses
Building	See Section 207.K.2.F.	None	0 ft.	50 ft.	50 ft.
Off-Street Parking	Not permitted.	None		None	15 ft.
Off-Street Loading	Not permitted.	None	25 ft.	None	25 ft.
Dumpster	Not permitted.	None	50 ft.	None	50 ft.

- q. Height Requirements - All buildings shall have two (2), or two and one- half (2½) stories;
 - r. Outdoor Storage - No outdoor storage is permitted;
 - s. Waste Products - All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate;
 - t. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings; and,
 - u. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- L. Greenway Land Design Requirements - As specified in Section 207 G, a minimum of 40% (R1 zone) or 30% (R2 zone), of the Adjusted Tract Area, shall be devoted to Greenway Land that complies with the following standards:
1. Greenway land shall be delineated in accordance with the standards in Section 618 of the Subdivision and Land Development Ordinance.
 2. The Greenway land shall be located and designed to add to the visual amenities of villages and to the surrounding area, by maximizing the visibility of Greenway land as terminal vistas at the ends of streets or along the outside edges of street curves, and as perimeter greenbelts. Greenbelts shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

3. Greenway land shall consist of two types: natural and formal.
 - a. Natural Greenway land consists of, but is not limited to: agricultural lands, meadows, woodlands, specimen trees, hedgerows, wetlands, floodplain, and steep slopes.
 - b. Formal Greenway land consists of greens, commons, squares, and parks that are defined by building walls, streets, and street trees.
4. Greens, Commons, Squares, and Parks. No less than 15% of the Greenway Land shall be devoted to formal Greenway land.
 - a. Greens, commons, squares and parks shall be distributed throughout villages, in residential neighborhoods, and, when included, the village commercial area.
 - b. Common Greens in Village Commercial Areas. When commercial uses are proposed, a central village green shall be required. The central green shall be designed as an attractive gathering place for village residents in both day and evening and:
 - 1) Shall border on the principal street running through the commercial area, or be located so as to constitute the “terminal vista” of that street;
 - 2) Should be surrounded by buildings on all sides, and shall be surrounded by streets on at least three sides;
 - 3) Shall be located within 1500 feet of 80 percent of all dwelling units in the village. Alternatively, two smaller common greens at least 6,000 square feet in area may be substituted for the central green, in order to meet this proximity standard;
 - 4) Shall be of pedestrian scale, between 20,000 and 40,000 square feet in area, and shall be no longer or wider than 300 feet;
 - 5) Should ideally be surrounded by two-story development that may include residential, civic and institutional uses in addition to commercial uses;
 - 6) Shall be landscaped using elements of formal gardens including walkways, monuments, statues, gazebos, fountains, park benches and pedestrian scale lampposts.
 - c. Smaller greens, commons and squares, at least 5,000 square feet and no larger than 30,000 square feet, shall be dispersed throughout the village in such a way that no lot is more than 1,250 feet from a green, common or square.
 - d. All greens, commons, and squares shall be planted with shade trees along their edges, at intervals not greater than 40 feet.

- e. The visibility of greens, commons, and squares shall be maximized by locating Greenway land in “terminal vista” locations as often as possible, such as the ends of streets at 3-way intersections or occupying a corner of a 4-way intersection.
 - f. Greens, commons, and squares shall contain no more than 15 percent impervious coverage.
5. Permanent Protection, Ownership, and Management of Greenway Land. This Chapter shall apply.

M. Streets, Sidewalks, and Alleys - Within the Village Overlay Zone, the following design standards shall be applied to streets, sidewalks, and alleys:

- 1. The following table lists required street, sidewalk, and alley widths:

Functional Street Classification	Number of Travel Lanes	Number of Parallel Parking Lanes	Minimum Required Cartway Width	Minimum Required Sidewalk and Related Planting Strip Width¹	Minimum Required R.O.W. Width
Arterial or Collector	2	2	40 ft.	20 ft.	60 ft.
Local	2	2	36 ft.	20 ft.	56 ft.
Local	2	1	28 ft.	20 ft.	48 ft.
N/A	2-way alleys	0 ₂	16 ft.	0	16 ft.
N/A	1-way alleys	0 ₂	11 ft.	0	11 ft.
N/A	1-way access drives	0	9 ft.	0	9 ft.
N/A	2-way access drives	0	18 ft.	0	18 ft.
N/A	joint-use driveway	0	16 ft.	0	16 ft.

¹Sidewalks shall be provided in accordance with Section 207 M.5. of this Ordinance.

²No parking shall be permitted within alleys.

- 2. Block Design.
 - a. Villages shall be designed in a rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks, and street furniture. However, to avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.

- b. The maximum block length shall be 800 feet, with mid-block footpaths connecting to sidewalks or other paths when block length exceeds 500 feet.
 - c. Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Township when topography, existing vegetation, or hydrology considerations influence block shape and size.
 3. The use of cul-de-sacs is forbidden unless necessitated by steep slopes, streams, or wetlands. All cul-de-sacs shall be accompanied by a plan for future street connections;
 4. All public streets that connect with existing arterial or collector roads (as identified within section 360-25.C of the SLDO) provide access to commercial uses, and/or act as collector roads within the proposed development, shall be designed with a minimum centerline turning radius of one hundred fifty (150) feet. (See Section 300.3 of this Ordinance). All other roads shall be designed with a minimum centerline turning radius of eighty (80) feet. All intersections of driveways, joint-use driveways, access drives, and/or streets shall provide a clear sight triangle in accordance with Section 602 of the SLDO;
 5. Both sides of all public streets shall be lined with five (5) foot wide sidewalks, and five (5) foot wide sidewalk planting strips; however, where sidewalks directly abut on street parking spaces fronting commercial uses, such sidewalks shall be at least eight (8) feet wide. Sidewalks and sidewalk planting strips shall weave beside, and in-and-out of, one another. At driveway, access drive, and street intersections, all sidewalks shall include aprons for access by handicapped persons according to standards contained within the latest version of the Americans with Disabilities Act. Sidewalk planting strips shall stop no less than twenty (20) feet from the curb line of an intersecting street; in these areas, ten (10) foot wide sidewalks shall be provided. In addition, sidewalk planting strips can be replaced with ten (10) foot wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and access points of public uses and parks). One shade tree shall be provided every fifty (50) feet, or fraction thereof, of linear sidewalk planting strip.
- N. Public Utility and Service Requirements - All proposals within the Village Overlay Zone must comply with the following:
 1. Both public sewer and public water shall be used throughout the development;
 2. Where practicable, the retention and regenerative percolation of storm water runoff shall be located within common passive open spaces;
 3. All utility lines shall be located underground and within public streets, alleys, or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads;
 4. All public streets shall be provided on one, or both, side(s) with street lights. Such street lights shall be placed every one hundred (100) lineal feet and shall be of such design and light intensity to complement the development's architecture;

5. Bus stops shall be placed at appropriate location(s) along major roads serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand (1,000) feet from its bus stop. Furthermore, the selection of bus stops shall be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one ten by twenty (10 x 20) foot sidewalk section, one permanently anchored park bench, and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently serve the area; and,
6. Applicants are required to obtain a letter from the Emergency Management Coordinator of the company that would provide first-call service to the proposed development. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and street turning radii.

O. Subsequent Revisions within the Village Overlay Zone

1. Except as provided in the next Sections 207 O.2. and 207 O.3, any change proposed within a previously approved Village Overlay Zone will require the obtainment of a conditional use according to the procedures and standards listed in Section 804 of this Ordinance. The evaluation of such conditional use will be based upon its compliance with the specific requirements of Section 207 and other applicable provisions of this Ordinance, as well as any conditions of approval attached to the original approval;
2. Minor revisions of existing uses which were previously approved as part of a Village Overlay Zone are permitted by right, if they:
 - a. Do not violate any design standards specifically imposed upon the proposed use and its site;
 - b. Do not change any principal use;
 - c. Do not violate any of the standards imposed upon the entire development;
 - d. Do not violate any conditions attached to the original approval of the Village Overlay Zone; and,
 - e. Do not adversely affect the architecture of the approved existing development.
3. The following accessory uses may be established by conditional use, subsequent to approval of a Village Overlay Zone development, subject to their respective specific criteria and the rules and procedures of Section 804.3. of this Ordinance:
 - a. Home occupations (see Section 425 of this Ordinance);
 - b. Family day-care (see Section 416 of this Ordinance); and,
 - c. Accessory apartments (see Section 401 of this Ordinance).

P. Modifications of Design Standards

1. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such conditional use approval shall, when making application for conditional use approval for village development, as required by Section 207, also make application for conditional use approval under this section. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:
 - a. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 207 A;
 - b. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Village Overlay Zone development;
 - c. Such modifications will not result in an increase in residential densities permitted for the site; and,
 - d. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria.

SECTION 208 MIXED USE A ZONE (MUA)

A. Purpose

The Mixed-Use A (MUA) is divided into five (5) core areas intended to accommodate a diversity of land uses, building scale and development character. These areas have different permitted uses, dimensional requirements and design standards to align with existing adjacent developments. This MUA encourages a mix of residential, commercial, and civic uses in a pedestrian-oriented, main street-type layout while restricting the industrial uses to the west of Hempt Road, adjacent to other neighboring industrial uses. Design standards will be required to ensure the character of the community will not be compromised.

B. Applicability

1. The boundaries of the MUA can be found on the Silver Spring Township Zoning Map.

C. Establishment of Areas

1. This district is divided into five (5) areas; these areas determine the set of applicable land uses, dimensional requirements and design standards. The areas are as follows:
 - a. Retail / Commercial Core Area;
 - b. Residential / Civic Core Area;
 - c. Business Park Area;
 - d. Municipal Use Area; and
 - e. Greenway Area.
2. A map identifying the boundary of the areas is located on file in the Township Municipal Building.

D. Permitted Uses

1. Retail / Commercial Core Area Permitted Uses:

The uses that are permitted by right and by conditional use in the C-2 Community Commercial Zone are permitted by right in the Retail/Commercial Core Area. In addition, nursing, rest or retirement homes shall also be permitted by right in the Retail/Commercial Core Area.

2. Residential / Civic Core Area Permitted Uses:

The following uses are permitted by right in the Residential/Civic Core Area.

- a. Townhouses
- b. Multi-Family Dwellings
- c. Duplexes
- d. Commercial Day-Care Facilities
- e. Parks and Playgrounds
- f. Place of Worships and Related Uses

- g. Retail Sales and/or Goods
- h. Retail Services
- i. Offices
- j. Financial Institutions
- k. Medical or Dental Clinics

3. Business Park Core Area Permitted Uses:

The uses that are permitted by right and by conditional use in the I-1 Light Industrial and I-2 General Industrial Zones are permitted by right in the Business Park Core Area.

4. Municipal Area Permitted Uses:

Determined by the provisions of the Township.

5. Greenway Core Area Permitted Uses:

The following uses are permitted by right in the Greenway Core Area.

- a. Parks and Playgrounds
- b. Conservation
- c. Community Gardens
- d. Trails

6. Uses permitted throughout the entire MUA Zone:

- a. Agriculture/Agricultural operation
- b. Non-commercial keeping of livestock

E. Dimensional Requirements

- 1. Dimensional Requirements are only listed for the areas Retail/Commercial (See Table X), Residential/Civic (See table Y) and Business Park (See Table Z).
- 2. The Municipal Use Area and the Greenway Area shall conform to the Dimensional Requirements of the base zoning district.

Table X

<u>Retail / Commercial Core Area</u>	
Min. Lot Size	10,000 sf
Min. Lot Width	100 ft
Max. Height	60 ft
Front Yard Setback	Min. 0 ft Max. 20 ft
Min. Side Yard Setback	0 ft attached 25 ft detached

Min. Rear Yard Setback	25 ft
Max. Lot Coverage	75 %
Max. Density	20 DU/acre
Max. DU per building	50

Table Y

<u>Residential / Civic Core Area</u>			
	Townhouse	Multi-Family	Nonresidential
Min. Lot Size	1,350 sf per DU	10,000 sf	10,000 sf
Min. Lot Width	18 ft per DU	100 ft	100 ft
Max. Height	45 ft	60 ft	60 ft
Min. Front Yard Setback	10 ft	15 ft	15 ft
Min. Side Yard Setback	0 ft attached 5 ft detached	0 ft attached 25 ft detached	0 ft attached 25 ft detached
Min. Rear Yard Setback	5 ft	25 ft	25 ft
Max. Lot Coverage	75 %	75 %	75%
Max. Density	10 DU/acre	10 DU/acre	N/A
Max. DU per building	8	50	N/A

Table Z

<u>Business Park Area</u>	
Min. Lot Size	1 acre
Min. Lot Width	200 ft
Max. Height	55 ft (80 ft if setback min. of 300 ft from Hempt Rd or Carlisle Pike)
Min. Front Yard Setback	50 ft
Min. Side Yard Setback	30 ft
Min. Rear Yard Setback	35 ft
Max. Lot Coverage	80%

F. Design Standards

Within the MUA, only the Retail/Commercial and Residential/Civic Core Areas shall follow specific design standards.

1. Retail / Commercial Core Area Design Standards

Development in the Retail/Commercial Core Area shall be subject to the following design standards:

- a. Use Standards.
 - 1) One or more uses or buildings are permitted on a single lot.
- b. Additional Standards.
 - 1) Access Standards. No new access drive or driveway directly connecting to the Carlisle Pike shall be permitted.
 - 2) Plaza Standards.
 - a) A minimum of one plaza shall be located at the Carlisle Pike and Hempt Road intersection.
 - b) The plaza must be at least 300 contiguous square feet and include improvements such as pavers, gazebos, pavilions, pergolas, arbors, trellises, seating, planters, plantings, lighting, sculptures, fountains or other decorative treatments.
 - c) The plaza shall be accessible by sidewalk, walkway, trail, or bicycle path or lane from all buildings, lots, neighborhood within the Residential/Civic Core Area.

2. Residential / Civic Core Area Design Standards

Development in the Residential/Civic Core Area shall be subject to the following design standards:

- a. Use Standards.
 - 1) One or more use or building is permitted on a single lot.
 - 2) Permitted nonresidential uses shall only be located on corner lots located at the intersection of Hempt Road and another street.
- b. Building, Site and Streetscape Design Elements. In addition to the design standards set forth herein above, the design elements for the buildings, sites and streetscapes in Residential/Civic Core Area shall be in accordance with design standards set forth below:
 - a) All proposed building, site and streetscape design elements within the Development shall be based upon a consistent and cohesive design aesthetic for the Development.

- b) Building and Site Design Elements.
 - i. Incorporate a variety of decorative architectural and accent building materials throughout the site, including brick, stone, cementitious siding, enhanced vinyl siding, board and batten siding or other decorative architectural material.
 - ii. Create a primarily vertical expression to buildings through the use of windows, doors, pilasters, piers, columns, arches, terraces, porches, porticos, stoops, balconies, colonnades, arcades, or similar elements.
 - iii. Vary the roof lines of buildings through the use of dormers, gables, turrets or similar elements.
 - iv. Articulated façades and articulated roof lines shall be provided along the building's front façade.
 - v. Windows, door openings, or other fenestration shall be primarily vertical in proportion.
 - vi. All buildings shall have at least one primary entrance that is located on the building's front façade.
 - vii. All front façades shall include one or more architectural treatments listed in §§ 4.a.i.2 through 4.a.i.6, so as to create variety and provide visual interest to otherwise blank expanses of the wall.
 - viii. All light fixtures attached to the building's front façade shall be decorative.
 - ix. Where building facades are set back from sidewalks, low decorative fences, walls, hedges or other landscape treatments shall be installed and maintained in the front yards to provide attractive edges along the streetscape.
 - x. To create variety and provide visual interest along the streetscape and to avoid monotonous streetscapes consisting of the same building constructed side-by-side, one or more of the following design elements shall be utilized from building to building along each streetscape:
 - 1. Variation in the position or orientation of principal buildings on the lot along a streetscape;
 - 2. Variation in the color and architectural and accent materials, or proportions thereof, used on the front façades; or
 - 3. Variation in roof lines or architectural features and treatments.

- b. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially zoned properties;
 - c. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,
 - d. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets;
- 4. The Board of Supervisors reserves the right to set hours of operation for all nonresidential uses.
 - 5. All screening and buffering shall comply with the requirements of this Chapter.
 - 6. Sign regulations shall conform to Article 5 of this Chapter.

SECTION 209 MIXED USE B ZONE (MUB)

A. Purpose

This Zone intends to complement and enhance existing residential neighborhoods along higher volume roads, by targeting infill residential and non-residential uses compatible in scale with surrounding district development.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Drive-thru/Pick-up	C	431
Accessory Uses; customarily incidental to the principal use	P	301
Bed and Breakfast	C	406; 804
Boarding Houses	C	407; 804
Brew Pub	P	304.26
Commercial Day Care Facility	C	411; 804
Conversion Apartments	C	415; 804
Duplex	P	
Family Day-Care Facility	P	
Forestry	P	304.19
Historic Restaurant and/or Historic Office Conversions	C	424; 804
Home Occupation	C	425; 804
Laundromat and/or Dry Cleaners	P	304.14
Medical or Dental Clinics	P	
Off-Street/Off-Site Parking	C	433; 804
Older Adult Daily Living Center	P	
Place of Worship and other Related Uses	C	427; 804
Public and/or Non-Profit Park and Playground	P	
Public Utility Structure Type 1	P	304.22
Restaurant with Alcohol	P	
Restaurant without Alcohol	P	
Retail Sale of Goods and Services	C	408; 804
Single Family Detached-Dwelling	P	
Tasting Room	P	304.27
Tavern	P	

P – Permitted Use By Right

C – Conditional Use

**ARTICLE 2
ZONE REGULATIONS**

Silver Spring Zoning Ordinance

C. Dimensional Requirements			
	SINGLE FAMILY DWELLING	DUPLEXES	OTHER USES
MIN. LOT SIZE	8,700 sf	8,700 sf *	6,000 sf
MIN. LOT WIDTH			
at Building Setback Line	60 ft	40 ft *	60 ft
MAX. BUILDING HEIGHT			
Principal Structure	35 ft	35 ft	50 ft
Accessory Structure	15 ft	15 ft	15 ft
MAX. BUILDING GROUND FLOOR AREA	--	--	10,000 sf
MAX. LOT COVERAGE			
Impervious Surface	35%	35%	70%
MIN. SETBACK			
<i>Principal</i>			
Front	20 ft	20 ft	20 ft
Side	16 ft	10 ft	20 ft
Rear	30 ft	30 ft	30 ft
<i>Accessory</i>			
Front - Not allowed in front yard between principal building and front lot line.			
Side	5 ft	5 ft	5 ft
Rear	5 ft	5 ft	5 ft
REQUIRED PUBLIC UTILITIES	Both Public Water and Public Sewer		

*Per unit

D. Additional Provisions

1. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
2. Screening – For non-residential uses, a visual screen must be provided along property lines that adjoin a residential zone, regardless of whether or not the residentially zoned parcel is developed, or an existing residential use within the MUB District. In addition, non-residential buildings, structures, off-street parking lots, and loading areas shall be setback a minimum of twenty-five (25) feet from adjoining residential uses or zones. Such areas shall be used for a landscape strip and screen.
3. Landscaping – For non-residential use, any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
4. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed within a “sight-tight” masonry or framed enclosure with a self-closing door or gate.
5. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
6. Outdoor Storage or Display - Within this Zone, no outdoor storage or display is permitted.
7. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

SECTION 210 NEIGHBORHOOD COMMERCIAL ZONE (C-1)

A. Purpose

The purpose of this Zone is to provide basic convenience commercial goods and services to local residents who are located at some distance from the Township’s commercial concentrations along the Carlisle Pike. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone. Areas where this Zone occurs have been sized to permit a grouping of several businesses; lot sizes may vary depending upon the use of public utilities. These areas have been located amid the various residential concentrations to facilitate convenient access to these services without creating additional congestion to and from larger commercial centers. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Automobile Filling Station	P	304.3
Bank and Financial Institution	P	
Commercial Day Care Facility	P	304.6
Event Center	P	
Forestry	P	304.19
Home Occupation	P	
Laundromat and/or Dry Cleaners	P	304.14
Medical or Dental Clinics	P	
Office	P	
Older Adult Daily Living Center	P	
Place of Worship and other Related Uses	P	
Public Utility Structure Type 1	P	304.22
Recycling Facility	P	
Restaurant with Alcohol	P	
Restaurant without Alcohol	P	
Retail Sale of Goods & Services	P	
Schools, Public and Private	P	304.11
Shopping Center	P	
Single Family Detached-Dwelling	P	
Veterinary Offices	P	

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	NONE	PUBLIC WATER	PUBLIC SEWER	BOTH PUBLIC WATER AND PUBLIC SEWER
MIN. LOT SIZE	1 acre	32,670 sf	20,000 sf	15,000 sf
MIN. LOT WIDTH				
at Building Setback Line	200 ft	150 ft	125 ft	100 ft
MAX. BUILDING HEIGHT				
Principal Structure	35 ft	35 ft	35 ft	35 ft
MAX. LOT COVERAGE				
Impervious Surface	35%	45%	50%	60%
MIN. SETBACK				
<i>Principal</i>				
Front, on Local/Collector Street	35 ft	35 ft	35 ft	35 ft
Front, on Arterial Street	45 ft	45 ft	45 ft	45 ft
Side	15 ft	15 ft	15 ft	15 ft
Rear	20 ft	20 ft	20 ft	20 ft
<i>Accessory</i>				
Front	35 ft	35 ft	35 ft	35 ft
Side	15 ft	15 ft	15 ft	15 ft
Rear	20 ft	20 ft	20 ft	20 ft

D. Additional Provisions

1. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
2. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. Any lot adjoining land within a residential zone shall maintain a twenty-five (25) foot setback for non-residential buildings, structures, off-street parking lots, and loading areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen.
3. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
4. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed within a “sight-tight” masonry or framed enclosure with a self-closing door or gate.
5. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
6. Outdoor Storage or Display - Within this Zone, no outdoor storage or display is permitted.
7. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

SECTION 211 COMMUNITY COMMERCIAL ZONE (C-2)

A. Purpose

This Zone provides for large-scale retail, entertainment, and service uses within the Township. Uses within this Zone are meant to draw upon a Township-wide and regional market. Furthermore, certain tourism-related uses are also permitted, that cater to those visiting or passing through the Township. The types of uses permitted, and the accompanying design standards, reflect the scale of development already existing within these areas. The minimum lot size is intended to encourage larger single uses and an integration of several smaller ones. Areas designated for this Zone are characterized with superior vehicular access and/or existing large-scale commercial development. Finally, design standards are imposed to create an attractive, well-landscaped setting with abundant convenient parking.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Drive-thru/Pick-up	P	301.18
Accessory Uses; customarily incidental to the principal use	P	301
Amusement Arcade	P	304.1
Automobile Detailing Salon	P	304.25
Automobile Filing Station	P	304.3
Automobile Service and Repair Station	P	
Bank and Financial Institution	P	
Brew Pub	P	304.26
Commercial Day-Care Facility	C	411; 804
Commercial Recreation Facility	P	304.7
Event Center	P	
Forestry	P	304.19
Health and Fitness Club	P	304.20
Hotel/Motel	P	
Indoor Theater and Auditorium	P	
Medical or Dental Clinic	P	
Multi-Family Dwelling	C	423; 804
Nightclub	C	430; 804
Office	P	
Older Adult Daily Living Center	P	
Place of Worship and other Related Uses	P	
Public Utility Structure Type 1	P	304.22
Restaurant with Alcohol	P	

ARTICLE 2
ZONE REGULATIONS

Restaurant without Alcohol	P	
Retail Sale of Goods & Services	P	
Shopping Center	C	442
Tasting Room	P	304.27
Tavern	P	

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

ALL PERMITTED USES

MIN. LOT SIZE	1 acre
MIN. LOT WIDTH	
at Building Setback Line	250 ft
MIN. LOT DEPTH	250 ft
MAX. BUILDING HEIGHT	55 ft*
MAX. LOT COVERAGE	
Impervious Surface	60%
MIN. SETBACK	
<i>Principal</i>	
Front	50 ft
Side	25 ft
Rear	35 ft
<i>Accessory</i>	
Front	50 ft
Side	25 ft
Rear	35 ft

*The ceiling of all habitable building areas shall not exceed a height of 42 ft, as measured from the lowest ground level at any point along the exterior of the building.

D. Additional Provisions

1. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
2. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. Any lot adjoining land within a residential zone shall maintain a twenty-five (25) foot setback for non-residential buildings, structures, off-street parking lots, and loading areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen.
3. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
4. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed within a "sight-tight" masonry or framed enclosure with a self-closing door or gate.
5. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
6. Outdoor Storage and Display - Within this Zone, no outdoor storage nor display shall be permitted, except as that authorized in Section 301.10 of this Ordinance.
7. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.
8. Materials and Waste Handling - All health-care related uses, including but not limited to a Medical or Dental Clinic, shall dispose of all materials and wastes in a manner that complies with State and Federal regulations. The township shall be provided upon request copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

SECTION 212 HIGHWAY COMMERCIAL ZONE (C-3)

A. Purpose

This Zone provides suitable locations for highway-oriented retail, service, and entertainment businesses. The uses often involve outdoor activities and/or storage areas, like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents, as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon outdoor storage areas to protect adjoining properties, and landscaping requirements should help to create an attractive site appearance. Finally, certain design incentives are provided for integrated uses that share access, parking, loading, signage, etc.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Drive-thru/Pick-up	P	301.18
Accessory Uses; customarily incidental to the principal use	P	301
Amusement Arcade	P	304.1
Automobile Detailing Salon	P	304.25
Automobile Filing Station	P	304.3
Automobile Sales and Automotive service, Repair Facilities, and Automobile Sales Storage Lots	C	404; 804
Bank and Financial Institution	P	
Brew Pub	P	304.26
Car Washes	P	304.5
Commercial Day-Care Facility	C	411; 804
Commercial Recreation Facility	P	304.7
Event Center	P	
Farmers Market	P	304.10
Forestry	P	304.19
Health and Fitness Club	P	304.20
Hotel/Motel	P	
Indoor Theater and Auditorium	P	
Medical or Dental Clinic	P	
Multi-Family Dwelling	C	423 ; 804
Nightclub	C	430; 804
Office	P	
Older Adult Daily Living Center	P	

Place of Worship and other Related Uses	P	304.22
Public Utility Structure Type 1	P	
Restaurant with Alcohol	P	
Restaurant without Alcohol	P	
Retail Sale of Goods & Services	P	
Shopping Center	C	442; 804
Tasting Room	P	304.27
Tavern	P	

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

ALL PERMITTED USES	
MIN. LOT SIZE	15,000 sf
MIN. LOT WIDTH	
at Building Setback Line	100 ft
MAX. BUILDING HEIGHT	50 ft*
MAX. LOT COVERAGE	
Impervious Surface	60%
MIN. SETBACK	
<i>Principal</i>	
Front, on Local Street	35 ft
Front, on Collector/Arterial Street	45 ft
Side	15 ft
Rear	20 ft
<i>Accessory</i>	
Front	35 ft
Side	15 ft
Rear	20 ft

*The ceiling of all habitable building areas shall not exceed a height of 42 ft, as measured from the lowest ground level at any point along the exterior of the building.

D. Additional Provisions

1. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
2. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. Any lot adjoining land within a residential zone shall maintain a thirty-five (35) foot setback for non-residential buildings, structures, off-street parking lots, and loading areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen.
3. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
4. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed within a "sight-tight" masonry or framed enclosure with a self-closing door or gate. All uses shall comply with Section 301.19 D of this Ordinance.
5. Required Public Utilities - All uses permitted within this zone where actual or projected sewage flows equal or exceed 1,125 gallons/day shall require the use of public sewer and public water.
6. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
7. Outdoor Storage and Display - Within this Zone, no outdoor storage nor display shall be permitted, except as that authorized in Section 301.10 of this Ordinance.
8. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 213 PROFESSIONAL OFFICE ZONE (O)

A. Purpose

This Zone accommodates corporate, and business offices that are larger than smaller personal service offices. This Zone is located between industrial sites permitting manufacturing, and nearby residences; therefore, it is designed to act as a buffer between these different uses. Design standards imposed seek to create a serene office campus that is free from other industrial and commercial impacts.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	
Bank and Financial Institution	P	
Commercial Day-Care Facility	P	304.6
Forestry	P	304.19
Health and Fitness Club	P	304.20
Hotel/Motel	C	426; 804
Office	P	
Older Adult Daily Living Center	P	
Public Utility Structure Type 1	P	304.22

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	ALL PERMITTED USES	AGRICULTURAL USES
MIN. LOT SIZE	1 acre	10 acres**
MIN. LOT WIDTH		
at Building Setback Line	150 ft	100 ft 60 ft
MAX. BUILDING HEIGHT		
Principal Structure	60 ft	85 ft
MAX. LOT COVERAGE		
Impervious Surface	60%	10%
MIN. SETBACK		
<i>Principal</i>		
Front	50 ft	50 ft
Side	25 ft	50 ft
Rear	35 ft	50 ft
<i>Accessory</i>		
Front	50 ft	-
Side	25 ft	-
Rear	35 ft	-

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

D. Additional Provisions

1. Building separation setbacks – For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
2. Residential buffer strip – Any lot adjoining land within a residential zone shall maintain a thirty-five (35) foot setback for buildings, structures, and off-street loading areas, and a twenty-five (25) foot setback for off-street parking lots from the residentially zoned parcels.
3. Landscaping – Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along property lines.
4. Waste Products – Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 301.19 D of this Ordinance.
5. Required Public Utilities – All uses permitted within this zone where sewage flows (actual or projected) equal or exceed 1,125 gallons/day shall require the use of public sewer and public water.
6. Outdoor Storage – No outdoor storage is permitted.
7. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 214 LIGHT INDUSTRIAL ZONE (I-1)

A. Purpose

To permit and encourage small-scale light industrial development and to consolidate locations of light industrial related land uses that because of their shipping, storage and other requirements exert special demands in Silver Spring Township. New construction for non-residential uses shall be encouraged while complementing and serving the local community. The intent of the provided design standards is to encourage functional attractive sites while conserving the value of neighboring residential areas and promoting economic development. The provided design standards shall regulate the intensity of all permitted uses and to minimize negative impacts for abutting residential areas and local roadways that may be affected by increased truck traffic.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Alcoholic Beverage Production	C	452; 804
Agriculture/Agricultural Operation	P	
Automobile Service and Repair Station	C	404; 804
Brew Pub	C	450; 804
Commercial Day-Care Facility	P	304.6
Forestry	P	304.19
Laboratory for Medical, Scientific, or Industrial Research and Development	P	
Machine Shop	P	
Manufacturing	P	
Mini-Storage Facility	P	304.12
Office	P	
Processing of Food Products	P	
Public Utility Structure Type 1	P	304.22
Public Vocational and Mechanical Trade School	P	
Recycling Facility	C	439; 804
Riding Stable	P	304.15
Storage Depots	P	
Tasting Room	C	451; 804
Welding Shop	P	
Wireless Communication Facilities	C	448; 804
Wind Energy Conversion System	C	449; 804

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	ALL PERMITTED USES	AGRICULTURAL USES
MIN. LOT SIZE	20,000 sf	10 acres**
MIN. LOT WIDTH		
at Building Setback Line	100 ft	100 ft 60 ft
MAX. BUILDING HEIGHT		
Principal Structure	40 ft*	35 ft
Accessory Structure	40 ft*	85 ft***
MAX. LOT COVERAGE		
Impervious Surface	60%	10%
MIN. SETBACK		
<i>Principal</i>		
Front	50 ft	50 ft
Side	25 ft	50 ft
Rear	25 ft	50 ft
<i>Accessory</i>		
Front	50 ft	-
Side	25 ft	-
Rear	25 ft	-

*All structures extending above 35 feet from grade (except permitted signs) shall be uninhabited and set back a distance at least equal to their height from all property lines.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

***Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. Any lot adjoining land principally used as a residence or within a residential zone shall maintain a fifty (50) foot setback for buildings, structures, off street parking lots, loading areas, and outdoor storage areas from residentially used and/or zoned parcels.
2. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
3. Landscaping - Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along property lines.
4. Waste Products - Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 301.19 D. of this Ordinance.
5. Required Public Utilities - All uses permitted within this zone where actual or projected sewage flows equal or exceed 1,125 gallons/day shall require the use of public sewer and public water.
6. Industrial Operations Standards - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. (See Section 302 for a partial listing.)
7. Outdoor Storage and Display - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this section. Outdoor display areas need not be screened from adjoining roads if they are located within the front yard.
8. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.
9. Prohibited Uses - Principal uses identified as warehousing and truck terminals shall be prohibited.

SECTION 215 GENERAL INDUSTRIAL ZONE (I-2)

A. Purpose

This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right but requires obtainment of a conditional use for heavier and potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Adult-Related Use	C	402; 804
Agriculture/Agricultural Operation	P	
Alcoholic Beverage Production	P	304.28
All Other Non-Residential Uses	C	447; 804
Automobile Service and Repair Station	C	404; 804
Billboard	P	304.4
Brew Pub	P	304.26
Commercial Day-Care Facility	P	304.6
Event Center	P	
Forestry	P	304.19
Heavy Equipment Sale, Service and Repair	C	422; 804
Heavy Industrial	C	421; 804
Junkyard	C	428; 804
Laboratory for Medical, Scientific, or Industrial Research and Development	P	
Machine Shop	P	
Manufacturing	P	
Mini-Storage Facility	P	304.12
Office	P	
Off-Track Betting Parlor	C	433; 804
Packaging	P	
Processing of Food Products	P	
Public Utility Structure Type 1	P	304.22

**ARTICLE 2
ZONE REGULATIONS**

Silver Spring Zoning Ordinance

Permitted Uses		Additional Provisions Reference
Public Utility Structure Type 2	C	435; 804
Public Vocational and Mechanical Trade School	P	
Recycling Facility	C	439; 804
Sales, Storage and/or Wholesaling of the Following: Home and Auto-Related Fuels; Nursery and Garden Materials, And Stock; Contractor Supplies; and, Plumbing, Heating, Air Conditioning, Electrical, And Other Structural Components of Buildings.	C	440; 804
Slaughter, Process, Render, and Package of Food Products	C	444; 804
Small Engine Repair Shop	P	
Tasting Room	P	304.27
Towing with or without Impoundment	P	
Truck Stop	C	446; 804
Truck Terminals	C	445; 804
Welding Shop	P	
Warehousing	P	304.24
Wholesale Trade Establishment	P	304.24
Wind Energy Conversion System	C	449; 804
Wireless Communication Facilities	C	448; 804
All Other Non-Residential Uses	C	447; 804

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	ALL PERMITTED USES	AGRICULTURAL USES
MIN. LOT SIZE	1 acre	10 acres**
MIN. LOT WIDTH		
at Building Setback Line	200 ft	100 ft
MAX. BUILDING HEIGHT		
Principal Structure	55 ft*	35 ft
Accessory Structure	75 ft *	85 ft***
MAX. LOT COVERAGE		
Impervious Surface	60%	10%
MIN. SETBACK		
<i>Principal</i>		
Front	50 ft	50 ft
Side	30 ft	50 ft
Rear	35 ft	50 ft
<i>Accessory</i>		
Front	50 ft	-
Side	30 ft	-
Rear	35 ft	-

*All structures extending above 35 feet from grade (except permitted signs) shall be uninhabited and set back a distance at least equal to their height from all property lines.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

***Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
2. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. Any lot adjoining land within a residential zone shall maintain a seventy-five (75) foot setback for non-residential buildings, structures, and loading areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen. Off-street parking lots shall be set back at least fifty (50) feet from adjoining residentially zoned properties. All of these setback areas shall be devoted to landscaping (see Section 611 of the Subdivision and Land Development Ordinance).

3. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum twenty (20) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
4. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed within a "sight-tight" masonry or framed enclosure with a self-closing door or gate. All uses shall comply with Section 301.19 D. of this Ordinance.
5. Required Public Utilities - All uses permitted within this zone where actual or projected sewage flows equal or exceed 1,125 gallons/day shall require the use of public sewer and public water.
6. Industrial Operations Standards - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. (See Section 302 for a partial listing.)
7. Outdoor Storage and Display - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this section. Outdoor display areas need not be screened from adjoining roads if they are located within the front yard.
8. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 216 QUARRY ZONE (Q)

A. Purpose

It is the purpose of this Zone to make appropriate provisions for the extraction of mineral deposits in the earth and to provide appropriate safeguards, which are hereby deemed necessary to protect and preserve the health, safety, and welfare of the citizens of this Township.

B. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	
Agriculture/Agricultural Operation	P	
Concrete Batching Plant	P	
Forestry	P	304.19
Processing of Minerals	P	
Public Use and Public Utility Structure	P	304.22
Quarry-Related Manufacturing, Mixing, and Processing	C	438; 804
Quarrying and/or Mining of Minerals	P	
Storage and Stockpiling of Minerals	P	

P – Permitted Use By Right **C** – Conditional Use

C. Dimensional Requirements

	ALL PERMITTED USES
MIN. LOT SIZE	50 acres
MIN. LOT WIDTH	
at Building Setback Line	200 ft
at lot frontage	200 ft
MAX. BUILDING HEIGHT	
Principal Structure	35 ft
MAX. LOT COVERAGE	
Impervious Surface	5%
MIN. REQUIRED OPEN SPACE	20%
MIN. SETBACK	
<i>Principal</i>	
Front	200 ft
Side	200 ft
Rear	200 ft
<i>Accessory</i>	
Front	200 ft
Side	200 ft
Rear	200 ft

SECTION 217 INTERCHANGE REGIONAL GATEWAY ZONE (INT-RG)**A. Purpose**

The areas encompassed by this Zone have excellent regional vehicular access adjoining the interchange of PA Route 114 and Interstate 81 (Conodoquinet Parkway) and buffered from several residential areas. This access affords the opportunity for a wide range of intensive land uses with minimized traffic impact. Local officials view this interchange as a premium regionally based development site and a “gateway” to the Township. Therefore, its use is reserved for high quality economic development.

B. Objectives

Provisions within this section are based on the authorizations and objectives of Traditional Neighborhood Development (“TND”) as established by Article VII-A of the Pennsylvania Municipalities Planning Code (“MPC”), as amended. The objectives of this Zone are as follows:

1. To encourage a more efficient use of land and of public services to reflect changes in the technology of land development;
2. To minimize traffic congestion, infrastructure costs and environmental degradation;
3. To promote the implementation of the objectives of the Township’s Comprehensive Plan for guiding the location for growth;
4. To ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay;
5. To permit land uses and development opportunities that are more regional in nature; and
6. To establish development patterns, scales and densities that are complementary and consistent with the surrounding highway-oriented landscape.

C. Applicability. The following uses are permitted by right within this zone and not subject to a preliminary master plan (Subsection D) and the accompanying development standards (Subsection H) of this section.

1. Agriculture/Agricultural Operation
2. Forestry
3. Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources
4. Public Utility Structure Type 1

D. Preliminary and Final Approval. The provisions of this section require a two-step approval process:

1. Preliminary Zoning Approval. A master plan for the entire property area proposed for development shall be approved by the Board of Supervisors. The master plan shall include all information and elements as required by the Township’s Subdivision and Land Development Ordinance (Section 603).
2. Final Zoning Approval. After obtaining preliminary approval of the master plan from the Board of Supervisors, final zoning approval must be obtained from the Board of Supervisors for each development phase, building, lot and/or set of buildings, which may be obtained in conjunction with a preliminary land development application in accordance with the township’s Subdivision and Land Development Ordinance.
3. All applications for Final Zoning Approval shall be in conformance with the previously approved Preliminary Master Plan. In instances in which a Final Zoning Approval application differs from the previously approved Master Plan, regarding land use development types, densities, area and bulk regulations, and/or street/traffic circulation patterns, the applicant shall first obtain a new Preliminary Zoning Approval for the entire master plan. Submission and consideration for Final Zoning Approval may then follow after the Board of Supervisors has granted approval of the revised Master Plan.

E. Application and Approval Process

1. The application and approval process shall be completed in accordance with Section 801 of this Ordinance. This process shall apply for both the preliminary and final steps, as outlined above.

F. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Drive-thru/Pick-up	P	301.18
Accessory Uses customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	N/A
Bank and Financial Institution	C	804; 405
Automobile Filing Station	C	804; 304.3
Bed and Breakfast	C	804; 406
Brew Pub	C	804; 450
Commercial Day-Care Facility	C	804; 411
Commercial Recreation Facility	C	804; 304.7
Convention Center	C	804; 414
Forestry	P	304.19
Health and Fitness Club	C	804; 419

Health Care Campus and Hospital	C	804; 420
Hotel/Motel	C	804; 426
Medical or Dental Clinic	C	804
Medical Residential Campus	C	804; 429
Office	C	804.B
Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources	P	N/A
Public and/or Non-Profit Park and Playground	C	804.B
Public Utility Structure Type 1	P	304.22
Restaurant with Alcohol	C	804
Restaurant without Alcohol	C	804
Retail Sale of Goods and Services	C	804
Tavern	C	804

P – Permitted Use By Right C – Conditional Use

G. Dimensional Requirements

ALL PERMITTED USES	
MIN. LOT SIZE	2 acres
MIN. LOT WIDTH	
at Building Setback Line	200 ft
MAX. BUILDING HEIGHT	
Principal Structure	60 ft
MAX. LOT COVERAGE	
Impervious Surface	60%
MIN. SETBACK	
<i>Principal</i>	
Front	50 ft
Side	25 ft
Rear	35 ft
<i>Accessory</i>	
Front	50 ft
Side	25 ft
Rear	35 ft

H. Development Standards

1. **Required Public Utilities.** All uses permitted within this zone shall require connections to public sewer and public water.
2. **Building Separation Setbacks.** For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings.
3. **Rooftop Equipment Screening.** An architectural screen must be provided along the perimeter of all rooftop equipment areas and apparatus. The screen must be 1' higher than the highest dimension of any given pieces of equipment or apparatus. Equipment shall include but is not limited to elevator shafts, heating and cooling equipment, chillers, duct work, communication antennae, cameras, etc. Within the Interchange RG Zone, rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances shall be included in the calculation of maximum building height.
4. **Residential Buffer Strip.** Any lot adjoining land within a residential zone shall maintain a thirty-five (35) foot setback for buildings, structures, and off-street loading areas, and a twenty-five (25) foot setback for off-street parking lots from the residentially zoned parcels.
5. **Screening.** A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed.
6. **Landscaping.** Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along property lines.
7. **Waste Products.** Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 301.19 D of this Ordinance.
8. **Outdoor Storage.** No outdoor storage of equipment, materials, or supplies shall be permitted.
9. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 218 INTERCHANGE PLANNED COMMERCE ZONE (INT-PC)**A. Purpose**

The areas included in this Zone have direct access to the interchange of PA Route 114 (Conodoquinet Parkway) and Interstate 81 and are in proximity to low density residential neighborhoods. This Zone is viewed as a “gateway” to the Township and should provide land uses, densities, and development patterns that leverage highway adjacency while also establishing a buffer from surrounding residential areas. Interchange Planned Commerce (INT-PC) is distinctive from Interchange Regional Gateway (INT-RG) based on its proximity to established low density residential neighborhoods. Specific provisions have been established to protect environmentally sensitive features/resources and to minimize development impacts including but not limited to building height, landform alternations, stormwater drainage, parking, and traffic.

B. Objectives

Provisions within this section are based on the authorizations and objectives of Traditional Neighborhood Development (“TND”) as established by Article VII-A of the Pennsylvania Municipalities Planning Code (“MPC”), as amended. The objectives of this Zone are as follows:

1. To encourage innovations in specialized residential and nonresidential development which makes use of a mixed-use form of development. This mixed-use development shall provide a greater variety in type, design and layout of land uses, buildings and structures and by the conservation and more efficient use of open space ancillary to the development;
2. To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need housing accommodations and for other uses;
3. To minimize traffic congestion, infrastructure costs and environmental degradation;
4. To promote the implementation of the objectives of the Township’s Comprehensive Plan for guiding the location for growth;
5. To ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay;
6. To accommodate a more diverse range of housing options that are within close proximity to goods and services;
7. To provide adequate open space suitable for mixed-use development; and
8. To establish an approval process that considers development scale, neighborhood compatibility, and environmental protection while promoting public health, safety and welfare.

C. Applicability. The following uses are permitted by right within this Zone and not subject to a preliminary master plan (Subsection D) and the accompanying development standards (Subsection H) of this section.

1. Agriculture/Agricultural Operation
2. Forestry
3. Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources
4. Public Utility Structure Type 1

D. Preliminary and Final Approval. The provisions of this section require a two-step approval process:

1. Preliminary Zoning Approval. A master plan for the entire property area proposed for development shall be approved by the Board of Supervisors. The master plan shall include all information and elements as required by the Township's Subdivision and Land Development Ordinance (Section 603).
2. Final Zoning Approval. After obtaining preliminary approval of the master plan from the Board of Supervisors, final zoning approval must be obtained from the Board of Supervisors for each development phase, building, lot and/or set of buildings, which may be obtained in conjunction with a preliminary land development application in accordance with the township's Subdivision and Land Development Ordinance.
3. All applications for Final Zoning Approval shall be in conformance with the previously approved Preliminary Master Plan. In instances in which a Final Zoning Approval application differs from the previously approved Master Plan, regarding land use development types, densities, area and bulk regulations, and/or street/traffic circulation patterns, the applicant shall first obtain a new Preliminary Zoning Approval for the entire master plan. Submission and consideration for Final Zoning Approval may then follow after the Board of Supervisors has granted approval of the revised Master Plan.

E. Application and Approval Process

1. The application and approval process shall be completed in accordance with Section 801 of this Ordinance. This process shall apply for both the preliminary and final steps, as outlined above.

F. Permitted Uses

Permitted Uses		Additional Provisions Reference
Accessory Uses; customarily incidental to the principal use	P	301
Agriculture/Agricultural Operation	P	N/A
Bank and Financial Institution	C	804; 405
Bed and Breakfast	C	804; 406
Brew Pub	C	804, 450
Commercial Day-Care Facility	C	804; 411
Forestry	P	304.19
Medical or Dental Clinic	C	804.B
Medical Residential Campus	C	804; 429
Mixed-Use Building	C	804; 417
Office	C	804
Older Adult Daily Living Center	C	804
Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources	P	N/A
Public and/or Non-Profit Park and Playground	C	804
Public Utility Structure Type 1	P	304.22
Restaurant without Alcohol	C	804
Retail Sale of Goods and Services	C	804

P – Permitted Use By Right **C** – Conditional Use

G. Dimensional Requirements

ALL PERMITTED USES	
MIN. LOT SIZE	2 acres
MIN. LOT WIDTH	
at Building Setback Line	200 ft
MAX. BUILDING HEIGHT	
Principal Structure	50 ft
MAX. LOT COVERAGE	
Impervious Surface	60%
MIN. SETBACK	

<i>Principal</i>	
Front	50 ft
Side	25 ft
Rear	35 ft
<i>Accessory</i>	
Front	50 ft
Side	25 ft
Rear	35 ft

H. Development Standards

1. Greenway Setback

- a. Any lot adjoining an existing residential zone shall maintain a greenway setback, measuring a depth of 300 ft from the property line.
 - 1) Buildings, structures, stormwater, land grading, and off-street parking/loading areas are not permitted within the greenway setback.
 - 2) If natural woodlands exist, they shall be preserved, with limited timber management practices when possible.
 - 3) If previously used as agricultural land, the greenway setback shall be replanted with natural grasslands.
 - 4) Within the 300 ft setback, the first 75 ft nearest the perimeter property line, shall be designated as natural woodlands.
 - i. This 75 ft setback shall have a tree canopy coverage of greater than seventy percent (70%). For areas that do not meet this requirement, supplemental tree plantings will be permitted in order to achieve the coverage within 15 years.
 - ii. If natural woodlands exist, they shall be preserved, with limited timber management practices when appropriate.
- b. Any lot adjoining the right-of-way of PA Route 114 and/or Old Willow Mill Road shall maintain a setback, measuring a depth of 200 ft from the center line of PA Route 114 and/or Old Willow Mill Road.
 - 1) Buildings, structures, stormwater, land grading, and off-street parking/loading areas are not permitted within the 200 ft setback.
 - 2) If natural woodlands exist, they shall be preserved, with limited timber management practices when possible.

- 3) If previously used as agricultural land, the greenway setback shall be replanted with natural grasslands indigenous to Central Pennsylvania.
2. Residential Setback. The following provisions apply only to land located north of Interstate 81 and east of PA Route 114 within the Interchange PC Zone, also referred to as the “Northeast Quadrant.”
 - a. Medical Residential Campus, if included within a Master Plan, shall only occur within a maximum distance of 800 ft from the southern right-of-way of Old Willow Mill Road.
3. Open Space
 - a. Thirty percent (30%) of the overall development site, subject to the master plan, shall be designated as open space.
 - b. Any portion of the site not consisting of buildings, structures, streets, parking areas, loading areas, sidewalks, or stormwater management shall be considered open space.
 - c. No more than fifty percent (50%) of the required open space area shall include land that contain slopes greater than a twenty-five percent (25%) gradient.
 - d. Open space shall be landscaped by vegetative ground cover indigenous to Central Pennsylvania or other ornamental plantings.
 - e. Open space shall be interconnected with the open space of adjacent parcels within the master plan.
 - f. Open space shall be directly connected to the principal entrance of all principal buildings.
4. Reduced Environmental Impact of Parking
 - a. Interior landscaping requirements for vehicular parking, as outlined within the Township’s Subdivision and Land Development Ordinance (Section 603), shall be increased by one hundred percent (100%).
 - b. Shared parking is encouraged when applicable, as is permissible in accordance with the Township’s Subdivision and Land Development Ordinance standards.
5. Traffic Circulation & Ingress/Egress Safety. The following provisions apply only to land located north of Interstate 81 and east of PA Route 114 within the Interchange PC Zone, also referred to as the “Northeast Quadrant.”
 - a. A development site subject to a master plan shall be accessible by a collector street, which shall be the primary internal circulation street for the master plan. The master

plan shall ensure that such collector is designed so that it may connect with any future master plan developments within the Interchange Zone.

- b. Traffic Impact Study - A traffic impact study is required prior to preliminary approval and shall be submitted to the Township based on the requirements and standards for traffic impact studies outlined in the Subdivision and Land Development Ordinance. The traffic study shall address the impacts of both ingress and egress, whether signalized and/or unsignalized, onto PA Route 114, Old Willow Mill Road, and Interstate 81.
- c. Prior to the Township granting preliminary approval, the applicant shall obtain an HOP (Highway Occupancy Permit) for any ingress and egress connections to a state road and access approval from the Township (Township Engineer) prior to final development approval. The applicant shall design ingress and egress connections for PennDOT and Township review and in accordance with demands of the associated required traffic study.
- d. Egress from the Northeast Quadrant onto Old Willow Mill Road shall be designed in consideration of the existing Pleasant Grove Rd and PA Route 114 intersection with the possibility for reconfiguration.

6. Development Scale

- a. Buildings shall not have a ground floor area greater than 50,000 sq. ft.
- b. Building length shall not exceed 300 ft.

7. Orientation of Buildings

- a. The orientation of buildings shall promote continuity within the development as well as related to surrounding established land uses.
- b. Service and/or loading areas/entrances shall be screened from adjoining streets and properties and shall not be permitted along or in front of a building's front façade.
- c. The primary entrance for patrons shall be oriented to public streets and walkways.

8. Lighting

- a. Lighting shall be oriented away from land outside of the master planned area.
- b. There shall be a maximum illumination value of 0.10 horizontal and vertical footcandles at all lot lines when measured at any point zero (0) to fifteen (15) feet above the ground surface.
- c. The maximum on-site illumination value shall be 5.0 footcandles and the average on-site illumination value shall be less than or equal to 1.5 footcandles when measured three feet above the ground surface.

-
- d. No more than 10% of the fixture's lumens shall be emitted at a 90° angle or greater from nadir.
9. Rooftop Equipment Screening. An architectural screen must be provided along the perimeter of all rooftop equipment areas and apparatus. The screen must be 1' higher than the highest dimension of any given pieces of equipment or apparatus. Equipment shall include but is not limited to elevator shafts, heating and cooling equipment, chillers, duct work, communication antennae, cameras, etc. Within the Interchange PC Zone, rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances shall be included in the calculation of maximum building height.
10. Stormwater Management. The applicant shall incorporate best management practices (BMPs) for erosion and sedimentation control as described in the DEP Erosion and Sediment Pollution Control Program Manual (March 2012, as amended), and stormwater management as described in the DEP Stormwater Best Management Practices Manual (December 2006, as amended) in order to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMPs that will be used on the site and notify the Township whenever a change is made to those BMPs. Whenever a change is made to the BMPs used on the site, the owner and operator shall certify that the new BMPs provide equal or greater pollution prevention protection than the former management practice.
11. Required Public Utilities. All uses permitted within this zone shall require connections to public sewer and public water.
12. Building Separation Setbacks. For multiple buildings situated on the same lot, there shall be a minimum of thirty-five (35) feet of space between the closest points of such buildings.
13. Screening. A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed.
14. Landscaping. Any portion of the development site subject to a master plan not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along all property lines, unless otherwise required by a greenway setback.
15. Waste Products. Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 301.19 D of this Ordinance.
16. Outdoor Storage. No outdoor storage of equipment, materials, or supplies shall be permitted.

17. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 219 FLOODPLAIN ZONE (FP)

- A. Introduction - The Township of Silver Spring is cognizant of the recurring flooding and water drainage problems associated with the Conodoguinet Creek, Hogestown Run, Trindle Run, and all of the contributory streams and waterways within the Township related to the above-mentioned creeks. This section is therefore designed to alleviate these problems and provide for protection from flooding hazards in the future throughout the Township.
- B. Purpose and Policy - It is hereby found that the streams, creeks and waterways of the Township are subject to recurring flooding, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the floodplain, and that the most appropriate method of alleviating such condition is through regulation of such developments and encroachments. It is, therefore, determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this section, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare.

The intent of this section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township.

Building Permits shall be required before any construction or development is undertaken within any area of the Township.

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township, unless a Building Permit has been obtained from the Building Codes Official. Building permits shall be obtained for construction/modifications to existing structures and construction of new structures and all land development projects.

C. Specific Objectives

1. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare, and safety of the Township;
2. To prohibit the erection of buildings and structures in areas unfit for human usage by reason of danger from flooding;
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood-prone areas and promoting safe and sanitary drainage;
4. To permit only those uses, which can be appropriately located in the floodplain as herein defined, and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains;

5. To provide sufficient drainage courses to carry abnormal flows or storm water in periods of heavy precipitation;
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters;
7. To protect the entire Township from individual uses of land, which may have an effect upon subsequent expenditures for public works and disaster relief, and adversely affect the economic well-being of the Township;
8. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas;
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding;
10. To provide areas for the temporary natural storage of flood waters; and,
11. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with Federal and State Floodplain Management Requirements (National Flood Insurance Program, P.L. 93-234).

D. Issuance of Building Permit

1. The Building Codes Office shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Section and all other applicable Codes and Ordinances.
2. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal Laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978- 325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any Building permit, the Building Codes Official shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
4. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities, which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

5. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

E. Application Procedures and Requirements

2. Application for such a Building permit shall be made, in writing, to the Building Codes Official on forms supplied by the Township. Such application shall contain the following:
 - a. Name and address of applicant;
 - b. Name and address of owner of land where proposed construction is to occur;
 - c. Name and address of contractor;
 - d. Site location including address;
 - e. Listing of other permits required;
 - f. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred; and,
 - g. A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.
3. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Codes Official to determine that:
 - a. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable Codes and Ordinances;
 - b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. Applicants shall file the following minimum information, plus any other pertinent information, as may be required by the Building Codes Official or Silver Spring Township to make the above determination.
 - a. A completed Building Permit Application Form;
 - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1”) inch being equal to one hundred (100’) feet or less, showing the following:

- 1) North arrow, scale and date;
 - 2) Topographic contour lines, if available;
 - 3) All property and lot lines, including dimensions and the size of the site expressed in acres or square feet;
 - 4) The location of existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
 - 5) The location of all existing streets, drives and other access ways; and;
 - 6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
- c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- 1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - 2) The elevation of the one hundred (100) year flood;
 - 3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood;
 - 4) Detailed information concerning any proposed flood-proofing measures; and,
 - 5) Supplemental information as may be necessary as pertaining to the UCC (Uniform Construction Code) as referred to in 34 PA Code (Chapter 401-405, as amended), and Sec. 1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R 106.1.3 and R 104.7 of the 2003 IRC.
- d. The following data and documentation:
- 1) Documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed development within a Special Floodplain Area, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1') foot at any point;
 - 2) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood;

- 3) Such statement shall include a description of the type and extent of flood-proofing measures, which have been incorporated into the design of the structure and/or the development.
 - 4) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; and,
 - 5) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- F. Delineation of Lands within the Floodplain Zone - For purposes of this Ordinance, areas contained within the Floodplain Zone shall include the following:
1. Those areas subject to inundation by the waters of the base flood (100-year flood), as identified in the Flood Insurance Study dated March 3, 1992, and accompanying maps, or the latest revision thereof, including all digital data developed as part of the Flood Insurance Study, as prepared for the Township and issued by the Federal Emergency Management Agency and/or its successors; and,
 2. For all other streams and/or waterways not depicted upon the Township's Flood Boundary and Floodway Maps, the Floodplain Zone shall be deemed to include:
 - a. An area measuring fifty (50') feet horizontally perpendicular from the top of the bank of the watercourse; or,
 - b. The area inundated by the base flood as determined through qualified hydrologic and hydraulic study. Such study shall be signed, sealed, and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any property owner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.
- G. Boundary Disputes
1. Should a dispute concerning any boundary of the Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 704.6. of this Ordinance. The burden of proof in such an appeal shall be on the applicant and all hearings and procedures shall follow the requirements of Section 703 of this Ordinance;
 2. All changes to the boundaries of the Floodplain Zone, which affect areas identified in Section 218.F.1. of this Ordinance are subject to the review and approval of the Federal Emergency Management Agency for compliance with the Rules and Regulations of the National Flood Insurance Program.

- H. Relationship to Other Sections - The provisions of this section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent, the provisions of this section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other ordinances of the Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of the Township shall remain in full force.
- I. Permitted Uses - The following uses and no others are permitted in the Floodplain Zone:
1. Cultivation and harvesting crops according to recognized soil conservation practices;
 2. Pasture and grazing of livestock (including only one- or two-strand wire fences) according to recognized soil conservation practices, and further provided that such livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain Zone;
 3. Outdoor plant nursery or orchard according to recognized soil conservation practices;
 4. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding;
 5. Game farms, fish hatchery, or hunting and fishing reserve, for the protection and propagation of wildlife, but permitting no structures;
 6. Forestry (see Section 304.19), lumbering and reforestation according to recognized natural resources conservation practices;
 7. Front, side and rear yards and required lot area of lots existing prior to the adoption of this Ordinance, in any district, provided such yards are not to be used for on-site sewage disposal systems;
 8. Normal accessory uses (excepting enclosed structures, freestanding satellite dish antennas, fences and above-ground swimming pools) on lots existing prior to the adoption of this Ordinance, permitted under the applicable zoning district;
 9. Recreational use, whether open to the public or restricted to private use, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting flood-proof toilet facilities, but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any flood-proof toilet facilities provided shall be connected to public water and sewerage systems;
 10. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Authority Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Zone;
 11. Sealed public water supply wells with the approval of the Pennsylvania Department of Environmental Protection;

12. Dams, culverts, bridges, and altered or relocated watercourses with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Environmental Protection; and,
13. Sanitary or storm sewers and impoundment basins, with the approval of the Pennsylvania Department of Environmental Protection.

J. Non-conforming Uses and Structures in the Floodplain Zone

1. Continuation - All uses or structures lawfully existing in the Floodplain Zone on the effective date of this section, which are not in conformity with the provisions of this section, shall be deemed non-conforming uses or structures. Such non-conforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as prohibited by Sections 218.10.2. and 218.10.4.b., of this Ordinance. However, such non-conforming uses or structures may at any time be improved to comply with existing State or Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions;
2. Abandonment - Non-conforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Supervisors may require the removal of any abandoned non-conforming use or structure upon prior notice to the owner of the property on which an abandoned non-conforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner;
3. Expansion and Modification - A non-conforming use or structure may not be expanded or modified in any manner, which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this section. No non-conforming use or structure shall be expanded, enlarged, or altered in any way which increases its non-conformity with respect to height, area, yard, and other requirements established in other sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain Zone that was occupied by it on the effective date of this section;
4. Replacement and Rebuilding:
 - a. A non-conforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. In such a case, however, the non-conformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this section;

- b. A non-conforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent (50%) or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with Section 218.11.3. and all other sections of this Zoning Ordinance, and all other ordinances of the Township. The Zoning Hearing Board may waive as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operations of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this section, while respecting and maintaining the purpose and intent of this section; and,
 - c. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
5. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of Sections 218.10.2. and 218.10.4.B. for any historic structure, as defined herein;
6. Special Requirements for Mobile Homes
- a. If any existing mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the mobile home shall be:
 - 1) Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - i. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50') feet or more in length, and one (1) additional tie per side for units less than fifty (50') feet in length;
 - ii. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50') feet or more in length, and four (4) additional ties per side for units less than fifty (50') feet in length; and,
 - iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

- 2) Elevated in accordance with the following requirements:
 - i. The mobile home shall be elevated on a permanent foundation so that its lowest floor is one (1') foot or more above the elevation of the one hundred (100) year flood;
 - ii. Adequate surface drainage is provided;
 - iii. Adequate access for a hauler is provided; and,
- 3) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for mobile home parks.

K. Design and Performance Standards

1. Applicability - The standards included in this section are to be used, together with the provisions of all other sections and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this section;
2. Regulations and Reviews by Other Agencies
 - a. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of special exceptions, variances, or permits may be granted by the Township;
 - b. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals; and,
 - c. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit applications and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development;
3. Placement and Construction of Authorized Uses and Structures
 - a. No use shall be permitted which would cause any rise in the base flood elevation. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far, as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures;

- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage;
- c. All new or replacement drains, water supply facilities, sanitary sewage facilities or other utility improvements shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwater, and to minimize the impedance of flood flows;
- d. Anchoring - All structures, buildings, air ducts, large pipes, and storage tanks within the Floodplain Zone shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse;
- e. For all permitted non-conforming uses, and uses authorized by the granting of a variance, the following standards shall apply:
 - 1) All new construction and substantial improvements of permanent non-residential structures shall either (1) have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation, or (2) together with attendant utility and sanitary facilities, be flood-proofed so that below one (1) foot above the base flood elevation, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Enclosed space below the lowest floor (including basement) is prohibited. All flood-proofing measures shall be done according to the standards and provisions for flood-proofing classes W-1 or W-2, as contained in *Flood-proofing Regulations* published by the Office of the Chief of Engineers, U.S. Army, published EP 1165 2 314 (June, 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this section. Where reference is made in *Flood-proofing Regulations* to the "RFD" (Regulatory Flood Datum), it shall be interpreted to mean the base flood elevation as defined by this section. The applicant shall submit qualified evidence by a registered professional engineer or a licensed professional architect certifying compliance with this requirement; and,
 - 2) All improvements to existing structures shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation. All manufactured homes shall be subject to the above listed regulations as well as those listed in Section 218.10.6. In all cases, enclosed space below the lowest floor (including basement) is prohibited.
- L. Standards and Criteria for Special Exceptions and Variances - In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to the provisions of this Section 218, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception or variance shall be granted for any use except those specifically permitted by Section 218.9., nor any use, structure or development within the floodway which would increase the one hundred (100) year flood elevation;
2. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations;
3. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. The applicant must also comply with any other conditions imposed by the Zoning Hearing Board;
4. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation; and,
 - b. Such variance may increase the risk to life and property.
5. In granting a special exception or variance, the Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood;
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency; and,
7. In hearing and deciding upon variances or special exceptions to this section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist in arriving at a fair and impartial determination. In addition to that information required by Sections 218.12. and 801 of this Ordinance, such required information may include, but is not limited to, the following:
 - a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel;
 - b. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information;
 - c. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water

supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information;

- d. A profile showing the slope of the bottom of the channel of flow line of the watercourse; and,
- e. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.

M. Municipal Liability - The lawful granting of a permit or making of any administrative decision under this section shall not constitute a representation, guarantee, or warranty of any kind by Silver Spring Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this section. There is also no assurance that lands not included in the Floodplain Zone are now or ever will be free from flooding or flood damage.

SECTION 220 RESOURCE & LANDSCAPE MANAGEMENT OVERLAY ZONE (RLMO)

A. Purpose

It is the purpose of this zone to:

1. Conserve undeveloped land for the purpose of protecting primary and secondary conservation areas in contiguous, unfragmented, commonly managed landscapes to:
 - a. Protect large, intact wildlife habitat areas and connect patches of wildlife habitat to support greater biodiversity, maintain ecosystem processes and allow larger, healthier populations to persist; and
 - b. Minimize edge conditions and associated colonization by invasive plant species.
2. Establish Open Space requirements to build upon the continuation of a protected, cohesive greenway network.
3. Provide Open Space for active or passive recreational use by residents.
4. Encourage innovation and promote flexibility, economy and ingenuity in development.
5. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.
6. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development.
7. Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices.
8. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
9. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density.

B. Criteria Summary. (See Tables on following pages)

**ARTICLE 2
ZONE REGULATIONS**

Silver Spring Zoning Ordinance

Table AA – Conservation Development Area A Dimensional Requirements*:

Base Zone	Minimum Parent Tract Acreage	Open Space Requirement	Max. Gross Density	Max. Net Density	Min. Lot Area	Min. Lot Width	Dwelling Types Permitted
C	15 acres	60 %	0.175 du/ac	0.3 du/ac	40,000 sf ¹	100 ft	Single Family Detached
A	15 acres	60 %	0.085 du/ac	0.3 du/ac	40,000 sf ¹	100 ft	Single Family Detached
R	15 acres	50 %	0.3 du/ac	0.5 du/ac	40,000 sf	80 ft	Single Family Detached
RE	15 acres	50 %	0.3 du/ac	0.85 du/ac	30,000 sf ²	80 ft	Single Family Detached
R-1	15 acres	50 %	1 du/ac	1.7 du/ac	20,000 sf ²	75 ft	Single Family detached

¹ For development within C and A, the maximum lot size shall be 48,000 square feet.

² 40,000 square feet shall be required for lots without public water and sewer.

*Yard setback requirements remain consistent with the provisions of the base Zoning District.

Table BB – Conservation Development Area B Dimensional Requirements:

Base Zone	Minimum Parent Tract Acreage	Open Space Requirement	Max. Gross Density	Max. Net Density	Min. Lot Area	Min. Lot Width	Dwelling Types Permitted
C ¹	15 acres	60 %	0.175 du/ac	0.3 du/ac	40,000 sf ²	100 ft	Single Family Detached
A ¹	15 acres	60 %	0.085 du/ac	0.3 du/ac	40,000 sf ²	100 ft	Single Family Detached
R	10 acres	50 %	0.3 du/ac	0.5 du/ac	20,000 sf	80 ft	Single Family Detached
RE	10 acres	50 %	1 du/ac	1.9 du/ac	30,000 sf	80 ft	Single Family Detached
R-1	5 acres	50 %	2.4 du/ac	4.8 du/ac	9,000 sf 5,000 sf 2,750 sf	50 ft 40 ft 25 ft	Single Family Detached Duplex ³ Townhouse ³
R-2	3 acres	50 %	4 du/ac	6 du/ac	6,000 sf 2,750 sf 2,000 sf 40,000 sf	40 ft 30 ft 20 ft 100 ft	Single Family Detached Duplex Townhouse Multi-Family

¹Yard setback requirements remain consistent with the provisions of the base Zoning District.

² For development within C and A, the maximum lot size shall be 48,000 square feet.

³ Permissible use per Section 204.D.3 only

Table CC – Additional Dimensional Requirements

		R	RE	R-1	R-2
Single Family Detached	Min. Front Yard (ft.)	40	50	25	15
	Min. Side Yard (ft.)	20	30	5	5
	Min. Rear Yard (ft.)	40	30	25	25
Duplex	Min. Front Yard (ft.)			25	15
	Min. Side Yard (ft.)			5	0;15 Aggregate
	Min. Rear Yard (ft.)			25	25
Townhome	Min. Front Yard (ft.)			25	15
	Min. Side Yard (ft.)			0;15 Aggregate	0;15 Aggregate
	Min. Rear Yard (ft.)			25	25
Multi-Family	Min. Front Yard (ft.)				20
	Min. Side Yard (ft.)				0;15 Aggregate
	Min. Rear Yard (ft.)				25

C. Applicable Zoning Districts and Permitted Uses

1. Conservation Development in Area A shall be optional. This development shall only permit single-family dwellings in the C, A, R, RE, and R-1 Zoning Districts.
2. Conservation Development in Area B shall be required. This development shall permit land uses in their respective districts as identified in Table BB.

D. Minimum Development Tract Size

1. Any Conservation Development in Area A shall be located on a parent tract with a minimum acreage of 15 acres.
2. Any Conservation Development in Area B shall be located on a parent tract with a minimum acreage as identified in Table BB.

E. Public Sewer/Water Requirements

1. Public Sewer and Water shall not be required to be constructed as part of any development associated with Conservation Development Area A.
2. Public Sewer and Water shall be required to be constructed as part of any development associated with Conservation Development Area B.

F. Maximum Density

A maximum gross and maximum net density, as identified in Table AA or Table BB, are associated with all development in Conservation Development Area A or B. To calculate the maximum amount of units, refer to §220.L Calculation of Open Space and Developable Area/Units. Based on this process, the landowner and/or developer shall complete the Resource Management Calculation Worksheet (on file at Township office).

G. Minimum Lot Size

As identified in Table AA or Table BB, minimum lot size criteria in Conservation Development Area A or B range per each zoning district where development is permitted.

H. Open Space

For the purposes of this section, the terms open space and greenway shall be synonymous.

1. Open Space Permitted Ownership

- a. The ownership and responsibility of open space within all Resource & Landscape Management developments shall be assigned to a nonprofit organization established by developer, with covenants and agreements running with the land, though such land may be conveyed at any time to the township or a public utility to be used for public purposes.

2. Minimum Required Open Space

- a. To calculate the acreage of required open space, refer to §220.L Calculation of Open Space and Developable Area/Units. Based on this process, the landowner and/or developer shall complete the Resource Management Calculation Worksheet (on file at Township office).
- b. All Primary Conservation Areas identified on the site are required to be conserved even if their total acreage is greater than the calculated open space requirement of §220.L. Primary Conservation Areas include the following:
 - 1) Lands within the 100-year floodplain (including the floodway)
 - 2) Wetlands
 - 3) Prohibitive steep slopes in excess of 25 %
- c. The following Secondary Conservation Areas, listed in order of priority, shall be included within the required Open Space acreage to the fullest extent practicable:
 - 1) Important Natural Habitats.
 - 2) Precautionary steep slopes 15-25 percent, particularly those adjoining watercourses and ponds, due to the potential for soil disturbance leading to erosion that is detrimental to water quality.

- 3) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- 4) Hedgerows, groups of trees, specimen trees and other unique or significant vegetation features.
- 5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- 6) Class I, and II agricultural soils as defined by the USDA Natural Resources Conservation Service.
- 7) Lands that provide a buffer or protect a scenic view from the Appalachian Trail.
- 8) Historic structures and sites.
- 9) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic views as seen from public roads (particularly those with historic features). Significant views from within the site outward shall also be considered.
- 10) Existing or proposed trails connecting the tract to other locations in the Township.

I. Public Access

1. As part of any Conservation Development, the landowner and/or development must record a public easement to accommodate future public access of a trail corridor. A landowner and/or development shall not be responsible for building such a trail.
2. Said public access easement shall traverse the development. At least 60% of the public access easement shall be contained within the Open Space. No land dedicated for Common Open Space shall be provided on any saleable lot.

J. Utilities and Stormwater Management

1. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
2. The total area(s) within the residential development/subdivision that is(are) committed for use as stormwater management shall not occupy more than twenty-five percent (25%) of the total area reserved for common open space.
3. No slope of stormwater management within Open Space shall exceed 1:8.

K. Slopes

1. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
2. If there are multiple steep slope complexes within a horizontal distance measuring 150' in length, then said slope complexes shall be conjoined to form Open Space.
3. Any slope areas not meeting the steep slope complex definition shall be considered discretionary Open Space and not counted toward the required Open Space calculation.

L. Calculation of Open Space and Developable Area/Units

The total acreage of the parcel(s) shall be identified as the Gross Acreage. Any Existing Development that will remain as is, shall be subdivided as a separate parcel(s) and a total acreage of said parcel(s) shall be identified.

The acreage of all Primary Conservation Areas on the site shall be identified. Any Primary Conservation Areas within the Existing Development parcel shall not be included in this calculation.

The Net Acreage shall be calculated as follows:

$$\begin{aligned} & \text{Gross Acreage} - (\text{Existing Development Parcel(s) Acreage} \\ & + \text{Primary Conservation Areas Acreage}) = \text{Net Acreage} \end{aligned}$$

The Required Open Space Percentage (%), shown in Tables AA and BB in Section 232.2 of this Ordinance, shall be used to calculate the Required Open Space Acreage as follows:

$$\begin{aligned} & (\text{Gross Acreage} - \text{Existing Development Parcel(s) Acreage}) \\ & \times \text{Required Open Space \%} = \text{Required Open Space Acreage} \end{aligned}$$

The Adjusted Net Acreage to Account for Required Open Space shall be calculated as follows:

If the Primary Conservation Areas Acreage **minus** the Required Open Space Acreage is **greater** than 1, then the Needed Additional Allocation of Open Space is 0. In this case, the Adjusted Net Acreage equal to the Net Acreage.

If the Primary Conservation Areas Acreage **minus** the Required Open Space Acreage is **less** than 1, then the Needed Additional Allocation of Open Space is the Required Open Space Acreage **minus** the Primary Conservation Areas Acreage. The Adjusted Net Acreage to Account for Required Open Space is the Net Acreage **minus** the Needed Additional Allocation of Open Space.

The Gross Density Units per Acre and Net Density Units per Acre, shown in Table 1, shall be used to determine the Gross Density Units and Net Density Units. The Gross Density Units and Net Density Units shall be rounded to the nearest whole number for the purposes of these calculations.

To determine the Gross Density Units, follow this formula:

$$\text{Gross Density Units per Acre} \times \text{Gross Acreage} = \text{Gross Density Units}$$

To determine the Net Density Units, follow this formula:

$$\text{Net Density Units per Acre} \times \text{Net Acreage} = \text{Net Density Units}$$

If the Net Density Units is less than the Gross Density Units, then the permissible Density Units is equal to the Net Density Units. If the Gross Density Units is less than the Net Density Units, then the permissible Density units is equal to the Gross Density Units.

M. Design Process

1. Step 1: Delineation of Open Space, including Stormwater and Wastewater Management Areas. General locations for Open Space, including stormwater and wastewater management areas, shall be delineated according to the following procedure:
 - a. Using the ER/SA Plan as a base map, Primary and Secondary Conservation Areas shall be delineated.
 - b. Open Space shall include all Primary Conservation Areas plus enough Secondary Conservation Area to meet or exceed the percentage of required Open Space as set forth in Table AA/ Table BB.
 - 1) The applicant shall prioritize natural and cultural resources in terms of their highest to least suitability for inclusion in the proposed Greenway land in accordance with the list of resources found above in §220.H.2.
 - 2) The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of floodplains, wetlands, and steep slopes over 25 percent.
 - 3) The locations and boundaries of Secondary Conservation Areas shall be based on the priorities established above, practical considerations given to the tract's configuration, its context in relation to resources on adjoining properties, and the applicant's subdivision objectives. Secondary resources with the highest significance shall be included in the Open Space. The applicant shall also be guided by any written recommendations provided by the Township regarding the delineation of Secondary Conservation Areas, following the Site Tour and/or the Pre- Application Review.
 - 4) Open Space shall be delineated in a manner clearly indicating boundaries of Conservation Areas as well as the types of resources included within them.
 - c. The following dimensional requirements apply to Open Space:
 - 1) Open Space shall comprise a minimum of 30% of the proposed development's outermost perimeter.
 - 2) If designated open space/greenway exists on an adjoining parcel, Open Space

shall generally abut existing or potential open space land on adjacent lots or development parcels and shall be designed as part of any larger contiguous and integrated greenway systems.

- 3) No area of designated Open Space shall be less than 100' in width.
 - 4) If a steep slope complex exists on an abutting parcel, any steep slope complex on the subject parcel that is less than 200' from the lot line shall be incorporated into natural/cultural open space to reinforce continuity between existing natural systems.
 - 5) Open Space used for community recreation shall have a minimum frontage of 50' on a public street; any recreation facilities shall be located within 250' of a public street and visible from the street.
 - 6) If the site abuts an existing or proposed public park/open space facility, the open space within the development/subdivision shall, to the greatest extent feasible, be adjacent to such facility. Open space shall be connected via a 20' wide access easement. The easement shall not contain obstructions that could prevent the safe movement of vehicles and/or pedestrians. The slope of such easement shall not exceed eight percent (8%).
- d. Preferred locations for stormwater and wastewater management facilities shall be identified using the ER/SA Plan as a base map.
- 1) The design of these facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.
 - 2) Opportunities to use these facilities as a buffer between the proposed Open Space and development areas are encouraged.
 - 3) Stormwater management facilities should be located in areas identified as groundwater recharge areas.
 - 4) Wastewater facilities shall comply with the requirements of Silver Spring Township Sewage Facilities Plan.
 - 5) These facilities located within the Open Space may be counted toward the minimum Open Space requirement only if they meet the requirements of Section 220.H.
- e. Development areas constitute the remaining lands of the tract outside of the required Open Space, where dwellings, streets, and lots are to be delineated in accordance with Steps 2, 3, and 4 below.
2. Step 2: Locations for Dwelling Units. Dwelling units shall be tentatively located, using the proposed Open Space from Step 1 as reference and orientation as well as other relevant data on the ER/SA Plan. Dwelling units shall be sited to:

- a. Fit the tract's natural topography;
 - b. Be served by adequate water and sewerage facilities;
 - c. Provide views of and access to adjoining Open Space;
 - d. Avoid encroaching upon Open Space in a manner visually intrusive to users of such areas; and
 - e. Be located at least 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas.
3. Step 3: Alignment of Streets and Trails
- a. Once dwelling units have been located, applicants shall delineate a street system that provides a safe pattern of vehicular and pedestrian access to each dwelling unit. Streets and trails shall conform to the tract's natural topography and provide for a safe pattern of circulation to, from and within the tract.
 - b. Streets and driveways crossing wetlands and traversing slopes over 15 percent shall be avoided to the greatest extent practicable.
 - c. Street connections are encouraged in order to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels. Three-way intersections shall be preferred over 4-way intersections.
 - d. Lots shall generally be accessed from interior streets, rather than from roads bordering the tract. Conservancy lots may be exempt from this requirement, as determined by the Township.
 - e. A tentative network of trails shall be shown, where appropriate, providing access to natural and cultural features in the Open Space. Potential trail connections to adjacent parcels shall also be shown in areas where a county or municipal trail network is envisioned.
 - f. Common greens, shaped by the street system, shall meet the requirements of Section 618.03.2, below.
4. Step 4: Design of Lot Lines
- a. Lot lines shall follow the configuration of dwelling locations and streets in a logical and flexible manner.
 - b. Lot lines are not required (as in a condominium form of home ownership).

ARTICLE 3: GENERAL PROVISIONS

SECTION 300 GENERAL PROVISIONS

300.1 Erection of more than one Principal Use on a Lot

- A. More than one principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan and provide individually approved methods of sewage disposal.

300.2 Required Vehicular Access

- A. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Township Subdivision and Land Development Ordinance, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings or farms shall be via driveways (see Section 602.17. of the Subdivision and Land Development Ordinance); access to lots containing other uses shall be via access drives (see Section 602.18. of the Subdivision and Land Development Ordinance); and,
- B. Requirements Imposed Upon Properties Fronting the Carlisle Pike or New Conodoguinet Parkway Adjoining Land Within the (INT) Zone:
 - 1. For unimproved properties fronting the Carlisle Pike, and unimproved properties fronting or adjoining land with Conodoguinet Parkway in the (INT) Zone on the effective date of this Ordinance, direct vehicular access (via driveways, access drives, or streets) to the Carlisle Pike or Conodoguinet Parkway shall be permitted (1) by right at Township-identified “vehicular control points,” as defined herein, or (2) by conditional use, only upon finding that all of the following are true:
 - a. The site does not contain one of the Township-identified “vehicular control points,” as defined herein;
 - b. The site does not possess suitable frontage along another existing street;
 - c. The site does not possess frontage along a street proposed by the applicant;
 - d. The site cannot be served by a Township-proposed street in a timely manner;
 - 1) The site cannot share vehicular access with an adjoining use that already has existing vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone. In alleging such claim, the applicant must describe those actions taken to attempt such shared access, and the specific reasons that such access is not possible or practical. Further, the applicant must also suggest what measures could be taken by the Township to facilitate such shared access;
 - 2) Given the configuration of the site, adjoining properties, and Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone, that the proposed

means of direct vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone is located and designed to minimize adverse impact upon safe and convenient traffic flow on, and adjacent to, the site; and,

- 3) The applicant can obtain a Highway Occupancy Permit from PennDOT:
 - e. No new lots shall be created that would rely upon direct vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone, unless said access is located at one of the Township-identified “vehicular control points,” as identified herein;
 - f. Properties that possess direct vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone as of the effective date of this Ordinance at a location(s) other than a Township-identified “vehicular control point,” shall be required to abandon such vehicular access upon submission of a land development plan unless all of the findings of the above- described Section 302.2.1.B.–F. are valid; and,
 - g. Construction of new roads shall be required to extend the full dimension of properties (length or width) to facilitate access to adjoining properties, unless said adjoining properties already possess a suitable means of vehicular access.
 - h. For all other parking requirements not otherwise provided for in this Ordinance, see the Township Subdivision and Land Development Ordinance.

300.3 Roadway Classifications

See the Township’s Subdivision and Land Development Ordinance, Section 602.

300.4 Zoning Requirements for use of On-Lot Sewage Disposal Systems

- A. Unless required to install a capped sewer as per Section 613 of the Township Subdivision and Land Development Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to specifically test for and secure one disposal site (field, bed, or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils’ ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site;
- B. Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining ground waters. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection; and,
- C. Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

300.5 Permanent/Temporary Occupancy Requirements

- A. No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to fourteen (14) days.

300.6 Reasonable Request for Accommodation

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit the request, in writing, to the Zoning Officer on an application form which shall require that the following information, which may be reasonably needed to process the request, be provided:
 - 1. A specific citation of the provision of this chapter from which reasonable accommodation is requested.
 - 2. The name and address of the applicant.
 - 3. The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or locational accommodation.
 - 4. The condition of the applicants for which reasonable accommodation is sought.
 - 5. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
 - 6. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why the applicants have rejected such alternatives.
 - 7. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling in question.
 - 8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
 - 9. A statement of any facts indicating whether or not nonhandicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar to that sought by the applicants.
- B. The Zoning Officer may hold any meetings and/or hearing necessary, in his discretion, to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
- D. The Zoning Officer shall issue his written decision to the applicants and the Township within 30 days of filing of the request for accommodation.

- E. A request for reasonable accommodation should be directed in the first instance to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice of the counsel of the Township Solicitor, apply the following criteria:
1. Whether the applicants are handicapped or disabled, within the meaning of the Federal Fair Housing Act amendments or the Americans with Disabilities Act.
 2. The degree to which the accommodation sought is related to the handicap or disability of the applicant.
 3. A description of the hardship, if any, that the applicants will incur absent provisions of the reasonable accommodation requested.
 4. The extent to which the requested accommodation is necessary to afford the applicant(s) an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling in question.
 5. The extent to which the proposed accommodation may impact other property owners in the immediate vicinity.
 6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by this chapter, the Comprehensive Plan, and the community development objectives set forth in this chapter.
 7. The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
 8. The extent to which the requested accommodation would impose an undue hardship upon the Township.
 9. The extent to which the accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
 10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to nonhandicapped or nondisabled persons.
 11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.
 12. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by the applicants.

300.7 Required Nutrient Management Plans

All agricultural animal operations with more than two thousand (2,000) pounds live weight of livestock or poultry per acre shall comply with the Pennsylvania "Nutrient Management Act" of 1993, as may be amended.

300.8 Common Facilities

In those instances where common facilities, other than Greenway land, is required elsewhere in this Ordinance, or when an applicant proposes the use of common facilities, such common facilities shall comply with the following:

- A. Common facilities shall include a written description and plan for the disposition of ownership of common facilities designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common facilities shall be accomplished through one of the following:
 - 1. An offer of dedication to the Township, the Township shall not be obligated to accept dedication of the common facilities.
 - a. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, non-profit organization among whose purposes is the preservation of common open space land and/or natural resources.
 - b. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township.
 - 2. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Planned Community Act 68 Pa. C.S. Sections 5101-5414 or Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
 - a. Such organization shall not dispose of the common facilities by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization, which shall maintain the common open space facilities in accordance with this Ordinance;
 - b. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common facilities by municipalities; and,
 - c. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common facilities.

300.9 Maximum Property Utilization Standards

- A. Developers of commercial, industrial and institutional buildings are encouraged to maximize the use of property and enhance the management of storm water in a manner that complements the

Township’s developing landscape. To that effect, the Township offers an optional set of storm water management practices with the granting of a Conditional Use. In this case, the underlying zone stipulates the type of uses permitted and many storm water standards; however, applicants may opt to obtain Conditional Use approval subject to specific storm water management standards contained herein. This carries a prescribed increase in permitted lot coverage as an inducement to prospective developers. These optional standards may only be applied to property upon approval of the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors.

- B. In order to enhance water quality and volume (above DEP and Township requirements), the applicant shall utilize the list below to develop a site plan exhibit demonstrating the location, size and number of proposed BMP’s to the satisfaction of the Board of Supervisors. In addition, the exhibit shall demonstrate the area from which each BMP receives runoff.
 - 1. Water Quality Inlet inserts in all inlets (i.e., Snout, trash collecting insert or nutrient separator).
 - 2. Place bioretention areas in parking areas and detention facilities.
 - 3. Utilize curb openings in lieu of inlets in macadam areas.
 - 4. Disconnect storm sewer system by utilizing grass-lined swales in place of conveyance pipes.
 - 5. Place inlets in landscaped areas.
 - 6. Separate roof drains from the storm sewer system and discharge directly to the detention basin or discharge point.
 - 7. Distribute infiltration areas around the site.
 - 8. In all cases, the proposed application shall utilize an Operation & Maintenance (O&M) Agreement that implements regular pavement sweeping, proper salt storage, maintaining an on-site spill kit with oil booms, regular visual inspection, assigning a responsible representative to execute O&M responsibilities and tri-annual reporting to the Township.

- C. In return for compliance with the above-described design standards, the Township can award the following development bonuses as part of the conditional use approval:

Underlying Zone	Maximum Permitted Lot Coverage in Underlying Zone	Maximum Permitted Lot Coverage with Optional Stormwater Management Practices
C-2	60%	80%
C-3	60%	80%
O	60%	80%
I-1	60%	80%
I-2	60%	80%

INT	60%	80%
-----	-----	-----

D. Should any part of this Section 300.9 be declared invalid by a court of competent jurisdiction, the entire Section 300.9 shall be automatically repealed.

300.10 Development Along Streams and Wetlands

Development along streams and wetlands shall comply with all applicable provisions of the State Department of Environmental Protection, the Army Corps of Engineers, the Federal Emergency Management Agency, and any other applicable agencies. Also refer to the Township Stormwater Management Ordinance.

300.11 Delineation of Natural and Cultural Features

As part of the site planning process, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Qualified experts must identify, describe and plot each of the following found on the proposed site:

- A. 100-year floodplains;
- B. steep slopes (greater than fifteen percent [15%]);
- C. wetlands, streams, ponds, or other water bodies;
- D. sinkholes, caves, vistas, or other significant geologic features;
- E. threatened or endangered species habitats;
- F. archaeologic resources;
- G. historic resources; and,
- H. significant stands of mature trees.

SECTION 301 ACCESSORY USES AND STRUCTURES

301.1 Fences and Walls

No fence or wall (except livestock, required junkyard or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard and more than eight (8) feet in any yard (other than the front) where the area between six (6) feet and eight (8) feet is at least fifty (50) percent open within the (C, A, R, RE, R- 1, R-2, R-3, and VO) Zones. Within any (C-1, C-2, C-3, O, I-I, I-2, and Q) Zones, no fence nor wall shall be erected to a height of more than ten (10) feet in any yard. No fence shall block motorist view of vehicles entering or exiting the property.

301.2 Swimming Pools

No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a minimum four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Inflatable pools having a depth between 1½ and 4 feet shall be completely enclosed by a minimum 4-foot-high fence with a self-closing and lockable gate and retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments, unless the primary purpose for their construction is swimming.

301.3 Tennis Courts

All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.

301.4 Reserved**301.5 Alternative Energy Sources**

Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone;

301.6 Garage/Yard Sales

Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only two six (6) square foot signs shall be permitted advertising the garage/yard sale. Such signs shall be permitted no more than two (2) days prior to the sale and shall be removed promptly upon the completion of the sale. Any of the permitted two (2) signs located off the site upon which the garage/yard sale is conducted, shall be erected only with permission of the property owner upon which such sign(s) is to be placed. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way, except that parking may occur where permitted. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

301.7 Accessory Repair of Personal Motor Vehicles

The routine maintenance, repair and servicing of personal motor vehicles, when performed outside of a completely enclosed building within any residential zone, is permitted by an occupant of the residence, but only in compliance with the following:

- A. All vehicles shall be maintained with proper licensure;
- B. No work shall be performed on a commercial basis, that is, no work shall be performed in exchange for financial considerations;
- C. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of;
- D. All such activities shall be conducted during daylight hours and/or without disturbing neighboring residents owing to noise; and,
- E. All existing repair, maintenance and servicing activities shall be completed within two (2) weeks. Any work rendering a motor vehicle inoperable for a period exceeding two (2) weeks shall be performed within an enclosed structure and in accordance with the above standards.

301.8 Ornamental Ponds and Wading Pools

- A. Such structures shall comply with all accessory use setbacks, except that they may be permitted in the front yard;
- B. No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as “Man-made Lakes, Dams and Impoundments,” and are subject to the criteria listed in Section 301.9. of this Ordinance;
- C. No such impoundment shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding one and one-half (1½) feet;
- D. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects;
- E. No such pond(s) shall be used for the commercial hatching of fish or other species; and
- F. A zoning permit must be obtained from the Township.

301.9 Man-Made Lakes, Dams and Impoundments

All dams, ponds, lakes and impoundments may be permitted in any zone, subject to the following:

- A. All dams, ponds, lakes, and impoundments located along and connected to a stream, that involve any of the following, shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
 - 1. The dam, pond or impoundment contains a volume of at least fifty (50) acre-feet;

2. The dam reaches a height of fifteen (15) feet; or,
 3. The dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres.
- B. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
- C. All dams, ponds and impoundments meeting the requirements of Section 301.9.B. of this Ordinance shall be located forty (40) feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation. Furthermore, all dams, ponds and impoundments, including storm water management basins shall be located a minimum of fifty (50) feet from any subsurface sewage disposal system or well;
- D. All other dams, ponds and impoundments require the submission of a statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood;
- E. Requirements for Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
- F. Maintenance - All ponds shall be regularly maintained, and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

301.10 Outdoor Storage and Display Requirements

A. Shopping Cart Storage

For grocery stores, or other stores containing grocery departments, the outdoor storage, and collection of shopping carts is permitted under the following conditions:

1. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot;
2. No shopping cart storage and collection areas shall be located upon any facilities used for vehicle circulation, loading, or emergency vehicle access (e.g., fire lanes). Shopping cart collection areas will be allowed at designated areas located within parking lots;
3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjacent to the curb along the storefront;
4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site informational signs as regulated by Article 5 of this Ordinance; and,

5. The applicant shall submit a working plan for the collection of shopping carts from the parking lot. Also, the applicant shall be required to depict intended shopping cart storage and collection areas upon any permits and/or plans required by the Township. No additional permits shall be required unless such areas change location or size.

B. Seasonal Sidewalk Displays

1. Only seasonal merchandise may be displayed and shall be limited to the calendar periods between April 1 and October 1, and November 15 and December 31.
2. The location of such outdoor displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building's storefront. The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjacent to the curb along the storefront;
3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, parking and loading, nor emergency vehicle access (e.g., fire lanes);
4. In no case shall such sidewalk display area exceed fifty percent (50%) of the lineal storefront dimension. (For example, a 200-foot-long storage could display no more than 100 lineal feet of a sidewalk display.);
5. No signage, except as authorized by Article 5 of the Ordinance, shall be permitted; and,
6. The applicant shall submit a working plan to the Township for the cleanup of litter and debris, which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permits and/or plans required by the Township. No additional permits shall be required unless such areas are to change location or size.

C. Special Event Sales

1. In addition to the above, two special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year;
2. Special event sales displays shall be located no closer than thirty-five (35) feet from an adjoining road, nor ten (10) feet from any side or rear lot lines;
3. Special event sales may be located within the parking lot, provided that such location minimizes congestion within the parking lot, and those access drives that provide direct vehicular access to adjoining roads. Within parking lots, such display areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers (e.g., tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted upon parking spaces in excess of the number required by Section 603 of the SLDO;
4. Special event sales shall not be located within the parking lot during the months of November, December, January, February, and March, because of the potential need for snow removal;

5. The area devoted to special event sales displays shall not exceed twenty percent (20%) of the gross leasable floor area of the use(s) conducting the special event sale;
6. In planned centers, special event sales shall be jointly held by all of those occupants of the planned center who wish to participate. No individual occupants of a planned center shall be permitted to conduct separate special event sales. The planned center's management will be responsible for the coordination of this activity;
7. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property; and,
8. Signage for special event sales shall comply with the applicable requirements contained within Article 5 of this Ordinance.

301.11 Outdoor Wood-Fired Boilers or Furnaces

Outdoor wood-fired boilers or furnaces are permitted as accessory uses subject to the following conditions and requirements:

- A. Obtaining both a zoning permit and a building permit, regardless of the cost of the outdoor wood-fired boiler or furnace, in accordance with the provisions of the UCC, Building, Residential, Fire and Urban Wildlife Interface Codes.
- B. Only clean, dry wood or processed wood pellets shall be burned in an outdoor wood-fired boiler or furnace. No pressure treated wood, painted wood, particle board or waste shall be burned.
- C. An outdoor wood-fired boiler or furnace is permitted as accessory use in any zoning district.
- D. An outdoor wood-fired boiler shall be set back at least 100 feet from the front lot line, but no closer than the front line of any principal structure or dwelling, and at least 100 feet from the side and rear lot lines.
- E. An outdoor wood-fired boiler or furnace shall be equipped with a properly functioning spark arrestor.
- F. An outdoor wood-fired boiler or furnace shall not be used as a waste incinerator.
- G. The use of lighter fluid, gasoline or other similar substances in an outdoor wood-fired boiler or furnace is prohibited. Installation, use, and operation of an outdoor wood-fired boiler or furnace shall comply with all applicable federal, state, county and Township laws, codes, regulations, ordinances and guidelines, as well as the manufacturer's specifications.
- H. The location of the chimney of an outdoor wood-fired boiler or furnace shall be located in accordance with applicable electric utility safety requirements.
- I. The height of a chimney of an outdoor wood-fired boiler or furnace shall be in accordance with the manufacturer's specifications.
- J. The use or operation of an outdoor wood-fired boiler or furnace shall not cause a nuisance.

301.12 Beekeeping

- A. The applicant shall obtain a zoning permit from the Zoning Officer;
- B. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance;
- C. Colonies shall be maintained in movable frame hives;
- D. For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives;
- E. All beehives shall be maintained in a healthy condition using locally-accepted beekeeping management procedures;
- F. All hives shall be setback at least fifty (50) feet from a public road, or shall have a minimum five (5) foot high fence or vegetative obstruction between the apiary and the road, or shall be elevated above the roadway so as to direct bee flight above traffic or pedestrians;
- G. All hives shall be setback twenty-five (25) feet from any property line, and at least fifty (50) feet from any dwelling located on an adjoining property;
- H. All hives shall have access to an on-site water supply, whether it be a water-filled tank or from a natural water source located on the property;
- I. Any beekeeper shall provide documentation that they are in compliance with Pennsylvania's Bee Law, 3 Pa. C.S.A. § 2101-§2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.

301.13 Farm Stands

- A. Farms can have direct sale of agricultural commodities on their property as long as no less than 50% of the products were produced on the farm. Sales on site are limited to incidental sales of plants and agricultural products generated on site.
- B. Farm stands do not have a minimum front setback requirement but are not permitted within the street right-of-way and clear of clear sight triangle.

301.14 Farmers Market

- A. Outdoor Farmers Market structures, including display stands, booths, tables, and stalls shall be setback 50 feet from adjacent residential property lines and zoning districts.
- B. Outdoor Farmers Market structures shall be in conformance with building height regulations for accessory structures of the zoning district in which it is located.
- C. In the event that a Farmers Market is located on a property that has a principal use with days or hours of operation that do not overlap with the days or hours of operation of a Farmers Market, any parking spaces serving the principal use may be counted toward the required number of parking spaces for a Farmers Market. In the event that a Farmers' Market is located on a property that has

a principal use with hours of operation that overlap with the hours of operation of a Farmers Market, shared parking may be permitted only if the applicant can demonstrate that the parking provided will be sufficient for each use.

- D. Hours of operation, including set up and removal of all displays and products, for outdoor Farmers Market shall be limited to the hours between sunrise and sunset.
- E. At least sixty (60) percent of the products for sale shall be Farm Products or Value-Added Farm Products.
- F. There shall be no use of public address systems with outdoor Farmers Market activities.
- G. An outdoor Farmers Market cannot obstruct a sidewalk or path that is part of a pedestrian or bicycle transportation system.
- H. All Farmers Markets and their vendors shall receive all required operating and health permits and licenses from the Pa. Department of Agriculture or local health department.
- I. These permits/licenses (or copies) shall be in the possession of the Farmers Market Manager or the vendor, as applicable, on the site of the Farmers' Market during all hours of operation.

301.15 Agri-tourism

- A. Agritourism Enterprises are encouraged to use existing structures whenever possible.
- B. The hours of operation shall be consistent with other entertainment businesses in the district and protect neighbors from noise, disturbance or interruption.

301.16 Agricultural Marketing Enterprise or Farm Occupation

- A. For the purposes of this section, farm occupations may involve any one of a wide range of uses, so long as it is compatible with the active farm use.
- B. No more than the equivalent of two (2) full-time non-residents shall be employed by the farm occupation, and at least one (1) owner/operator of the farm occupation must reside on the site;
- C. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties;
- D. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- E. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any adjoining land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;

- F. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- G. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- H. Any sign used for a farm occupation shall not exceed ten (10) square feet in size; and,
- I. Agricultural Marketing Enterprises or Farm Occupation shall comply with the minimum lot size and width in the district in which it is located.
- J. Activities or structures included in an Agricultural Marketing Enterprise or Farm Occupation must comply with the setbacks for accessory structures in the district in which it is located unless utilizing an existing structure.

301.17 Non-Commercial Keeping of Livestock

Where permitted by right, non-commercial keeping of livestock is a permitted use, subject to the following criteria.

- A. Minimum Lot Area - Two (2) acres. Additionally, the following list specifies additional area requirements by size of animals kept:

GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;

GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,

GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of five (5) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply.

- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house non-commercial livestock:

GROUP 1 Animals

Up to 25 animals, a 25-foot setback;
Above 25 animals, a 50-foot setback;

GROUP 2 Animals

Up to 2 animals; a 50-foot setback;
Above 2 animals; a 100-foot setback; and,

GROUP 3 Animals

One hundred (100) feet.

- C. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.
- D. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
- E. Chickens. Non-commercial keeping of chickens is a permitted use in the C, A, R, RE and R-1 Zones, subject to the following:
 - 1. Chickens shall not be kept on duplex, multiple-family, quadruplex, townhouse, multifamily properties or in mobile home/manufactured home parks.
 - 2. Chickens shall be permitted on lots with a minimum lot area of 1/3 acre at an animal density of 12 per acre and with a maximum number of 24 animals. For lots with a lot area of 1/3 acre, no more than four (4) chickens are permitted.
 - 3. The structure or enclosure used to house the chickens is an accessory building and accessory use. Chicken enclosures or structures shall be constructed as to prevent rodents from being harbored underneath or within the enclosure.
 - 4. In all zones, the structure or enclosure used to house the chickens shall be subject to a minimum setback of 15 feet.
 - 5. No ducks, geese, or turkeys may be kept under the provisions of this section.
 - 6. Chickens shall be kept for personal use of the residents of the subject lot only. The selling of chickens, chicken manure, or the breeding of chickens for commercial purposes is prohibited.
 - 7. Chickens shall not be permitted to trespass on neighboring properties.
 - 8. Chickens shall not be permitted to create a nuisance consisting of detectable odor, pests or to contribute any other nuisance condition.

301.18 Accessory Drive-thru/Pick-up

Where permitted by right, Accessory Drive-thru/Pick-up is subject to the following criteria:

- A. The subject property shall front on an arterial or collector road;
- B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;

- C. All drive-thru window-lanes shall be separated by curb from the parking lot's interior driveways;
- D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- E. All exterior seating/play areas shall be completely enclosed by a minimum three (3) foot high fence;
- F. No part of the building, trash dumpsters or any drive-thru lane shall be located within two hundred (200) feet of any residentially zoned land; and,
- G. Each drive-thru lane shall have two hundred feet of on-site stacking preceding the order location.

SECTION 302 OPERATIONS AND PERFORMANCE STANDARDS

All uses proposed within the Township must operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township but is merely provided for information to applicants and landowners.

- A. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection;
- B. Air Pollution, Airborne Emissions, and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection;
- C. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;
- D. Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the "Non-coal Surface Mining Conservation and Reclamation Act";
- E. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection;
- F. Handicap Access: The latest version of the American Disabilities Act; and,
- G. Farming: Pennsylvania Nutrient Management Act of 1993.

302.1 Control of Light and Glare

- A. Street Lighting Exempted - This Section 302.1 shall not apply to: a) street lighting that is owned, financed, or maintained by the Township or the State or that is maintained by a property-owner association following standards similar to Township street lights, or b) an individual porch light of a dwelling (not including a spotlight).
- B. Height of Lights - No luminary, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air

safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.

- C. Diffused - All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings, or adjacent lots.
- D. Shielding - All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- E. Flickering - Flashing, flickering, oscillating or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- F. Spillover - Exterior lighting on an institutional, commercial, or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal footcandle at a distance 10 feet inside the residential lot line.
- G. Gasoline Sales Canopies - Any canopy over gasoline pumps shall have light fixtures recessed into the canopy, shielded, or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- H. Horizontal Surface Lighting - For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward and shall meet the standards for a full-cutoff light fixture. A full cut-off light fixture shall be a fixture in which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 100-watt incandescent lamp are exempt from the requirements of this paragraph.
- I. Non-Horizontal Lighting - For lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, signs, and displays, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 100-watt incandescent lamp are exempt from the requirements of this paragraph.
 - 1. However, lighting shall be allowed on the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
- J. Sign Lighting
 - 1. Any exterior lighting of a billboard/off-premises sign shall be attached at the top of the sign and aimed downwards.
 - 2. In a residential district, any lighting of a sign shall not exceed a maximum of 10 foot-candles measured at any point 50 or more feet from the surface of the sign.

- K. Unshielded Light Bulbs - The use of multiple unshielded incandescent light bulbs that are hung on poles or strung on wires is prohibited, except for allowed temporary festivals serving a charitable or public purpose.

SECTION 303 ADDITIONAL DIMENSIONAL STANDARDS

303.1 Setback Modifications

A. Front Setback of Buildings on Built-up Streets

- 1. Where at least two (2) adjacent buildings within one hundred (100) feet of a property line are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty.

B. Accessory or Appurtenant Structures

- 1. The setback regulations do not apply to:
 - a. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not;
 - b. Open fire escapes;
 - c. Fences, hedges and retaining walls.

C. Mandatory Setbacks from the Carlisle Pike

- 1. With the exception of Mixed Use District A, properties fronting the Carlisle Pike shall be required to comply with the following setbacks, regardless of front yard setbacks listed elsewhere:

Use	Required Setback from Carlisle Pike Right-of-Way
Principal and Accessory Buildings	50 feet minimum
Off-Street Loading Areas	50 feet minimum
Outdoor Storage Areas	50 feet minimum
Outdoor Sales Display Areas	20 feet minimum, where permitted in underlying Zone.
Waste Storage Facilities Dumpsters	50 feet minimum
Off-Street Parking Lots Containing up to 250 Parking Spaces	20 feet minimum

Off-Street Parking Lots Containing More than 250 Parking Spaces	25 feet minimum
Freestanding Individual Business Signs, All Temporary Signs	20 feet minimum
Freestanding Residential Development/Neighborhood Signs	20 feet minimum
Freestanding Planned Center Signs	20 feet minimum
Billboards	50 feet minimum

D. Minimum Setback from an Expressway

1. No part of a new dwelling unit shall be constructed or placed within 100 feet of the existing right-of-way line of a limited access expressway highway. This subsection shall apply in all cases, unless a larger setback applies under another Township or State regulation.

303.2 Height Limit Exceptions

- A. The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:
 1. Water towers, antennas (except amateur radio antennas), utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, or other similar structures;
 2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.
- B. In no case shall any freestanding or rooftop structure above the maximum permitted height be used as habitable building area.

303.3 Corner Lots

- A. A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.
- B. On any corner lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area, which is formed by a triangle where the two legs of the triangle extended one hundred (100) feet from the centerline intersection of the two intersecting streets.

303.4 Minimum Habitable Floor Area

- A. All dwelling units must conform to the minimum habitable floor area following:
1. Single-family, duplex, and townhouse dwelling units: seven hundred (700) square feet per dwelling unit; and,
 2. Multi-family dwellings: four hundred (400) square feet per dwelling unit.

SECTION 304 USE SPECIFIC CRITERIA

304.1 Amusement Arcades

Where permitted by right, amusement arcades are subject to the following criteria:

- A. All activities shall take place within a completely enclosed building;
- B. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- C. A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in the SLDO; and,
- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

304.2 Automobile Parts Store and Automotive Service and Repair Facilities

Where permitted by right, automobile parts stores and automotive service and repair facilities are subject to the following:

- A. Such uses are accessory to a principal department or variety store, and all service and/or repair activities shall be conducted within a completely enclosed building;
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- D. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties and roads;
- E. The storage of unlicensed vehicles is prohibited;
- F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially zoned property;
- G. All vehicles shall be repaired and removed from the premises promptly and in any case not to exceed thirty (30) days;
- H. The demolition or junking of vehicles is prohibited; and
- I. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable regulations.

304.3 Automobile Filling Stations (including minor incidental repair)

Where permitted by right, automobile filling stations (including minor incidental repair) are permitted uses, subject to the following criteria:

- A. The subject property shall have a minimum width of one hundred twenty-five (125) feet;
- B. The subject property shall front on an arterial or collector road;
- C. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, park, playground, library, hospital or nursing, rest or retirement home;
- D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- E. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line;
- F. No outdoor storage of auto parts shall be permitted;
- G. Access driveways shall be a minimum of twenty-eight (28) feet and a maximum of thirty-five (35) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge;
- H. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially zoned properties; and,
- I. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

304.4 Billboards

Where permitted by right, billboards are permitted uses, subject to the following criteria:

- A. No billboard shall be located within one thousand (1,000) feet of another billboard;
- B. All billboards shall be a minimum of fifty (50) feet from all property lines;
- C. All billboards shall be set back at least one hundred (100) feet from any land within a residential zone;
- D. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification;
- E. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height; and,
- F. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.

304.5 Car Washes

Where permitted by right, car washes are a permitted use, subject to the following criteria:

- A. Public sewer and public water facilities shall be utilized, and gray water recycling is encouraged;
- B. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane, which precedes the washing process. For full-service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per lane;
- C. For full-service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane;
- D. All structures housing washing apparatuses shall be of masonry construction and set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line;
- E. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- F. The subject property shall front on an arterial or collector road; and,
- G. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

304.6 Commercial Day-Care Facilities

Where permitted by right, commercial day-care facilities are subject to the following criteria:

- A. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- B. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- C. In addition to the required parking areas for said use, a designated passenger “drop-off” and “pick-up” area(s) that accommodates a minimum of three (3) vehicles at any given time, have direct access to the use’s front door and shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- D. One (1) off-street parking space shall be provided for each six (6) persons enrolled;
- E. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania; and,

- F. The applicant shall demonstrate that adequate safeguards are provided to protect students from nearby industrial activities and uses.
- G. Within the R-1 zone, Commercial Day-Care Facilities are subject to the following additional criteria:
 - 1. Tract size shall be a minimum area of 2.0 acres.
 - 2. Tract shall be located at an existing or planned traffic signalized intersection with access of the facility limited to the secondary classified street.
 - 3. Outdoor play areas shall be setback a minimum of twenty-five (25) feet from any adjacent residential uses or any R-1 zoned property.
 - 4. Adequate screening shall be provided for the whole use of the property in addition to the screening required for the outdoor play areas.

304.7 Commercial Recreation Facilities

Where permitted by right, commercial recreation facilities are permitted uses, subject to the following criteria:

- A. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- B. Those uses involving a majority of their activities being outdoors shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- C. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy;
- D. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- E. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- F. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion; and,

- G. Any outside pedestrian waiting lines, shall be provided with a means of shade.

304.8 Reserved

304.9 Echo Housing

Where permitted by right, ECHO housing is a permitted use, subject to the following criteria:

- A. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
- B. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
- C. The elder cottage shall only be occupied by at least one (1) person who is at least fifty (50) years old, or is handicapped or disabled, and is related to the occupants of the principal dwelling by blood, marriage or adoption;
- D. The elder cottage shall be occupied by a maximum of two (2) people;
- E. Utilities:
 - 1. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and,
 - 2. If on-site sewer or water systems are to be used, the applicant shall submit evidence showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;
- F. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
- G. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
- H. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,
- I. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid

by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

304.10 Farmers Markets

Where permitted by right, farmers markets are permitted uses, subject to the following criteria:

- A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape, which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above;
- B. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- C. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area;
- D. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in the SLDO;
- E. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset;
- F. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- G. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- H. Access shall be onto an arterial or collector street.

304.11 Schools, Public and Private

- A. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines;
- B. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone;
- C. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must be provided a means of shade, such as shade tree(s) or pavilion(s);
- D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period; and,
- E. In addition to the required parking areas for said use, a designated passenger “drop-off” and “pick-up” area(s) that accommodates a minimum of three (3) vehicles or one (1) vehicle for every 50 students enrolled, whichever is greater. The drop-off area shall be provided on site, have direct access to the school’s front door and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

304.12 Mini-Storage

Where permitted by right, mini-storage are subject to the following criteria:

- A. Off-street parking spaces shall be provided at the rate of one (1) space per each twenty- five (25) units, plus one (1) per two hundred fifty (250) square feet of office space;
- B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane;
- C. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage areas may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;
- D. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- E. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;

- F. No door openings for any mini-storage storage unit shall be constructed facing any residentially zoned property;
- G. Mini-storage shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
 - 1. Auctions, commercial wholesale or retail sales, or garage sales;
 - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
 - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
 - 4. The establishment of a transfer and storage business; any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - 5. The applicant shall adequately demonstrate that all mini-storage rental and/or use contracts shall specifically prohibit these uses.

304.13 Retail Sale of Goods & Services in Neighborhood Commercial Zone (C-1)

Where permitted by right in the Neighborhood Commercial Zone (C-1), Retail Sale of Goods & Services is subject to the following criteria:

- A. Convenience stores are permitted, provided the total sales and/or display area is less than 3,600 square feet.
- B. A use may include services such as the following: barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances.

304.14 Dry Cleaners, Laundries and Laundromats

- A. Public sewer and public water shall be utilized, except for operations that only involve material pick-up and drop-off;
- B. All activities shall be conducted within a completely enclosed building;
- C. During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed;
- D. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned property; and,
- E. Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area;

304.15 Kennel, Riding Stable, and Non-Profit Animal Rescues

Where permitted by right, stables, kennels, and non-profit animal rescues are subject to the following criteria:

- A. Minimum Lot Area - Ten (10) acres;
- B. Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from any property line. Any structures used for the boarding of dogs or cats for the purpose of a kennel or non-profit animal rescue shall be setback at least four hundred (400) feet from any property line;
- C. All stables, kennels, and non-profit animal rescues shall be maintained so to minimize odors perceptible at the property line;
- D. All outdoor training, show, riding, boarding, running, or pasture areas shall be enclosed by a minimum four (4) foot-high fence;
- E. Minimum of five (5) off-street parking spaces plus one for each employee.
- F. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties; and
- G. All stables, kennels, and non-profit animal rescues shall comply with all applicable local, state, and federal laws.
- H. Animals shall be permitted to exercise daily between the hours of 8 A.M. - 8 P.M. All outdoor exercise areas shall be two hundred (200) feet from any property line.
- I. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- J. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.

304.16 Two-Family Conversions

Where permitted by right, a detached single-family dwelling that existed on the effective date of this Ordinance and contained (at that time) at least three thousand (3,000) square feet may be converted into two (2) dwelling units, subject to the following:

- A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- B. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- C. All floors above and below grade shall have a permanently affixed direct means of escape to ground level;
- D. Four (4) off-street parking spaces shall be provided; and,

- E. The applicant shall obtain any required land development approvals.

304.17 Conversion Apartments

A detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted into two (2) dwelling units, subject to the following:

- A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- B. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- C. All floors above and below grade shall have a permanently affixed direct means of escape to ground level;
- D. Four (4) off-street parking spaces shall be provided; and,
- E. The applicant shall obtain any required land development approvals.

304.18 Reserved

304.19 Forestry

- A. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.
- B. Applicability. Forestry shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. This section shall regulate all forestry when the total harvesting area is one acre or greater in a calendar year.
 - 1. These provisions shall not regulate the following:
 - a. Cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
 - b. Cutting of trees with a trunk diameter of less than 6 inches (measured 4.5 feet above the ground level),
 - c. Cutting of dead, diseased, or hazardous trees, and cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility, or use. See Section 402.03.6 of the Subdivision and Land Development Ordinance.

- C. Application Requirements. An application for forestry shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a zoning permit has been issued by the Zoning Officer.
1. The application shall include a written forest management plan, which shall be prepared by a qualified professional with at least a bachelor's degree in a forestry-related field and/or at least four years professional experience in forest management. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the forestry plan and permit.
 3. The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two years from the date of issuance.
 4. The forestry plan shall include, at a minimum, the following information:
 - a. A narrative of proposed cutting practices for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b. An erosion and sedimentation control plan approved by the County Conservation District if over one acre will be disturbed;
 - c. All timbering activities shall use "Best Management Practices" which shall be shown on the plan;
 - d. A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - e. All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - f. An application shall be submitted to the Township, with a map showing waterways, drainage ways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
 - g. The application shall also include the name and address of the property owner and the person who will be responsible to oversee the forestry.
 - h. The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
 - i. The forestry management plan shall be compared in writing to the Timber Harvesting Guidelines of the Pennsylvania Forestry Association or published standards of a similar recognized professional association to show whether such guidelines will or will not be met and to explain reasons for non-compliance with such guidelines.

D. Forestry Practices.

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
2. No tops or slash shall be left within 25 feet of any public thoroughfare, trail, or private roadway providing access to adjoining residential property.
3. All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
4. Forestry is prohibited within 50 feet of the top of the bank on each side of all perennial waterways, except this distance may be reduced to 25 feet if all of the following conditions are met:
 - a. The basal area of trees in that area within the 50-foot setback shall not be reduced below 50 percent of the basal area present before cutting.
 - b. Trees to be cut within the 50-foot zone described shall be marked with paint or ribbons prior to the start of forestry.
 - c. All earthmoving within this area shall be minimized or fully avoided.
5. No tops or slash shall be left within a stream channel or within 25 feet of the stream bank.
6. The use of clear-cutting must be fully justified by a Forestry Plan prepared by a qualified professional. Clear-cutting shall be prohibited within 50 feet from the banks of a perennial creek.

E. Public Road Responsibility - The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to public roads caused by traffic associated with the Forestry operation to the extent the damage is in excess of that caused by normal traffic.

F. Note: The definition of forestry is limited to activity that is not part of land development. For other types of tree removal, see Section 402.03.6 of the Subdivision and Land Development Ordinance.

G. Erosion Control. All forestry operations shall require the preparation of an Erosion and Sediment Control Plan following standards of the County Conservation District for a timber harvesting operation. Such Plan shall be submitted by the applicant to the Township and be adhered to. A copy of the Plan shall be kept on site by the operators. If the forestry involves more than 10 acres, then such Plan shall be submitted to the County Conservation District for pre-approval.

304.20 Health and Fitness Club

- A. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;

- B. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially zoned properties;
- C. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,
- D. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

304.21 Reserved

304.22 Public Utilities Structures

- A. Public Utilities Structures (excluding communication antennas, towers, and equipment)

Minimum Lot Area - Three thousand five hundred (3,500) square feet;

Minimum Lot Width - Fifty (50) feet;

Maximum Lot Coverage - Fifty (50) percent;

Minimum Yard Setbacks -

Front - Twenty-five (25) feet; One side - Ten (10) feet;

Both Sides - Twenty (20) feet; Rear - Fifteen (15) feet;

Maximum Height - Fifteen (15) feet; and

Screening - a visual screen must be provided.

The architectural design of the exterior of any building shall be in keeping with other structures in the neighborhood.

304.23 Flea Markets

Where permitted by right, flea markets are permitted uses, subject to the following criteria:

- A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape, which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above;
- B. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- C. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area;
- D. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in the SLDO;
- E. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset;
- F. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,

- G. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

304.24 Warehousing and Wholesale Trade Establishment

Warehousing and wholesale trade establishments are subject to the following criteria:

- A. No building on the subject property shall be within two hundred (200) feet of any residentially zoned land;
- B. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line.
- C. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the wholesaling facility;
- D. The applicant shall be required to provide sufficient off-street parking and loading so as not to require such parking or loading on or along any road, nor upon adjoining property. If, at any time after the opening of the facility, the Supervisors determine that parking, loading or traffic backups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Supervisors can require the applicant to revise and/or provide additional on-site parking and/or loading space. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- E. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- F. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations; and,
- G. The applicant shall submit and continuously implement a working plan for the cleanup of litter and their debris.
- H. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

2. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Section 302 of this Ordinance; and,
4. A traffic study prepared by a professional traffic engineer, according to Section 402.05. of the SLDO.

304.25 Automobile Detailing Salon

Where permitted by right, Automobile Detailing Salons, are permitted uses, subject to the following criteria:

- A. All vehicle detailing services and activities shall be conducted by technicians within a completely enclosed building.
- B. Customers/clients shall not be permitted to remain in their vehicles during any part of the vehicle detailing service process.
- C. All customer/client vehicles must be parked in delineated parking spaces.
- D. To the extent feasible, all customer/client vehicles must be removed promptly after the detailing service process is completed.
- E. Any ventilation equipment outlets associated with the detailing services and activities shall not be directed toward any adjoining residentially zoned property.
- F. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.
- G. Any sales and/or installation of cosmetic automotive accessory parts, such as spoilers, rims, speaker systems, lighting, painting, roof-racks, or similar items, are prohibited on the property.

304.26 Brew Pub

Where permitted by right, Brew Pubs are permitted uses, subject to the following criteria:

- A. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be as set forth by Chapter 47, Liquor Code and the Pennsylvania Liquor Control Board.
- B. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty percent of the gross square footage of the principal building.
- C. Illumination, when measured at the property line, shall be a maximum of zero (0) foot candles
- D. All applicable Borough provisions for parking shall be applied. If provided on the lot, all off-street parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 P.M.
- E. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet on any property line.
- F. To minimize conflicts and promote public health and safety, the storage of palettes, loading related equipment, and production-related materials shall be contained within an enclosed and covered structure that are connected to the principal building.
- G. Parking quantities shall be determined using the parking ratio applicable to Tavern as identified within the Borough Zoning Ordinance
- H. If the establishment fills reusable take home containers, more commonly known as “growlers,” the establishment shall dedicate at least four (4) parking spaces for short-term parking for growler filling. The maximum amount of time for short-term parking shall not exceed twenty (20) minutes, but the hours in which this short-term parking is enforced shall be determined by the establishment. Signage shall be required to delineate these short-term parking spaces.

304.27 Tasting Room

Where permitted by right, Tasting Rooms are permitted uses, subject to the following criteria:

- A. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be as set forth by Chapter 47, Liquor Code and the Pennsylvania Liquor Control Board.
- B. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty percent of the gross square footage of the principal building.
- C. Illumination, when measured at the property line, shall be a maximum of zero (0) foot candles
- D. All applicable Borough provisions for parking shall be applied. If provided on the lot, all off-street

parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 P.M.

- E. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet on any property line.
- F. To minimize conflicts and promote public health and safety, the storage of palettes, loading related equipment, and production-related materials shall be contained within an enclosed and covered structure that are connected to the principal building.
- G. Parking quantities shall be determined using the parking ratio applicable to Tavern as identified within the Borough Zoning Ordinance

304.28 Alcoholic Beverage Production

Where permitted by right, Other Beverage Production is a permitted use, subject to the following criteria:

- A. Based upon the extent of delivery/truck traffic associated with the use, the Borough may require a loading berth to be provided. The location of said berth shall be designated to minimize impact to surrounding land use(s) and circulation of vehicles and pedestrians.

ARTICLE 4: SPECIFIC CRITERIA

SECTION 400 SPECIFIC STANDARDS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

In addition to the general criteria listed in Sections 704.3. and 804, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any application for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

For the purposes of this Article 4, any required setbacks imposed upon special exceptions or conditional uses shall be measured from the boundary line of the site for which the special exception or conditional use is requested, regardless of whether or not this line corresponds to a property line or a lease line.

SECTION 401 ACCESSORY APARTMENTS

Accessory apartments are permitted by conditional use subject to the following:

- A. Only one (1) accessory apartment shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling;
- B. An accessory apartment shall be contained within the principal building or within a portion of an accessory building;
- C. Regardless of the location of the accessory apartment, no accessory apartment shall comprise more than forty percent (40%) of the habitable floor space contained within the principal dwelling;
- D. The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used;
- E. All units contained on floors above or below grade shall have a direct means of escape to ground level;
- F. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character; and,
- G. One (1) off-street parking space shall be provided in addition to those required by other uses on the property.

SECTION 402 ADULT-RELATED FACILITIES

Adult-related facilities are permitted by conditional use, subject to the following criteria:

- A. An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility;

- B. No adult-related facility shall be located within six hundred (600) feet of any residentially zoned land;
- C. No adult-related facility shall be located within six hundred (600) feet of any parcel of land, which contains any one or more of the following specified land uses:
 - 1. Amusement park;
 - 2. Camp (for minors' activity);
 - 3. Child care facility;
 - 4. Place of Worship or other similar religious facility;
 - 5. Community center;
 - 6. Museum;
 - 7. Park;
 - 8. Playground;
 - 9. School; or
 - 10. Other lands where minors congregate.
- D. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult entertainment establishment to the closest point on the property line of said land use;
- E. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- F. Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- G. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise, or film offered therein;
- H. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- I. No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use;
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;

- K. No unlawful sexual activity or conduct shall be permitted; and,
- L. No more than one adult-related facility may be located within one building or shopping center.

SECTION 403 AIRPORTS/HELIPORTS

Airports/heliports are permitted by conditional use, subject to the following criteria:

- A. Minimum Lot Area - Thirty (30) acres for airports and three (3) acres for heliports;
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application; and,
- D. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

SECTION 404 AUTOMOBILE SALES AND AUTOMOTIVE SERVICE, REPAIR FACILITIES, AND AUTOMOBILE SALES STORAGE LOTS

- A. Within the Highway Commercial Zone (C-3), Light Industrial Zone (I-1) and General Industrial Zone (I-2), automobile sales and automotive service and repair facilities are permitted by conditional use, subject to the following:
 - 1. For properties located in the Light Industrial Zone (I-1) and General Industrial Zone (I-2), the subject property shall have a minimum of one hundred fifty (150) feet of road frontage along U.S. Route 11. (This requirement does not apply to properties located in the Highway Commercial Zone (C-3));
 - 2. All structures shall be set back at least fifty (50) feet from the street right-of-way line of U.S. Route 11;
 - 3. All service and/or repair activities shall be conducted within a completely enclosed building;
 - 4. Lubricants, fuel or other petroleum products used as part of the service or repair operation, shall be properly stored and/or discarded;
 - 5. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially zoned property;
 - 6. The demolition or junking of vehicles is prohibited.

- B. Automobile sales storage facilities shall be permitted as a principal use associated with offsite automobile sales in the Highway Commercial Zone (C- 3), Light Industrial Zone (I-1) and General Industrial Zone (I-2), by conditional use and are subject to the following criteria:
1. The Automobile Sales Storage Facility shall have a maximum size of five (5) acres.
 2. The Automobile Sales Storage Facility shall be located within a 1,320-foot radius of the Automobile Sales principal use, the automobile sales lot, with which it is associated.
 3. The total number of parking spaces shall not exceed 100 parking spaces per acre.
 4. The minimum size for a parking space in an Automobile Sales Storage Facility shall be eighteen (18) feet in length and nine (9) feet in width.
 5. Interior landscaping and interior driveways and aisles are not required.
 6. Perimeter screening must be provided to screen ground level views between grade level and six (6) feet above grade level. The screening shall comply with this Ordinance.
 7. It shall be prohibited to occupy any lot that abuts or has access to arterial roads.
 8. Only one (1) Automobile Sales Storage Facility per Automobile Sales lot is permitted.
 9. Automobile Sales Storage Facility shall not be contiguous with another Automobile Sales Storage Facility and must contain a minimum of a one hundred (100) foot separation between lots.
 10. Sidewalks shall be required along the front of the Automobile Sales Storage Facility, or the Board may accept a fee in lieu of, in accordance with Sections 604.01.11 and 604.01.12 of the Subdivision and Land Development Ordinance.
 11. Minimum setback distance for all parking setbacks shall be thirty (30) feet.
 12. The use of the Automobile Sales Storage Facility shall discontinue if the associated offsite Automobile Sales is discontinued.
- C. All structures shall be set back at least fifty (50) feet from the street right-of-way line of U.S. Route 11;
- D. All service and/or repair activities shall be conducted within a completely enclosed building;
- E. Lubricants, fuel or other petroleum products used as part of the service or repair operation, shall be properly stored and/or discarded;
- F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially zoned property;
- G. The demolition or junking of vehicles is prohibited.

SECTION 405 BANKS AND SIMILAR FINANCIAL INSTITUTIONS

Banks and similar financial institutions are permitted by conditional use, subject to the following criteria:

- A. Such uses may include bank offices and services including drive-through facilities and automatic teller machines provided that any such facilities shall be lighted during operational hours.
- B. Any drive-through lanes shall be separated from parking spaces for non-drive-through customers and from pedestrian walkways.
- C. In addition to the vehicular access to the property, the applicant shall provide pedestrian linkages with abutting properties so as to provide safe and convenient pedestrian and vehicular access to the property.
- D. The exterior of each bank or financial institution shall be constructed of brick, stone, masonry; or similar product as approved by the Board of Supervisors.

SECTION 406 BED AND BREAKFAST

Bed and breakfast are permitted by conditional use, subject to the following criteria:

- A. Bed and breakfast shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance;
- B. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- C. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- D. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- E. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines, and shall be screened from adjoining lots and streets;
- F. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines;
- G. Meals shall be offered only to registered overnight guests;
- H. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,
- I. The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry.

SECTION 407 BOARDING HOUSES

Boarding houses are permitted by conditional use, subject to the following criteria:

- A. Minimum lot area requirements shall be provided.
- B. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used;
- C. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted;
- D. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level;
- E. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- F. One (1) sign, not to exceed twelve (12) square feet, shall be permitted;
- G. The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry; and,
- H. Within the (R-3) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 206.A.1 of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

SECTION 408 RETAIL SALE OF GOODS AND SERVICES

- A. Convenience stores are permitted, provided the total sales and/or display area is less than 3,600 square feet.
- B. A use may include services such as the following: barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances.

SECTION 409 EVENT CENTER

- A. The lot size shall be a minimum of five (5) acres.
- B. If no public sanitary sewage is available on-site, holding tank(s) in accordance with PA DEP regulations shall be supplied.
- C. 10pm-6am shall serve as quiet hours for said use and enforcement of the Township's Noise Ordinance shall be applicable.
- D. Township stormwater management criteria shall apply.
- E. For parking located off-site, the Applicant shall submit a parking user agreement and transit plan to the Township for review and for approval.

- F. The parking requirements of the most currently available American with Disabilities Act for Accessible Design shall apply.
- G. This use shall be considered as a separate land use than any other land use that is proposed as part of the lot.
- H. Areas associated with outdoor entertainment and gathering shall be located a minimum of one hundred (100) feet from any lot line. All sound systems shall be oriented to the interior of the lot.
- I. If the use borders an agriculture and/or residential lot, a vegetated buffer area within the required setback of mixed deciduous and evergreen species of fifty (50) foot in depth along the perimeter of the event center development shall be provided.

SECTION 410 CAMPGROUNDS

Campgrounds are permitted by conditional use, subject to the following criteria:

- A. Plans shall be for a minimum lot size of ten (10) acres.
- B. Setbacks - All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line;
- C. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- D. An internal road system shall be provided, as required by Section 602 of the SLDO;
- E. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- F. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially zoned properties;
- G. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels;
- H. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
- I. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone, and at least twenty-five (25) feet from adjoining lot lines;

- J. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- K. During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground;
- L. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP; and,
- M. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

SECTION 411 COMMERCIAL DAY-CARE FACILITIES

Commercial day-care facilities are conditional uses, subject to criteria subject to the following:

- A. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s); Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- B. In addition to the required parking areas for said use, a designated passenger “drop-off” and “pick-up” area(s) that accommodates a minimum of three (3) vehicles at any given time, have direct access to the use’s front door and shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- C. One (1) off-street parking space shall be provided for each six (6) persons enrolled;
- D. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania; and,
- E. The applicant shall demonstrate that adequate safeguards are provided to protect students from nearby industrial activities and uses.
- F. Within the R-1 zone, Commercial Day-Care Facilities are subject to the following additional criteria:
 - 1. Tract size shall be a minimum area of 2.0 acres.
 - 2. Tract shall be located at an existing or planned traffic signalized intersection with access of the facility limited to the secondary classified street.
 - 3. Outdoor play areas shall be setback a minimum of twenty-five (25) feet from any adjacent residential uses or any R-1 zoned property.

4. Adequate screening shall be provided for the whole use of the property in addition to the screening required for the outdoor play areas.

SECTION 412 COMMERCIAL LIVESTOCK OPERATIONS

Unless otherwise regulated by provisions of the Pennsylvania Right to Farm Act and/or other applicable Commonwealth of Pennsylvania laws, as amended, commercial livestock operations are subject to the following provisions:

- A. All buildings used for the housing of livestock shall consist of a solid concrete slab or slotted floor.
- B. Minimum lot area: 10 acres.
- C. All areas for the keeping of animals shall be completely enclosed by a fence of sufficient strength and size to prevent the escape of animals, which shall be set back a minimum of fifteen (15) feet from any adjoining property line or right-of-way.
- D. Any building associated with the operation shall be set back 500 feet from any residential zone.
- E. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the applicable PADEP guidelines. All subsequent operations on the site shall be required to strictly adhere to this approved manure management plan.
- F. The applicant shall furnish evidence from the Cumberland Conservation District that the proposed use has an approved conservation plan.

SECTION 413 COMMERCIAL STOCKYARDS OR FEEDLOTS

Unless otherwise regulated by provisions of the Pennsylvania Right to Farm Act and/or other applicable Commonwealth of Pennsylvania laws, as amended, commercial stockyards or feedlots are permitted by conditional use, subject to the following:

- A. Minimum Lot Area - Ten (10) acres;
- B. All areas for the keeping of animals shall be completely enclosed by a fence of sufficient strength and size to prevent the escape of animals, which shall be set back a minimum of fifteen (15) feet from any adjoining property line or right-of-way.
- C. Any building associated with the operation shall be set back 500 feet from any residential zone.
- D. All uses shall have sufficient off-street loading (or stacking) space so as to prevent the back-up of vehicles on adjoining roads;
- E. Access - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads;
 1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway

of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

2. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred foot (200) paved section to help collect any mud that may have attached to a vehicle's wheels;
 3. In general, access drives shall intersect public streets at ninety degrees (90°) as site conditions permit, however, in no case shall access drives intersect public streets at less than seventy degrees (70°). Said angle shall be measured from the centerline of the street to the centerline of the access drive.
- F. Traffic Impact - The applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with Section 402.05. of the SLDO;
- G. Any exterior public address system shall be designed and arranged so that the audible levels of any messages conveyed over the system will not exceed the ambient levels of the use. Such measurements shall be conducted at the property lines; and,
- H. All animal wastes and/or deceased animals shall be properly stored and disposed of, so as not to be objectionable at the site's property line and so as not to become a nuisance to adjoining properties.

SECTION 414 CONVENTION CENTERS

Convention centers are permitted by conditional use, subject to the following:

- A. Convention centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development to serve those persons or groups of persons attending the convention center, and not the general public of the Township per se:
1. Offices;
 2. Hotels and motels;
 3. Meeting rooms;
 4. Banquet and social halls;
 5. Restaurants (excluding fast-food restaurants);
 6. Taverns and nightclubs;
 7. Indoor theaters and arenas;
 8. Sports stadiums;
 9. Amusement, water or theme parks and arcades if in compliance with ASTM F770-88 *Standard Practice for Operation Procedures for Amusement Rides and Devices*;

10. Retail shops and concessionaires;
 11. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses);
 12. Commercial day-care facilities; and,
 13. Information centers and booths.
- B. Minimum Required Lot Area - Ten (10) acres;
 - C. All uses shall be served by both public sewer and public water utilities;
 - D. The subject property shall front upon an arterial road;
 - E. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation, and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Supervisors determine that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Supervisors can require the applicant to revise and/or provide additional on-site parking space.
 - F. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
 - G. Any outside pedestrian waiting lines shall be provided with a means of shade;
 - H. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution;
 - I. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
 - J. A traffic study shall be prepared by a professional traffic engineer, according to Section 402.05. of the SLDO;
 - K. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;

- L. The convention center is eligible to utilize signage applicable to planned centers, as listed in Article 5 of this Ordinance; and,
- M. All uses within the convention center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

SECTION 415 CONVERSION APARTMENTS

Conversion apartments shall be permitted by conditional use, subject to the following:

- A. Conversion apartments shall only be permitted within existing single-family detached dwellings on the effective date of this Ordinance;
- B. All dwelling units within the conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area;
- C. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- D. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- E. All floors above or below grade shall have a direct means of escape to ground level;
- F. Two (2) off-street parking spaces per unit shall be provided;
- G. The applicant shall obtain any required land development approvals; and,
- H. The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 206.A.1 of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

SECTION 416 FAMILY DAY-CARE FACILITIES

Family day-care facilities are permitted by conditional use, subject to the following criteria:

- A. All family day-care facilities shall be conducted within a detached single-family dwelling;
- B. A family day-care facility shall offer care and supervision to no more than six (6) different persons during any calendar day;
- C. All family day-care facilities with enrollment of more than three (3) persons shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- D. An outdoor play area no less than two hundred sixty (260) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. Outdoor play areas shall be set back at least twenty-five (25) feet and screened from any adjoining residentially zoned property. A minimum four (4) foot high fence shall completely enclose the outdoor play area. Any

vegetative materials located within the outdoor area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade, such as a tree(s) or pavilion; and,

- E. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

SECTION 417 MIXED-USE BUILDING

- A. Mixed-use building is only permissible as part of a development, subject to a master plan.
- B. A mixed-use building shall contain a minimum of 30% of the floor area as a permissible commercial or office use within the Zone in which the subject lot is located.
- C. Residential units shall account for at least 30% of the floor area of a mixed-use building.
- D. Residential units shall not be permitted on the ground floor of the mixed-use building.
- E. Residential units shall not exceed a density of 4 units per acre.

SECTION 418 GOLF COURSES

Golf courses are permitted by conditional use, subject to the following:

- A. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
- B. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be provided with a dust free surface.
 - 1. The golf course design shall minimize golf path crossings of streets, access drives, and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives, or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives, and driveways. Golf path crossings shall conform with the following:
 - a. Each crossing shall be perpendicular to the traffic movements;
 - b. Only one (1) street, access drive, or driveway may be crossed at each location;
 - c. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection;
 - d. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area;
 - e. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 602 of the SLDO;
 - f. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing;
 - g. Golf path crossings shall be signed warning motorists, pedestrians, and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
 - h. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
- C. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels;
- D. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

1. Clubhouse, which may consist of:
 - a. Restaurant, snack bar, lounge, and banquet facilities;
 - b. Locker and rest rooms;
 - c. Pro shop;
 - d. Administrative offices;
 - e. Golf cart and maintenance equipment storage and service facilities;
 - f. Guest lodging for those using the golf course, provided:
 - 1) no lodging units have separate exterior means of ingress/egress;
 - 2) all lodging units shall be contained within the main clubhouse; and,
 - 3) such guest lodging shall have a total occupancy of no more than twenty (20) persons;
 - g. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - h. Game rooms, including card tables, billiards, ping-pong, video games, pinball machines, and other similar table games; and,
 - i. Baby-sitting rooms and connected fence-enclosed play lots.
2. Accessory recreation amenities located outside of a building, including:
 - a. Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets;
 - b. Practice putting greens;
 - c. Swimming pools;
 - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - e. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - f. Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - g. Hiking, biking, horseback riding, and cross-country ski trails; and,
 - h. Playground equipment and play lot games, including 4-square, dodgeball, tetherball, and hopscotch.
3. Freestanding maintenance equipment and supply buildings and storage yards.

- E. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads;
- F. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads; and,
- G. Within the (R-1) Zone, golf courses can be integrated with cluster developments regulated by this Ordinance. In such instances, all open areas of the golf course can be calculated as common open space, as determined by this Ordinance.

SECTION 419 HEALTH AND FITNESS CLUBS

Health and fitness clubs are permitted by conditional use, subject to the following:

- A. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;
- B. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially zoned properties;
- C. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,
- D. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

SECTION 420 HEALTH - CARE CAMPUS AND HOSPITAL

Hospitals and related uses are permitted by conditional use, subject to the following criteria:

- A. Minimum Lot Area - Five (5) acres;
- B. The subject property shall have frontage along an arterial road;
- C. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment;
- D. Emergency entrances shall be located on a building wall which faces away from adjoining residentially zoned properties or is separated by at least three hundred (300) feet from residentially zoned properties;
- E. The applicant shall submit a traffic study as governed by Section 402.05. of the SLDO.
- F. Public sewer, and public water utilities shall be utilized;
- G. Materials and Waste Handling - All health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:

1. Listing of all materials to be both used or produced on the site;
 2. Listing of all wastes generated on the site; and,
 3. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- H. Where more than one (1) of the uses enumerated in 420.10. below are proposed either at one time or separately over time, integrated site function, and design shall be required consistent with the creation of a campus-like environment;
- I. Permitted Uses:
1. Hospitals and hospices;
 2. Intermediate care and skilled nursing facilities;
 3. Medical and dental offices;
 4. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities;
 5. Health and fitness clubs;
 6. Commercial day-care facilities;
 7. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
 8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - a. Administrative offices;
 - b. Public uses and public utility structure type 1 (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
 - c. Automobile parking lots and parking garages;

- d. Housing for students, employees and their families in accordance with the standards of the (R-2) Zone;
 - e. Lodging facilities for patients and their families;
 - f. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings within this Zone;
 - g. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues;
 - h. Helistop (see Section 420.K.1.); and,
 - i. Incinerators and autoclaves (see Section 420.K.2.);
- J. Specific Requirements for Selected Accessory Uses:
- 1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
 - 2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations;
- K. Maximum Permitted Height - Ninety (90) feet for hospitals, provided all structures are set back a horizontal distance equal to their height from each property line and street right-of-way line; sixty (60) feet for all other uses; and,
- L. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

SECTION 421 HEAVY INDUSTRIAL USES

Heavy industrial uses are permitted by conditional use, subject to the following criteria:

- A. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
 - 1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 - 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of Section 302 of this Ordinance; and,
 - 4. A traffic study prepared by a professional traffic engineer, according to Section 402.05 of the SLDO.

SECTION 422 HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES

Heavy equipment sales, service and/or repair service facilities are permitted by conditional use, subject to the following criteria:

- A. All service and/or repair activities shall be conducted within a completely enclosed building;
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- C. All exterior storage and/or display areas shall be screened from adjoining residentially zoned properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface;
- D. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment vehicles on the property is prohibited;
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially zoned property; and,
- F. All vehicles shall be repaired and removed promptly from the premises.

SECTION 423 MULTI-FAMILY DWELLING (C-2 & C-3)

Multi-family dwellings are permitted by conditional use within the C-2 and C-3 Zones, subject to the following criteria:

- A. Minimum Lot Area – Fifteen (15) acres.
- B. The development of multi-family dwellings shall ensure the cohesive redevelopment of land within existing commercial areas.
- C. A pedestrian circulation plan shall be completed that provides for pedestrian walkway connections among the principal building, parking areas, open space, and any adjacent lots or rights-of-way with existing or proposed pedestrian infrastructure, e.g., sidewalks, trails, walkways. In addition, the pedestrian circulation plan shall minimize traffic and safety issues with vehicular circulation routes for both the subject lot and adjacent lots.
- D. Open Space
 - 1. Twenty (20) percent of the total site area shall be designated as common open space, accessible and usable for all residents.
 - 2. Any portion of the site not consisting of buildings, structures, parking areas, vehicular circulation, dumpsters, or stormwater management shall be considered open space.
 - 3. No more than fifty percent (50%) of the required open space area shall be more than a 25% slope.
 - 4. Open space shall be landscaped by vegetative ground cover and other ornamental plantings.
- E. Density shall not exceed 12 dwelling units per acre gross.
- F. Maximum Number of Three Bedroom Dwelling Units. No dwelling unit may have greater than three bedrooms. No more than five percent (5%) of the total dwelling units within the multi-family facility located on the same lot shall be used as three-bedroom dwelling units (such restriction shall not be applicable to a den, office, living room or workspace area located within the dwelling unit).
- G. Property shall be connected to public water and sewer.

SECTION 424 HISTORIC STRUCTURES CONVERSIONS

The conversion of historic structures is permitted, subject to the following criteria:

- A. Such conversions shall only be permitted within historic structures, as defined herein;
- B. The applicant shall furnish expert evidence that any alterations, improvements, extensions, additions or other modifications proposed to the historic structure will be accomplished in a manner that does not jeopardize the “historic” status of the structure;
- C. The applicant shall furnish evidence of an approved means of water supply and sewage disposal;
- D. The applicant shall obtain any necessary land development approvals;
- E. All off-street parking and/or loading areas shall be screened from adjoining residences and roads;
- F. One (1) sign shall be permitted which is no larger than twelve (12) square feet and is located at least ten (10) feet from all lot lines;

- G. Historic Restaurant Conversions - Historic restaurant conversions shall not involve drive-thru, nor fast food restaurant operations, as defined herein;
 - 5. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating may be provided if:
 - a. Such seating is situated and designed so as not to adversely impact nearby residences;
 - b. Such seating is accessory to the principal interior seating accommodations;
 - c. During use, such seating is continuously supervised by an employee or owner of the restaurant;
 - d. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
 - e. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating; and,
 - f. Such seating is removed during seasons when not in use;
- H. Historic Conversion Apartment - All dwelling units within the historic conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area;
 - 1. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
 - 2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
 - 3. Three (3) off-street parking spaces per unit shall be provided;
- I. Historic Office Conversions are permitted; and,
- J. All historic conversions shall demonstrate those measures employed to incorporate the design features listed in Section 206.A.1 of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.
- K. A Historic Structure Conversion that complies with this Section may also be converted to a personal service use, a child or adult day care center, a funeral home or a retail store as a special exception use.
- L. As a special exception use, the Zoning Hearing Board may also approve the construction of a new building to house a use listed as allowed by this Section 424 if the Board determines that the new construction not result from the demolition of a significant historic building and the new construction would have an exterior architectural design that would be completely consistent with the historic

architectural character of the district and provided that no vehicle parking spaces shall be allowed between the principal building and the front lot line.

- M. To be eligible for these uses within an existing building, the applicant shall prove the following to the satisfaction of the Zoning Hearing Board that a Registered Architect with substantial experience in the rehabilitation of historic buildings provides a written certification that the exterior of the building as visible from public streets will be historically rehabilitated, in full consideration of the Secretary of the Interior's Standards for Historic Rehabilitation, and accompanying guidelines published by the National Park Service. A rendering, elevation, or similar graphic shall be presented to the Board to show the appearance of the building as viewed from a public street after the use is occupied.

SECTION 425 HOME OCCUPATIONS

Home occupations are permitted by conditional use, subject to the following criteria:

- A. The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes;
- B. Only residents of the dwelling may be engaged in the home occupation use;
- C. No more than one (1) home occupation may be located in any dwelling unit;
- D. The home occupation shall not alter the appearance of the building as a dwelling unit;
- E. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- F. No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise which are produced on the premises;
- G. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress;
- H. No goods shall be displayed so as to be visible from the exterior of the premises;
- I. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit, or five hundred (500) square feet, whichever is less;
- J. No accessory building or structure shall be utilized for any aspect of a home occupation;
- K. In addition to the required parking spaces for the dwelling unit, one (1) parking space per potential patron on site at one time shall be provided;
- L. Only one (1) sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to four (4) square feet in display area, including all sides of the sign; and,
- M. The applicant shall submit evidence of all applicable State approvals.

SECTION 426 HOTELS AND RELATED FACILITIES

Hotels and related facilities are permitted by conditional use, subject to the following criteria:

- A. Minimum Lot Area - Five (5) acres;
- B. Both public sewer and public water shall be utilized;
- C. The following accessory uses may be approved as part of the conditional use application:
 - 1. Auditorium;
 - 2. Barber and beauty shops;
 - 3. Tavern or nightclub;
 - 4. Gift shop;
 - 5. Meeting facilities;
 - 6. Recreational uses and swimming pools;
 - 7. Restaurants;
 - 8. Sauna, spa or steam room;
 - 9. Solarium;
 - 10. Valet shop; and,
 - 11. Other similar retail sales and personal services; and,
- D. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building except that one (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
 - 1. The proposed restaurant, tavern, or nightclub shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or take-out services shall be permitted;
 - 2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted;
 - 3. If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering and hours of operation;
 - 4. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub without interfering with required off-street parking associated with the hotel use; and,
 - 5. No part of any nightclub shall be located within six hundred (600) feet of any residentially zoned land.

SECTION 427 PLACE OF WORSHIP AND RELATED USES

Places of worship, or places of worship and cemeteries, or places of worship and related uses are permitted by conditional use, subject to the following criteria:

A. Place of Worship:

1. Minimum lot area - Two (2) acres, provided that within the (A) Zone, no place of worship shall contain more than five (5) acres of lot area;
2. Minimum lot width - Two hundred (200) feet;
3. All houses of worship shall have vehicular access to an arterial or collector highway;
4. Side yard setback - Fifty (50) feet on each side; and,
5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

B. Place of Worship-Related Residences (Rectories and Convents):

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a place of worship; and,
2. All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences within the site's Zone, except that any number of persons of a convent and/or seminary may share group quarters.

C. Place of Worship-Related Educational or Day-Care Facilities:

1. All educational or day care uses shall be accessory, and located upon the same lot as a place of worship;
2. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
4. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;

5. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone; and,
 6. Unless the applicant can demonstrate that the off-street parking associated with the place of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.
- D. Cemeteries:
1. All burial plots or structures shall be located at least twenty (20) feet from any property line or street line;
 2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
 3. No burial plots or facilities are permitted in floodplain or flood fringe areas.

SECTION 428 JUNKYARDS

Junkyards are permitted by conditional use, subject to the following criteria:

- A. Minimum Lot Area - Ten (10) acres;
- B. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high, sight-tight fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially zoned properties;
- C. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth;
- D. All completely enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines;
- E. No material may be stored or stacked so that it is visible from adjoining properties and roads;
- F. All additional Federal and State laws shall be satisfied;
- G. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet;
- H. No material shall be burned at any time;
- I. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors; and,
- J. No junkyard shall be located on land with a slope in excess of five percent (5%).

SECTION 429 MEDICAL RESIDENTIAL CAMPUSES

Medical residential campuses are permitted by conditional use, subject to the following criteria:

- A. The campus 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 possess some handicap that can be treated within a setting like the medical residential campus;
- B. The campus shall achieve a balanced residential/medical environmental which cannot be achieved through the use of conventional zoning techniques;
- C. Residences shall be functionally, physically, and architecturally integrated with medical service and recreational activity centers;
- D. Commercial, medical, and recreational uses shall be grouped together and located near the populations being served;
- E. The minimum land area devoted to the campus shall be ten (10) contiguous acres;
- F. The site shall front on and have access to a collector or arterial road;
- G. All buildings or structures containing non-residential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially zoned land, and fifty (50) feet from all lot lines of the campus property;
- H. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this section, each 1.5 care beds associated with a medical use shall constitute one dwelling unit. No more than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds;
- I. All buildings or structures used solely for residential purposes shall be set back at least fifty (50) feet from all lot lines of the campus property;
- J. The maximum permitted height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for that portion of building height exceeding thirty-five (35) feet. Furthermore, any building exceeding thirty-five (35) feet in height shall require the applicant to obtain a letter from the Township Emergency Management Coordinator indicating that adequate provision has been made for firefighting and rescue activities;
- K. No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- L. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required;
- M. Only those uses, which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public, and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:

1. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
 2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care 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 center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area; and,
 4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or their guests; and,
- N. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

SECTION 430 NIGHTCLUBS

Nightclubs are permitted by conditional use, subject to the following criteria:

- A. No part of the subject property shall be located within six hundred (600) feet of any residentially zoned land;
- B. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter;
- C. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building; and,
- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- E. Within the C-2 zone, nightclubs must be accessory to some other permitted principal use, including, but not limited to restaurants, taverns, and hotels. In addition, no area used for nightclub purposes shall have direct exterior access.

SECTION 431 ACCESSORY DRIVE-THRU/PICK-UP

Where permitted by conditional use, Accessory Drive-thru/Pick-up is subject to the following criteria:

- A. The subject property shall front on an arterial or collector road;
- B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;

- C. All drive-thru window-lanes shall be separated by curb from the parking lot's interior driveways;
- D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- E. All exterior seating/play areas shall be completely enclosed by a minimum three (3) foot high fence;
- F. No part of the building, trash dumpsters or any drive-thru lane shall be located within two hundred (200) feet of any residentially zoned land; and,
- G. Each drive-thru lane shall have two hundred feet of on-site stacking preceding the order location.

SECTION 432 NURSING, REST, OR RETIREMENT HOMES

Nursing, rest, or retirement homes are permitted by conditional use, subject to the following criteria:

- A. The site shall contain at least two (2) acres;
- B. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines, and shall be screened from adjoining lots and streets;
- C. A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines;
- D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- E. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons; and,
- F. No more than twenty-seven (27) care beds per acre shall be permitted.

SECTION 433 OFF-STREET OFF-SITE PARKING LOTS FOR NEARBY LAND USES

Off-street off-site parking lots are permitted by conditional use, subject to the following criteria:

- A. The off-site parking lot shall be within two hundred (200) feet walking distance of the lot on which the principal use is located;
- B. A safe pedestrian access way shall be provided between the off-site parking lot and the principal use;
- C. No more than seventy-five percent (75%) of the total number of required parking spaces shall be provided off-site;
- D. When possible, the off-site parking lot shall be designated for employee use;
- E. The parking lot shall conform with all other off-street parking design requirements of the SALDO;
- F. Off-street off-site parking lots shall only be permitted where it can be demonstrated that insufficient areas exist upon the site for required parking and that such insufficiency is not the result of building expansion which occurred after the effective date of this Ordinance; and,

- G. All applicants shall demonstrate those measures employed to incorporate the design features listed in Section 206.A. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

SECTION 434 OFF-TRACK BETTING PARLORS

Off-track betting parlors are permitted by conditional use subject to the following criteria:

- A. An off-track betting parlor shall not be permitted to be located within one thousand (1,000) feet of any other off-track betting parlor;
- B. No off-track betting parlor shall be located within one thousand (1,000) feet of any residentially zoned land;
- C. No off-track betting parlor shall be located within one thousand (1,000) feet of any parcel of land, which contains any one or more of the following specified land uses:
1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or
 10. Other lands where minors congregate;
- D. The distance between any two off-track betting parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any off-track betting parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the off-track betting parlor to the closest point on the property line of said land use;
- E. No more than one (1) off-track betting parlor may be located within one building or shopping center;
- F. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;

- G. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- H. A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- I. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- J. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Non-primary Locations, as defined therein.

SECTION 435 PUBLIC UTILITY STRUCTURE TYPE 2

Public utility structure type 2 is permitted by conditional use, subject to the following standards:

- A. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of Section 302 of this Ordinance.

SECTION 436 PRIVATE CLUBHOUSES

Private clubhouses are permitted by conditional use, subject to the following standards:

- A. All private clubs shall front, and have access to, an arterial or collector road;
- B. All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds will also be set back thirty (30) feet from any adjoining residential lot lines;
- C. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line;
- D. Screening shall be provided along any adjoining residentially zoned property; and,
- E. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside the clubhouse.

SECTION 437 PUBLIC AND PRIVATE SCHOOLS

Public and private schools (excluding vocational and mechanical trade schools) and within the (R-2) Zone, only private schools (excluding vocational and mechanical trade schools) are permitted by conditional use, subject to the following criteria:

- A. All height, area, setback, and coverage standards within the underlying zone shall apply;
- B. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines;

- C. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone;
- D. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such a shade tree(s) or pavilion(s);
- E. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period;
- F. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site; and,
- G. Within the (A) Zone, schools shall only offer education through grade eight, and no school shall contain more than two (2) acres of lot area.

**SECTION 438 QUARRY-RELATED MANUFACTURING, MIXING AND PROCESSING
FOR SALE OF ASPHALTIC OR BITUMINOUS PRODUCTS**

- A. Within the (Q) Zone, quarry-related manufacturing, mixing and processing for sale of asphaltic or bituminous products is permitted by conditional use, subject to the following criteria:
 - 1. Required Berming - An earth berm having a minimum height of six (6) feet and a tree planted screen having a minimum width of twenty (20) feet shall surround all mining and processing activities.
 - 2. Required Mining Plan - All activities shall be subject to the prior approval of a Mining Plan which shall consist of a topographic map with a contour interval of not greater than five (5) feet showing all natural and man-made features, right-of-way, easements, property lines, and a plan and cross-sections of the proposed surface mining, including detailed groundwater information.
 - 3. Required Traffic Study - All mining-related uses shall be required to prepare and submit a traffic study according to Section 402.05. of the SLDO.
 - 4. Required Reclamation Plan - All mining-related uses shall be required to prepare and submit a reclamation plan. A reclamation plan which shall consist of a plan for re-use of the land after completion of the operations and the carrying out of the restoration, reclamation, reforestation or other corrective work so as to leave the land in a condition that will enable it to be used for ecologically and economically productive purposes consistent with the comprehensive plan of the Township upon completion of the surface mining operation. As a minimum, said plan shall provide for temporary and permanent cover, water control measures, and management of vegetation in accordance with the Critical Areas Practices of the Erosion and Sedimentation Control Handbook published by the Cumberland, Dauphin,

and Perry Counties Conservation District (most recent edition). Such plan shall be prepared by a registered engineer or landscape architect and shall bear the authorized signature of the owner of the land. A detailed timetable for restoration shall be provided to be completed within three (3) years or such earlier time as shall be required by a regulatory agency or body having jurisdiction after completion of the surface mining operation, together with an estimate of cost of each major step in the plan and the total cost of the program. The applicant shall post security as permitted in the Surface Mining Conservation and Reclamation Act, as amended from time to time, in the amount of one thousand dollars (\$1,000) per acre. If such security has been posted with another regulatory agency or body having jurisdiction, naming the Township as additional obligee, and additional bond may be waived by the Board of Supervisors, if satisfied that the Township's interests are adequately protected.

5. Required Operational Statement - All mining-related uses shall be required to prepare and submit an operational statement. Such operational statement shall include a detailed description of methods for handling operations with respect to the emission of noise, dust, smoke, refuse, water, odor, gas, fumes, or similar substances or conditions which may endanger the health, safety or general welfare management, air pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including production, transportation, processing, stockpiling, storage, and disposal of products, by-products and wastes.
6. For the mining-related use to be approved, the operational statement must demonstrate, by credible evidence, each of the following:
 - a. Mining shall comply with all applicable State and Federal laws, rules and regulations, including, but not limited to, regulations concerning dust, vibration, noise, heat, glare, vapors, and gases;
 - b. No emission of dust, dirt, fly ash, fumes, vapors or gases which could cause any damage to human health, animals or vegetation or to other forms of property or which could cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, will occur;
 - c. No mining, processing, or other activity shall produce heat or glare beyond the property boundary line of the land on which the operation is located;
 - d. No machines or operations shall cause vibrations, which are perceptible along the boundary line of the Quarry Zone. The foregoing language and provisions shall not be construed to limit or prevent blasting conducted in accordance with all applicable laws and regulations of the Commonwealth of Pennsylvania; and,
 - e. No activities shall be permitted which emit dangerous radioactivity at any point nor shall there be any electrical or radio disturbances which adversely affect the operation of any equipment at any location other than that of the creator of such disturbances.
7. All uses shall comply with the applicable General Provisions contained within Article 3 of this Ordinance.

- B. In addition to those requirements listed in this ordinance, the applicant shall submit a scaled site plan which depicts the location and identification of uses of all buildings within a circular area having a radius of 1,500 feet from the proposed site of the use being sought; and,
- C. After reviewing the required submission in this ordinance, should the Board of Supervisors, after a period of operation for one (1) year, determine that the conditional use is detrimental to the health, safety and general welfare of the Township, the Board shall give the operator of the use written notification of the specific detrimental effects, and the operator must correct the specified detrimental effects within ninety (90) days from such date of notice. Failure to correct the detrimental effects within ninety (90) days will result in a notice of termination being sent to the operator by said Board. The operator must cease said use within one (1) year after receipt of said termination.

SECTION 439 RECYCLING FACILITIES FOR PAPER, PLASTIC, GLASS, AND METAL PRODUCTS

- A. Within the (I-1 and I-2) Zones, recycling facilities for paper, plastic, glass, and metal products are permitted by conditional use, subject to the following criteria:
 - 1. All operations, including collection shall be conducted within a completely enclosed building;
 - 2. There shall be no outdoor storage of materials processed, used, or generated by the operation;
 - 3. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter; and,
 - 4. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

SECTION 440 SALES, STORAGE AND/OR WHOLESALING OF THE FOLLOWING: HOME AND AUTO-RELATED FUELS; NURSERY AND GARDEN MATERIALS, AND STOCK; CONTRACTOR SUPPLIES; AND, PLUMBING, HEATING, AIR CONDITIONING, ELECTRICAL, AND OTHER STRUCTURAL COMPONENTS OF BUILDINGS.

The sales, storage, and/or wholesaling of Home and auto-related fuels; Nursery and garden materials, and stock; Contractor supplies; and, Plumbing, heating, air conditioning, electrical, and other structural components of buildings are conditional uses, subject to the following criteria:

- A. All exterior storage areas (exclusive of nursery and garden stock) shall be screened from adjoining residentially zoned properties;
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining residentially zoned properties due to hours of operation, noise, light, litter, dust, and pollution;
- C. Fuel storage tanks will be set back at least two hundred and fifty (250) feet from any residentially zoned property.

SECTION 441 SHOOTING RANGES

Shooting ranges are permitted by conditional use, subject to the following criteria:

- A. Shooting Range Operations:
1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 2. May not substantially damage the health, safety, or welfare of the Township or its residents and property owners;
 3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
 4. Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access;
 5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan;
 6. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the National Rifle Association before they are allowed to discharge firearms;
 7. Shall limit the consumption of alcoholic beverages to days when no shooting activities are permitted, or when the shooting activities are completed for that day. Furthermore, alcoholic beverages may only be consumed in designated areas away from the firing points or stations; and,
 8. Shall limit firing to the hours between one (1) hour after dawn and one (1) hour preceding dusk;
- B. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;
- C. The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!"; Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;
- D. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;
- E. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way;
- F. Sound abatement shields or barriers shall be installed on shooting ranges located within one-quarter (1/4) mile of a residential zone, unless significant natural barriers exist. The applicant shall present

credible evidence that the sounds of shooting in the residential zone does not exceed the ambient noise level;

- G. Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats; and,
- H. No part of a shooting range property shall be located within one-quarter (¼) mile of any land within a residential zone.

SECTION 442 SHOPPING CENTERS

Shopping centers may be permitted by conditional use, subject to the following:

- A. The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right- of-way lines;
- B. Minimum Lot Size - Two (2) acres;
- C. Minimum Lot Width - Two hundred (200) feet;
- D. Parking shall fulfill criteria as permissible with the Subdivision and Land Development Ordinance
- E. Both public sewer and public water shall be utilized;
- F. Maximum Lot Coverage - Seventy percent (70%);
- G. A traffic study shall be submitted by the applicant, in accordance with Section 402.05. of the SLDO.
- H. The shopping center shall be permitted to use planned center signs as regulated in Article 5 of this Ordinance; and
- I. Solid fencing or earthen berm at a height of six (6) feet shall be installed along all areas of the shopping center bordering residentially used or zoned property by whoever is the latter to develop the parcel.

SECTION 443 RESERVED

SECTION 444 SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS

- A. Within the (I-2) Zone, slaughtering, processing, rendering, and packaging of food products and their by-products are permitted by conditional use, subject to the following criteria:
- B. Minimum Lot Area - Five (5) acres;
- C. The subject site shall have access to a major collector or arterial road;
- D. Public sewer and public water facilities shall be utilized;

- E. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
- F. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- G. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
- H. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;
- I. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- J. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;
- K. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- L. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any land within a residential zone;
- M. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot wide landscape strip;
- N. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- O. Where wastewater pretreatment is required by the EPA or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
- P. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations, which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- Q. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- R. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;

- S. Access - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;
- T. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.
- U. All access drives onto the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels; and,
- V. The applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with Section 402.05 of the SLDO.

SECTION 445 TRUCK TERMINALS

Truck or motor freight terminals are permitted by conditional use in the I-2 Zoning District, subject to the following criteria:

- A. Access shall be onto U. S. Route 11 or one of its feeder roads; and,
- B. The applicant shall furnish a traffic study prepared by a professional traffic engineer, in accordance with Section 402.05. of the SLDO.

SECTION 446 TRUCK STOPS

Truck stops are permitted by conditional use subject in the I-2 Zoning District, to the following criteria:

- A. The subject property shall have a minimum of three hundred (300) feet of road frontage along an arterial road;
- B. The subject property shall be located no closer than five hundred (500) feet from any residential zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- C. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line;
- D. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;
- E. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the

expected demand generated by truck patrons. Any gates or other barriers used at the entrance to park areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods;

- F. Trash receptacles shall be provided amid off-street parking areas, which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant;
- G. All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- H. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- I. The outdoor storage of unlicensed vehicles is prohibited;
- J. All vehicles and machinery shall be repaired and removed from the premises promptly;
- K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within two (2) weeks after arrival;
- L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
- M. The applicant shall submit a traffic study as governed by Section 402.05. of the SLDO; and,
- N. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

SECTION 447 ALL OTHER USES

- A. All Other Uses may be subject to preparation of a traffic analysis report and presentation of a Land Use Compatibility Report.

SECTION 448 WIRELESS COMMUNICATION FACILITIES

- A. General Requirements for All Tower-Based Wireless Communications Facilities.

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

- 1. Procedures.
 - a. Any applicant proposing construction of a new Tower-Based WCF outside the public Rights-of-Way shall submit plans to the Township for review by the Township staff and Planning Commissions and for approval by conditional use by the Township Board of Supervisors in accordance with the requirements of Section 804 “Conditional Uses” of this Ordinance.

- 4) Site Plan. A full site plan which shall include:
 - a) Written authorization from the property owner of the proposed Tower- Based WCF site.
 - b) A site plan that is drawn to scale and shows the following features: property boundaries; any tower guy wire anchors and other apparatus; existing and proposed structures; scaled elevation view; access road(s) location and surface material; parking area; fences; location and content of (any or warning) signs; exterior lighting specifications; landscaping plan; land elevation contours; existing land uses surrounding the site; proposed transmission building and/or other accessory uses with details; elevations; and proposed use(s).
 - c) A written report including: information describing the tower height and design; a cross-section of the structure; engineering specifications detailing construction of tower, base and guy wire anchorage; information describing the proposed painting and lighting schemes; information describing the tower's capacity, including the number and type of antennas that it can accommodate; radio frequency coverage including scatter plot analysis and the input parameters for the scatter plot analysis; all tower structure information to be certified by a licensed P.E.; and wireless telecommunications data to be certified by an appropriate wireless telecommunications professional.
 - d) All other uses ancillary to the Tower-Based WCF and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the Tower-Based WCF site unless otherwise permitted in the zoning district in which the Tower-Based WCF site is located.
- b. Sole Use on a Lot. A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
- c. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
 - 1) Existing Use. The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the communications facility.
 - 2) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - 3) Minimum Setbacks. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and any property line or right-of-way line shall be the largest of the following:
 - a) Fifty percent of antenna height in all zones except residential zones where the setback shall be 100% of antenna height.

- b) The minimum front yard setback in the underlying zoning district.
 - c) Forty feet.
5. Collocation.
- a. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building.
 - b. Any applicant proposing construction of a new Tower-Based WCF outside the Rights-of-Way shall demonstrate to the satisfaction of the Township Board of Supervisors, by written submission, that a good faith effort has been made to obtain permission to mount the Tower-Based WCF Antenna on an existing building or structure. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Tower-Based WCF site be contacted and that the applicant certifies in writing to the Township Board of Supervisors that one (1) or more of the following reasons for not selecting such structure apply:
 - 1) The proposed WCF and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at reasonable cost;
 - 2) The proposed WCF and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at reasonable cost;
 - 3) Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function; and/or
 - 4) A commercially reasonable agreement cannot be reached with the owner(s) of such structure.
6. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
7. Wind and Ice. Any Tower-Based WCF structures shall be designed to withstand the effects of wind and ice according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).

8. Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Township justifying the total height of the structure. In no case shall a WCF exceed a maximum height of two hundred (200) feet.
9. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
10. Maintenance. The following maintenance requirements shall apply:
 - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
 - d. The Township reserves the authority to require the repainting of all Tower-Based Facilities where the painting of such facilities is not regularly maintained.
11. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
12. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on an historic register or is located in an historic district.
13. Conservation District. No Tower-Based WCF may be located on a building or structure that is located in the Conservation District (C).
14. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
15. Lighting. Tower-Based WCF shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
16. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
17. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

18. **Inspection.** No later than December of each odd-numbered year, the owner of the Tower-Based WCF shall have said WCF structure inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of Tower-Based WCFs and has demonstrated his/her expertise to the satisfaction of the Township. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class checklist provided in the Electronics Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report and certification of continued use shall be provided to the Township by March 1 following the inspection. Any repairs advised by report shall be affected by the owner within sixty (60) calendar days after the report is filed with the Township.
19. **Retention of Experts.** The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
20. **Non-Conforming Uses.** Non-conforming Tower-Based WCFs, which are hereafter damaged or destroyed due to any reason or cause, may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
21. **Removal.** In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - c. Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.
22. **Siting.** No tower-based wireless communications facility shall be located, in whole or in part, within the right-of-way.
23. **Notice.** Upon receipt of an application for a Tower-Based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within one thousand (1,000) feet of the site of the proposed facility and of every property zoned residential not on the same street within two hundred (200) feet of the proposed facility.

24. Eligible Facilities Request.

- a. Tower-Based WCF Applicants proposing a modification to an existing Tower-Based WCF that does not Substantially Change the dimensions of the underlying structure shall be required to obtain a zoning permit for construction from the Township.
- b. In order to be considered for the requisite permit, the Tower-Based WCF Applicant must submit an application to the Township in accordance with applicable permit and certificate policies and procedures enumerated by Section 801 of this Ordinance.

25. Design Regulations:

- a. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
- b. The Tower-Based WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the Tower-Based WCF applicant's Antennae and comparable Antennae for future users.
- d. All utilities that are extended to the site of the Tower-Based WCF shall be placed underground.

26. Surrounding Environs:

- a. The Tower-Based WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Tower-Based WCF structure shall be preserved to the maximum extent possible.
- b. The Tower-Based WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

27. Fence/Screen:

- a. A security fence having a maximum height of ten (10) feet, and a minimum height of eight (8) feet, shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.
- b. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of eight (8) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
- c. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

28. Accessory Equipment:

- a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

29. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and commercially reasonable. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.

30. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility. The easement shall be a minimum of twenty (20) feet in width and the access shall be paved to a width of at least ten (10) feet throughout its entire length.

31. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$75,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township and maintain the bond for the life of the respective facility.

32. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.

33. Inspection by Township. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

B. Non-Tower Wireless Facilities Outside the Rights-of-Way

The following regulations shall apply to all Non-Tower Wireless Communications Facilities:

1. Procedures.

- a. Any applicant proposing a Non-Tower WCF to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the Non-Tower WCF will be mounted on the structure, for review by the Township staff and Planning Commissions and for approval by conditional use by the Township Board of Supervisors in accordance with the requirements of Section 804 of this Ordinance.
- b. The applicant shall prove that it is licensed by the FCC to operate a Non-Tower WCF and that the proposed Non-Tower WCF complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
2. Prohibited in Residential Districts. No Non-Tower WCF shall be located within a residential district or within two hundred (200) feet of a lot in residential use or a residential district boundary.
3. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCFs subject to the following conditions:
 - a. Permitted Subject to Regulations. Non-Tower WCFs are permitted outside the public Rights-of-Way in certain zoning districts as a conditional use subject to the restrictions and conditions prescribed herein and subject to the prior written approval of the Township.
 - b. Review. The Township Board of Supervisors may grant a conditional use after review of the Planning Commission and a public hearing before the Township Board of Supervisors.
 - c. Height. Such Non-Tower WCF shall not exceed the maximum height permitted in the applicable zoning district.
 - d. Equipment building. If the Non-Tower WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - e. Fencing. A security fence with a maximum height of ten (10) feet, and a minimum height of eight (8) feet, shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
4. Eligible Facilities Request.
 - a. Non-Tower WCF Applicants proposing a modification to an existing Non-Tower WCF that does not Substantially Change the dimensions of the underlying structure shall be required to obtain a Zoning Permit from the Township Zoning Officer.
 - b. In order to be considered for the requisite permit, the Non-Tower WCF Applicant must submit an application to the Township in accordance with applicable permit and certificate policies and procedures enumerated by Section 801 of this Ordinance
5. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.

6. Historic Buildings. Non-Tower WCFs may not be located on a building or structure that is listed on an historic register or is located in an historic district.
7. Conservation District. No Non-Tower WCF may be located on a building or structure that is located in the Conservation District (C).
8. Timing of Approval. All applications for Non-Tower WCFs shall be acted upon by the Township within ninety (90) days of the receipt of a fully completed application for the approval of such WCF, including an application fee in an amount specified by the Wireless Fee Schedule. If the Township receives an application for a Non-Tower WCF and such application is not fully completed, then the Township shall promptly notify the applicant that the application is not complete and the time for the approval of such application shall not commence until a fully completed application is received by the Township.
9. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
10. Bond. Prior to the issuance of a permit, the owner of a Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$25,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township and maintain the bond for the life of the respective facility.
11. Design Regulations.
 - a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the Non-Tower WCF applicant obtains a variance.
 - c. All Non-Tower WCF applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

12. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
13. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
14. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
15. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
16. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
17. Inspection by Township. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
18. Maintenance. The following maintenance requirements shall apply:
 - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

19. Upgrade, Replacement, Modification.

- a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading, replacing, modifying, or repairing the WCF is permitted, so long as such upgrade, replacement, modification, or repair does not increase the overall size of the WCF or the number of Antennae.
- b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

20. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
- b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

C. Regulations Applicable to all Small Wireless Communications Facilities.

The following regulations shall apply to Small Wireless Communications Facilities:

1. Development Regulations.

- a. Small WCF are permitted by administrative approval from the Township Zoning Officer in all Township zoning districts, subject to the requirements of this section and generally applicable permitting as required by the Township Code.
- b. Small WCF located within districts that require utilities to be located underground shall be collocated on existing or replacement Wireless Support Structures. No new Wireless Support Structure may be installed for the purpose of supporting a Small WCF within districts that require utilities to be located underground.
- c. Small WCF in the public ROW requiring the installation of a new Wireless Support Structure shall not be located directly in front of any building entrance or exit.
- d. All Small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Code requirements applicable to streets and sidewalks.

2. Procedures.

- a. Any applicant proposing a Small WCF shall submit an application for review by the Township staff.

- b. The applicant shall prove that it is licensed by the FCC to operate a Small WCF and that the proposed Small WCF complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
3. Timing of Approval.
- a. Within sixty (60) days of receipt of an application for Collocation of a Small WCF on a preexisting Wireless Support Structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - b. Within ninety (90) days of receipt of an application for a Small WCF requiring the installation of a new Wireless Support Structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - c. Within ten (10) calendar days of the date that an application for a Small WCF is filed with the Township Zoning Officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application.
4. Eligible Facilities Request.
- a. Small WCF Applicants proposing a modification to an existing Small WCF that does not Substantially Change the dimensions of the underlying structure shall be required only to obtain a zoning permit for construction from Silver Spring Township.
 - b. In order to be considered for such permit, the Small WCF Applicant must submit a zoning permit application to the Township in accordance with applicable permit policies and procedures enumerated at by Section 801 of this Ordinance.
 - c. The timing of approval for Small WCF Applicants proposing a modification to an existing Small WCF that does not Substantially Change the dimensions of the underlying structure shall be as follows:
 - (i) Within thirty (30) calendar days of the date that an application for a modification to an existing Small WCF that does not Substantially Change the dimensions of the underlying structure is filed with the Township Zoning Officer, the Township shall notify the Applicant in writing of any information that may be required to complete such application. In case of incompleteness of the application, the Township shall promptly notify the Applicant that the application is not complete and the time for the approval of such application shall not commence until a fully completed application is received by the Township.
 - (ii) Within sixty (60) days of receipt of an application for modification to an existing Small WCF that does not Substantially Change the dimensions of the underlying structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.

5. Non-Conforming Wireless Support Structures. Small WCF shall be permitted to collocate upon non-conforming Tower-Based WCF and other non-conforming structures. Collocation of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
6. Application Fees. The Township may assess appropriate and reasonable application fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs, subject to the limitations in this section, in amounts specified by the Wireless Fee Schedule.
7. Standard of care. Any Small WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania UCC, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
8. Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township.
9. Conservation District. No Small WCF may be located on a building or structure that is located in the Conservation District (C).
10. Wind and Ice. All Small WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended), or to the industry standard applicable to the structure.
11. Radio frequency emissions. A Small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
12. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
13. Accessory Equipment. Small WCF and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.

14. Graffiti. Any graffiti on the Wireless Support Structure or on any Accessory Equipment shall be removed at the sole expense of the owner within ten (10) days of notification by the Township.
15. Design Standards. All Small WCF in the Township shall comply with the requirements of the Township Small Wireless Communications Facility Design Manual, a copy of which is on file with Silver Spring Township.
16. Collocation. An application for a new Small WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Small WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
17. Relocation or Removal of Facilities. Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - b. The operations of the Township or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the Township.
18. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township, in an amount specified by the Wireless Fee Schedule, to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

D. Violations Applicable to All Wireless Facilities

1. Penalties. Any Person violating any provision of this Ordinance shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding five hundred dollars (\$500), for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.
2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

SECTION 449 WIND ENERGY CONVERSION SYSTEM

This Section applies to all Wind Energy Conservation Systems to be constructed after the effective date of the Ordinance, except for one accessory wind turbine on a lot that meets Section 301.5.

- A. All Wind Energy Conversion Systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- B. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practical, be placed underground.
- C. Wind Turbines shall be set back from the nearest occupied dwelling located on another lot a distance of not less than 5 times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the dwelling.
- D. All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- E. All Wind Turbines shall be set back from the nearest public street a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- F. Audible sound from a Wind Energy Conversion System shall not exceed fifty (55) DBA, as measured at the exterior of any existing dwelling on another lot.

- G. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on another lot.
- H. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Conversion System, or individual Wind Turbines, within 12 months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Turbines will presumably be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of Wind Turbines, buildings, electrical components, roads, and any other associated above-ground facilities.

SECTION 450 BREW PUB

- A. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be as set forth by Chapter 47, Liquor Code and the Pennsylvania Liquor Control Board.
- B. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty percent of the gross square footage of the principal building.
- C. Illumination, when measured at the property line, shall be a maximum of zero (0) foot candles
- D. All applicable Borough provisions for parking shall be applied. If provided on the lot, all off-street parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 P.M.
- E. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet on any property line.
- F. To minimize conflicts and promote public health and safety, the storage of palettes, loading related equipment, and production-related materials shall be contained within an enclosed and covered structure that are connected to the principal building.
- G. Parking quantities shall be determined using the parking ratio applicable to Tavern as identified within the Borough Zoning Ordinance
- H. If the establishment fills reusable take home containers, more commonly known as “growlers,” the establishment shall dedicate at least four (4) parking spaces for short-term parking for growler filling. The maximum amount of time for short-term parking shall not exceed twenty (20) minutes, but the hours in which this short-term parking is enforced shall be determined by the establishment. Signage shall be required to delineate these short-term parking spaces.

SECTION 451 TASTING ROOM

- A. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be as set forth by Chapter 47, Liquor Code and the Pennsylvania Liquor Control Board.
- B. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty percent of the gross

square footage of the principal building.

- C. Illumination, when measured at the property line, shall be a maximum of zero (0) foot candles
- D. All applicable Borough provisions for parking shall be applied. If provided on the lot, all off-street parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 P.M.
- E. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet on any property line.
- F. To minimize conflicts and promote public health and safety, the storage of palettes, loading related equipment, and production-related materials shall be contained within an enclosed and covered structure that are connected to the principal building.
- G. Parking quantities shall be determined using the parking ratio applicable to Tavern as identified within the Borough Zoning Ordinance

SECTION 452 ALCOHOLIC BEVERAGE PRODUCTION

- A. Based upon the extent of delivery/truck traffic associated with the use, the Borough may require a loading berth to be provided. The location of said berth shall be designated to minimize impact to surrounding land use(s) and circulation of vehicles and pedestrian.

ARTICLE 5: SIGNS**SECTION 500 GENERAL INTENT**

The sign regulations, controls, and provisions set forth in this part are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values, and the general welfare of the Township of Silver Spring and are intended to:

- A. Aid in traffic control and traffic safety;
- B. Preserve and protect property values;
- C. Lessen congestion of land and air space;
- D. Provide against undue concentrations of signs, which distract and endanger traffic safety and traffic flow;
- E. Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development;
- F. Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways;
- G. Preserve the wholesome and attractive character of the Township; and,
- H. Recognize that the general welfare includes a community that shall be beautiful as well as healthy, spacious as well as clean, and well balanced in its growth and development.

SECTION 501 GENERAL REGULATIONS FOR ALL SIGNS

- A. Signs must be constructed of durable material and maintained in good condition;
- B. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings;
- C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days;
- D. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply;
- E. Each sign shall be removed when the circumstances leading to its erection no longer apply;
- F. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way;

- G. Directly illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to neon, will be permitted providing that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area;
- H. The following are expressly prohibited:
 - 1. Animated, sequential, flashing, rotating, or oscillating signs;
 - 2. Open flames used to attract public attention to a place of business or to an advertising sign; and,
 - 3. Any sign, banner (except as a special event sign), pennant, balloon, valance, or advertising display constructed of cloth, fabric, cardboard, or other light material, intended to be displayed for a short period of time;
- I. No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections;
- J. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing;
- K. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters;
- L. Signs must be positioned so that they do not interfere with any clear sight triangle;
- M. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
 - 1. Any graphic illustration pertaining to specified sexual activities and/or specified anatomical areas; and,
 - 2. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs, or graphic representations described above;
- N. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape;
- O. No sign shall be placed in such a position that it will obscure light or air from a building, or which would create a traffic danger;
- P. No sign shall be permitted which is permanently attached to public utility poles or trees, which are within the right-of-way of any street;
- Q. No sign located within the Floodplain Zone shall exceed six (6) square feet of area per side;
- R. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area;

- S. Except in the case of billboards, only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted;
- T. No point of any sign, including trim, border, and supports, shall be located within ten (10) feet of any property or street right-of-way line except as provided in Section 303.3. for signs along the Carlisle Pike;
- U. Any sign attached to a building shall not be placed on the roof or be higher than the wall to which it is attached;
- V. No point of a wall projecting sign shall be located less than eight and one-half (8½) feet above the grade directly below the sign;
- W. Determination of Size of Sign Area - The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols.

FREESTANDING LETTERS



TOTAL SIGN AREA;
TEN (10) SQUARE FEET

LETTERS ON SIGN PANEL



TOTAL SIGN AREA;
TEN (10) SQUARE FEET

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign;

- X. Sign Height - The height of any permissible flat wall sign shall not exceed the height of the permissible building wall to which the sign is attached. The height of any permissible freestanding sign shall not exceed a maximum height of 15 ft.

SECTION 502 SPECIFIC SIGN REQUIREMENTS

- A. The tables on the following pages, attached hereto, tabulate requirements imposed upon permanent, temporary, businesses, and shopping center signs as permitted within the Township.
 - 1. On site directory signs shall be allowed where a particular site includes more than one tenant, provided that:

- a. Directory signs must be located near entrances to parking areas, but not less than 50 feet from any public right-of-way, and at principal intersections within the site. Such signs shall be uniform in size 62" x 36", color, height, and lettering of the business name and direction information only but shall not contain any commercial message.

SECTION 503 SIGN ALLOCATION

503.1 Conservation Zone (C)

CONSERVATION					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	RS	FARM STAND SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALE SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.2 Agriculture Zone (A)

AGRICULTURE					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal ft of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal ft of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.3 Rural Residential Zone (R)

RURAL RESIDENTIAL

TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per prinicipal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	RD	RESIDENTIAL DEVELOPMENT	1 sf per dwelling, max. 32 sf	1 per street entrance, max. 2	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.4 Residential Estate Zone (RE)

RESIDENTIAL ESTATE					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	RD	RESIDENTIAL DEVELOPMENT	1 sf per dwelling, max. 32 sf	1 per street entrance, max. 2	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.5 R-1 Residential Zone (R-1)

RESIDENTIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	RD	RESIDENTIAL DEVELOPMENT	1 sf per dwelling, max. 32 sf	1 per street entrance, max. 2	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.6 High Density Residential Zone (R-2)

HIGH DENSITY RESIDENTIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	RD	RESIDENTIAL DEVELOPMENT	1 sf per dwelling, max. 32 sf	1 per street entrance, max. 2	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.7 Village Residential Zone (R-3)

VILLAGE RESIDENTIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	RD	RESIDENTIAL DEVELOPMENT	1 sf per dwelling, max. 32 sf	1 per street entrance, max. 2	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.8 Neighborhood Commercial Zone (C-1)

NEIGHBORHOOD COMMERCIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
	SW	SANDWICH BOARD SIGNS	12 sf	1	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	SE	SPECIAL EVENTS SIGN	Free-standing: 32 sf Attached: 48 sf	6 per business per year	Permit required.
	YS	YARD SALE SIGN	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGN	200 sf per sign	Unlimited	Permit required.

503.9 Community Commercial Zone (C-2)

COMMUNITY COMMERCIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
	SW	SANDWICH BOARD SIGNS	12 sf	1	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	SE	SPECIAL EVENTS SIGN	Free-standing: 32 sf Attached: 48 sf	6 per business per year	Permit required.
	YS	YARD SALE SIGN	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGN	200 sf per sign	Unlimited	Permit required.

503.10 Highway Commercial Zone (C-3)

HIGHWAY COMMERCIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
	SW	SANDWICH BOARD SIGNS	12 sf	1	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	SE	SPECIAL EVENTS SIGN	Free-standing: 32 sf Attached: 48 sf	6 per business per year	Permit required.
	YS	YARD SALE SIGN	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGN	200 sf per sign	Unlimited	Permit required.

503.11 Professional Office Zone (O)

PROFESSIONAL OFFICE					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNHSIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.12 Light Industrial Zone (I-1)

LIGHT INDUSTRIAL					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.13 General Industrial Zone (I-2)

GENERAL INDUSTRIAL					
TYPE	ABR	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	No permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.14 Quarry Zone (Q)

QUARRY					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	Permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	RS	ROADSIDE SIGNS	6 sf	1 per farm	Permit required.
	YS	YARD SALES SIGNS	6 sf per sign	2	Permit required.
	SS	SPONSORSHIP SIGNS	200 sf per sign	Unlimited	Permit required.

503.15 Interchange Zones (INT-RG & INT-PC)

INTERCHANGE					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.
	BUS	BUSINESS SIGNS	Free-standing: 1.5 sf per lineal foot of storefront, max. 75 sf Single sided: max. 37.5 sf Flat Wall: 1.5 sf per lineal foot of building front, max. 75 sf	2 per principal use, max. 1 free-standing	Permit required.
	DIR	DIRECTIONAL SIGNS	2 sf per direction per side	6	Permit required.
	SW	SANDWICH BOARD SIGNS	12 sf	1	Permit required.
TEMPORARY	OSC	ON-SITE CONSTRUCTION	64 sf	1 per firm whose work is in progress	Permit required if area exceeds 12 sf
	RE1	REAL ESTATE SIGNS (<3 ACRES)	Res: 12 sf per sign Com: 32 sf per sign	1 per street frontage, max. of 2	No permit required.
	RE2	REAL ESTATE SIGNS (>3 ACRES)	64 sf	1 per street frontage, max. of 2	Permit required.
	PD1	PROPOSED DEVELOPMENT 1	1 sf per unit occupancy, max. 32 sf	1 per street frontage, max. of 2	Permit required.
	PD2	PROPOSED DEVELOPMENT 2	1 per 1,000 sf of GFA, max. 64 sf	1 per street frontage, max. of 2	Permit required.
	SE	SPECIAL EVENTS SIGN			Permit required.
	YS	YARD SALE SIGN	6 sf per sign	2	No permit required.
	SS	SPONSORSHIP SIGN	200 sf per sign	Unlimited	Permit required.

503.16 Village Overlay (VO)

VILLAGE OVERLAY					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMANENT	TWP	OFFICIAL TOWNSHIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.

503.17 Mixed Use A Zone (MUA)

- A. Sign regulations for the Community Commercial Zone (C-2), as outlined in Section 503.9, shall apply to all uses within the Retail / Commercial Core Area.
- B. Sign regulations for the Village Overlay (VO), as outlined in Section 503.16, shall apply to all uses within the Residential / Civic Core Area.
- C. Sign regulations for the Light Industrial Zone (I-1), as outlined in Section 503.12, shall apply to all uses within the Business Park Area.
- D. The height of any freestanding sign permitted within this Zone shall not exceed a maximum height of 10 ft.

503.18 Mixed Use B Zone (MUB)

- A. Sign regulations for the Neighborhood Commercial Zone (C-1), as outlined in Section 503.8, shall apply to all uses within the Mixed Use B Zone (MUB).
- B. The height of any freestanding sign permitted within this Zone shall not exceed a maximum height of 10 ft.

503.19 Floodplain Zone (FP)

FLOODPLAIN OVERLAY					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNHSIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.

503.20 RESOURCE & LANDSCAPE MANAGEMENT OVERLAY (RLMO)

RESOURCE PRESERVATION OVERLAY					
TYPE	ABR.	PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	OTHER PROVISIONS
PERMENANT	TWP	OFFICIAL TOWNHSIP SIGNS	Unlimited	Unlimited	No permit required.
	PS	PUBLIC USE SIGNS	64 sf combined area	2 per principal use	Permit required.
	RN	RESIDENTIAL NAMEPLATES	2 sf	1 per dwelling	No permit required.
	PC	PROPERTY CONTROL SIGNS	2 sf	1 per 50 lineal ft of property line	No permit required.

ARTICLE 6: NON-CONFORMITIES

SECTION 600 CONTINUATION

Except as otherwise provided in this section of this Ordinance, any use, building, or structure lawfully existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the regulations specified by this Ordinance.

SECTION 601 ABANDONMENT

If a non-conforming use of land or of a building or structure ceases or is discontinued for a continuous period of one (1) year, or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

SECTION 602 EXTENSION OF A NON-CONFORMING USE OF LAND

Any lawful non-conforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and the design standards of this Ordinance and to the percentage limitation as set forth in Section 603.A.2. of this Ordinance. The extension of a non-conforming use on a lot shall be limited to the lot, which was in existence on the effective date of this Ordinance.

SECTION 603 EXTENSION OR ALTERATION

- A. Any non-conforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 704.C:
1. Expansion of the non-conformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the non-conformity;
 2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures or land devoted to the non-conforming use, as they existed on the date on which the use of such buildings, structures or land first became non-conformities. The applicant shall furnish conclusive evidence as to the extent of the non-conformity when it was created. The alteration of a permitted structure having some dimensional non-conformity is exempt from the requirement of a special exception provided no new dimensional non-conformity is created by the alteration.
 3. Provision for vehicular access, off-street parking, and off-street loading shall be consistent with standards required by this Ordinance;
 4. Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the zone in which the non-conformity in question is located;

5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
 6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
 7. The expansion shall not create new dimensional non-conformities or further increase existing dimensional non-conformities;
 8. No expansion of a non-conforming structure or a non-conforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
 9. Excluding expansion, any modification, alteration, repair, reconstruction, or improvement of any kind to a non-conforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or flood proofed. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,
- B. Any dimensional non-conformity may be reduced by permitted use. No extension or enlargement of a dimensional non-conformity shall be permitted.

SECTION 604 SUBSTITUTION OR REPLACEMENT

Any non-conforming use may be replaced or substituted by another non-conforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, as the original non-conforming use. In addition, the proposed non-conforming use shall not increase any dimensional non-conformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

SECTION 605 RESTORATION

Any lawful non-conforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- A. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional non-conformities; and,
- B. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

SECTION 606 PREVIOUSLY EXPANDED NON-CONFORMING USES AND STRUCTURES

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a non-conforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign, or land shall be authorized. In the event a non-conforming building, structure, sign, or

use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

SECTION 607 NON-CONFORMING LOTS

Subject to the provisions of Section 508(4) of the PA Municipalities Planning Code, the following shall apply:

- A. In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance and the PA Municipalities Planning Code. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met.

- B. If a lot consists of two or more lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Ordinance, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this provision that no portion of any lot consisting of two or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Ordinance or which shall result in the creation of a lot with a lot width, lot area or yard setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Ordinance.

ARTICLE 7: ZONING HEARING BOARD**SECTION 700 ESTABLISHMENT AND MEMBERSHIP**

When used hereafter in this Article, the word “Board” shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board, which shall consist of five (5) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 701, 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 specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 702, unless designated as a voting alternate member pursuant to Section 701 of this Ordinance.

SECTION 701 ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 703. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

SECTION 702 EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 701, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

SECTION 703 HEARINGS

- A. The Board shall conduct hearings and make decisions in accordance with the following requirements:
1. Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, Township Secretary, each member of the Board of Supervisors, Secretary of the Township Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
 2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs;
 3. The hearing shall be held within sixty (60) days from the date of receipt of the applicant's request unless the applicant has agreed in writing to an extension of time.
- B. The hearings 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 appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
- C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;
- D. The chairman or acting chairman of the Board or the 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;

- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record 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 by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof;
- H. 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 communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an 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 representative unless all parties are given an opportunity to be present;
- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. 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 to the parties 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, and 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 required by this subsection or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Section 703.A of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction;
- J. A copy of the final decision or, where no decision is called for, of the findings 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 name and address with the Board not later than the last day of the

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; and,

K. Effect of Board's Decision:

1. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;
3. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,
 1. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request, which would supersede the deadlines imposed in Sections 703.K.1.-3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

SECTION 704 BOARD'S FUNCTIONS

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

- A. Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to Section 803.F. of this Ordinance.

If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance, which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Zoning Map;
- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;

Public notice of the hearing shall be provided as specified in Section 803.B.2. of this Ordinance;

The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,

The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

- B. Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance;
- C. Special Exceptions, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
 - 1. Filing Requirements - In addition to the required zoning permit information (See Section 801) each special exception application shall include the following:
 - A. Ground floor plans and elevations of proposed structures;
 - B. Names and address of adjoining property owners including properties directly across a public right-of-way;
 - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,

- D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
- 2. General Criteria - Each applicant must demonstrate compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - C. The proposed use will not substantially change the character of the subject property's neighborhood;
 - D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 - E. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 231 of this Ordinance;
 - F. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - G. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan;
 - 3. Conditions - The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions, which are more restrictive than those, established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,
 - 4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 604.3.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval;
- D. Variances - The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer. 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 Ordinance in the neighborhood or zone 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 Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the zone or neighborhood 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 regulations in issue;
6. That variances within the Floodplain Zone shall comply with Section 231 of this Ordinance;
7. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 7;
8. Filing Requirements - In addition to the required zoning permit information (see Section 701), each variance application shall include thirteen (13) copies of the following:
 - A. Ground floor plans and elevations of existing and/or proposed structures;
 - B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
9. Conditions - The Zoning Hearing Board in approving variance applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions, which are more restrictive than those, established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,

10. Site Plan Approval - Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan;
- E. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order or the registration or refusal to register any non-conforming use, structure or lot;
- F. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone;
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- H. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- I. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the PA MPC, respectively.

SECTION 705 PARTIES APPELLANT BEFORE THE BOARD

Appeals under Sections 704.E., 704.F., 704.G., 704.H. and 704.I. and proceedings to challenge this Ordinance under Sections 604.A. and 604.B. may be filed with the Board in writing by the landowner affected, any officer, or agency of the Township, or any person aggrieved. Requests for a variance under Section 704.D. and for special exception under Section 704.C. may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

- A. The name and address of the appellant and applicant;
- B. The name and address of the landowner of the real estate to be affected;
- C. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- E. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

SECTION 706 TIME LIMITATIONS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If said person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2. of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

SECTION 707 STAY OF PROCEEDING

Upon filing of any proceeding referred to in Section 705 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

SECTION 708 APPEAL

Any person, taxpayer, or the Township aggrieved by any decision of the Board may within thirty (30) days after such a decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania .

ARTICLE 8: ADMINISTRATION

SECTION 800 ADMINISTRATION AND ENFORCEMENT

A. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his Assistant, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. Duties - The duties of the Zoning Officer shall be:
 - a. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
 - b. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record.
 - c. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
 - d. To inspect non-conforming uses, structures, and lots and to keep a filed record of such non-conforming uses and structures, together with the reasons why the Zoning Officer identified them as non-conformities, as a public record and to examine them periodically, with the view of eliminating the non-conforming uses under the existing laws and regulations.
 - e. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
 - f. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
 - g. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.

- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.
- E. Causes of Action - In case any building, structure landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance enacted under the Act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

SECTION 801 PERMITS

- A. General Requirements for Zoning Permits:
1. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Article 5 of this Ordinance. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
 2. Application for zoning permits shall be made in writing to the Zoning Officer.

3. Such zoning permits shall be granted or refused within ninety (90) days from date of application.
4. No zoning permit shall be issued except in conformity with:
 - a. All applicable regulations of this Ordinance.
 - b. Any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors.
 - c. Any recorded subdivision or land development plan.
5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
6. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
7. The Zoning Officer may call upon other Township Staff and/or Township-appointed consultants in the review of submitted materials for applications.
8. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
9. Where a permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Township Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance or the Act.
10. Issuance of Permits - Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for,

- he shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.
11. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies, which were the basis for the prior denial of the permit, have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.
 12. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
 13. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
 14. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.
 15. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.
 16. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will in no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone. Zoning Hearing Board to authorize the issuance of a temporary use permit for a period not to exceed six (6) months.
- B. Application for All Zoning Permits:
1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:
 - a. Actual dimensions and shape of lot to be developed.
 - b. Exact location and dimensions of any structures to be erected, constructed, and altered.
 - c. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.
 - d. Off-street parking and loading spaces.

- e. Utility systems affected and proposed.
 - f. Alteration or development of any improved or unimproved real estate.
 - g. The size of structures and the number of employees anticipated.
 - h. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance.
 - i. Copies of any applicable approved subdivision or land development plans.
2. If the proposed development, excavation, or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
- a. The accurate location and elevation of the floodplain and floodway.
 - b. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.
 - c. The elevation, in relation to the NGVD, to which all structures and utilities will be flood proofed or elevated.
 - d. Where flood proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the flood proofing methods used meet the provisions of Section 218 of this Ordinance.
- C. Application for Zoning Permits for Uses in All Commercial and Industrial Zones:
- 1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.
 - 2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features.
 - 3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
 - 4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Cumberland County, which have been contracted to dispose of the materials used, and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the

future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
7. The proposed number of shifts to be worked and the maximum number of employees on each shift.
8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

D. Certificate of Use and Occupancy:

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein.
2. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application, as it is required for a zoning permit.
3. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein.
4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.
5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
6. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes, and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

7. A Certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring Improvement Guarantees until the structure or building abuts either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing course.
8. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

SECTION 802 FEES

- A. Determination - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

SECTION 803 AMENDMENTS

- A. Power of Amendment - The Board of Supervisors may from time to time, amend, supplement, change, or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party.
- B. Hearing and Enactment Procedures for Zoning Amendments:
 1. Public Hearing - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
 2. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - a. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - 1) A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - 2) An attested copy of the proposed Ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.

- b. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.
 - c. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
 - d. 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 Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
3. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection B.2.
 4. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment at least thirty (30) days prior to public hearing to the Township Planning Commission for review and comment. The Township Planning Commission shall submit a report of its review, together with any recommendations, to the Board of Supervisors within forty-five (45) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township.

The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Township Planning Commission; however, should the Township Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.

5. County Planning Commission Referrals - All proposed amendments shall be submitted to the County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The County Planning Commission may submit recommendations to the Board of Supervisors within forty-five (45) days of such referral. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the County Planning Commission; however, should the County Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation.

6. Adjournment of Public Hearing - If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place.
 7. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Cumberland County Planning Commission.
- C. Amendments Initiated by the Township Planning Commission - When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.
- D. Amendment Initiated by the Board of Supervisors - When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 803.B.
- E. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials. The applicant shall submit the names and addresses of adjoining property owners including properties directly across a public right-of-way.
- F. Curative Amendment by a Landowner - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1. and 916.1. of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Cumberland County Planning Commissions as provided for in Section 803.B. and public notice of the hearing shall be provided as defined herein.
1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment, which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.

- c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
2. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing.
3. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in paragraph (b), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
4. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
5. The challenge shall be deemed denied when:
 - a. The Board of Supervisors fails to commence the hearing within sixty (60) days.
 - b. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
 - c. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
 - d. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and municipality.
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 704.A., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply.

7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

G. Curative Amendment by the Board of Supervisors.

1. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
 - a. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include one OR more of the following:
 - 1) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - 2) References to a class of use or uses which require revision.
 - 3) References to the entire Ordinance, which requires revisions.
 - b. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity;
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 704.A. subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any Court of competent

jurisdiction, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

- H. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, shall be duly certified by the Township Secretary, and shall thereafter be refiled as part of the permanent records of the Township.

SECTION 804 CONDITIONAL USES

- A. Filing of Conditional Use - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application, submitted in sixteen (16) sets, must show:
1. Ground floor plans and elevations of proposed structures for non-residential applications.
 2. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
 3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
 4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
- B. General Criteria - Each applicant must demonstrate compliance with the following:
1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
 3. The proposed use will not affect a change in the character of the subject property's neighborhood.
 4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police, and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).
 5. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 218 of this Ordinance.
 6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
 7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

8. The applicant shall furnish expert testimony as to how Natural and Cultural Features, as outlined by Section 300.11, will be protected during, and after, development of the site. Should any such features be proposed as common open space, they shall be governed by Section 300.8 of this Ordinance
- C. Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions, other than those related to off-site transportation and road improvements, considered necessary to protect the public welfare and the purposes listed above, including conditions, which are more restrictive than those, established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.
- D. Site Plan Approval - Any site plan presented in support of the conditional use pursuant to Section 804.A. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.
- E. Hearing Procedures:
1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.
 2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made a timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 3. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice, and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
 4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.

5. The Chairman or Acting Chairman of the Board of Supervisors 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.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors; or shall be paid by the person appealing the decision of the Board of Supervisors if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
9. The Board of Supervisors 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 communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an 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 representative unless all parties are given an opportunity to be present.
10. Each party shall provide sixteen (16) copies of each exhibit presented by the party during the conditional use hearing.

F. Time Limitation:

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that

- conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request, which would supersede the deadlines imposed in Sections 804.F.1.–3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

SECTION 805 SAVINGS PROVISION FOR MATTERS IN PROCESS

Plans and applications validly submitted to the Township for approval and any litigation pending under or because of any previously enacted land use or zoning ordinance prior to the effective date hereof shall be governed and evaluated by such prior ordinance, and, for such limited purpose, such previously enacted ordinance or ordinances shall be saved from repeal as hereafter provided.

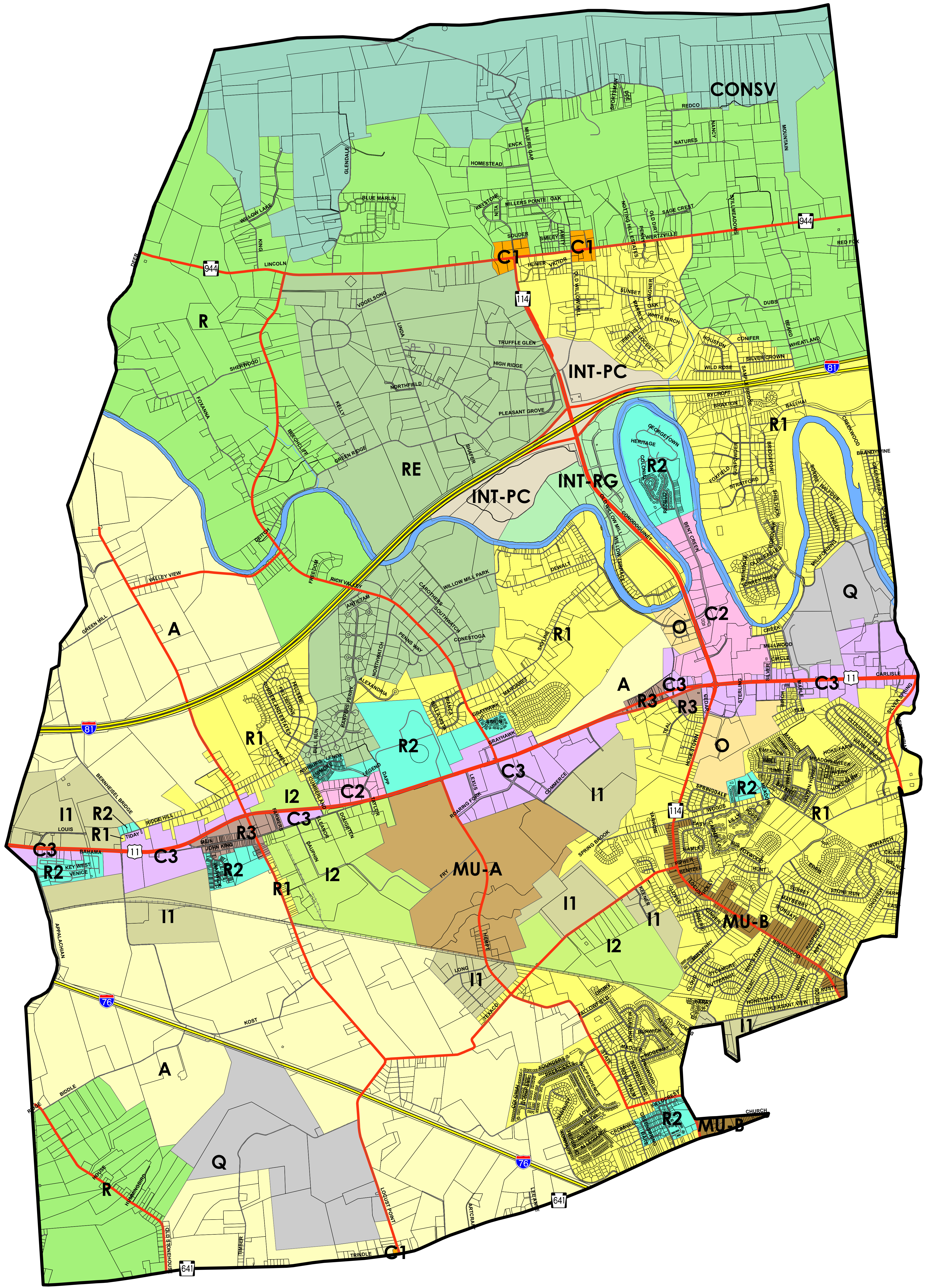
SECTION 806 REPEALS AND INCONSISTENCIES

Except as otherwise provided in Section 805, any resolution or ordinance, or part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.


SECTION 807 EFFECTIVE DATE

This Zoning Ordinance shall become effective upon enactment by the Board of Supervisors of Silver Spring Township, County of Cumberland, Commonwealth of Pennsylvania.

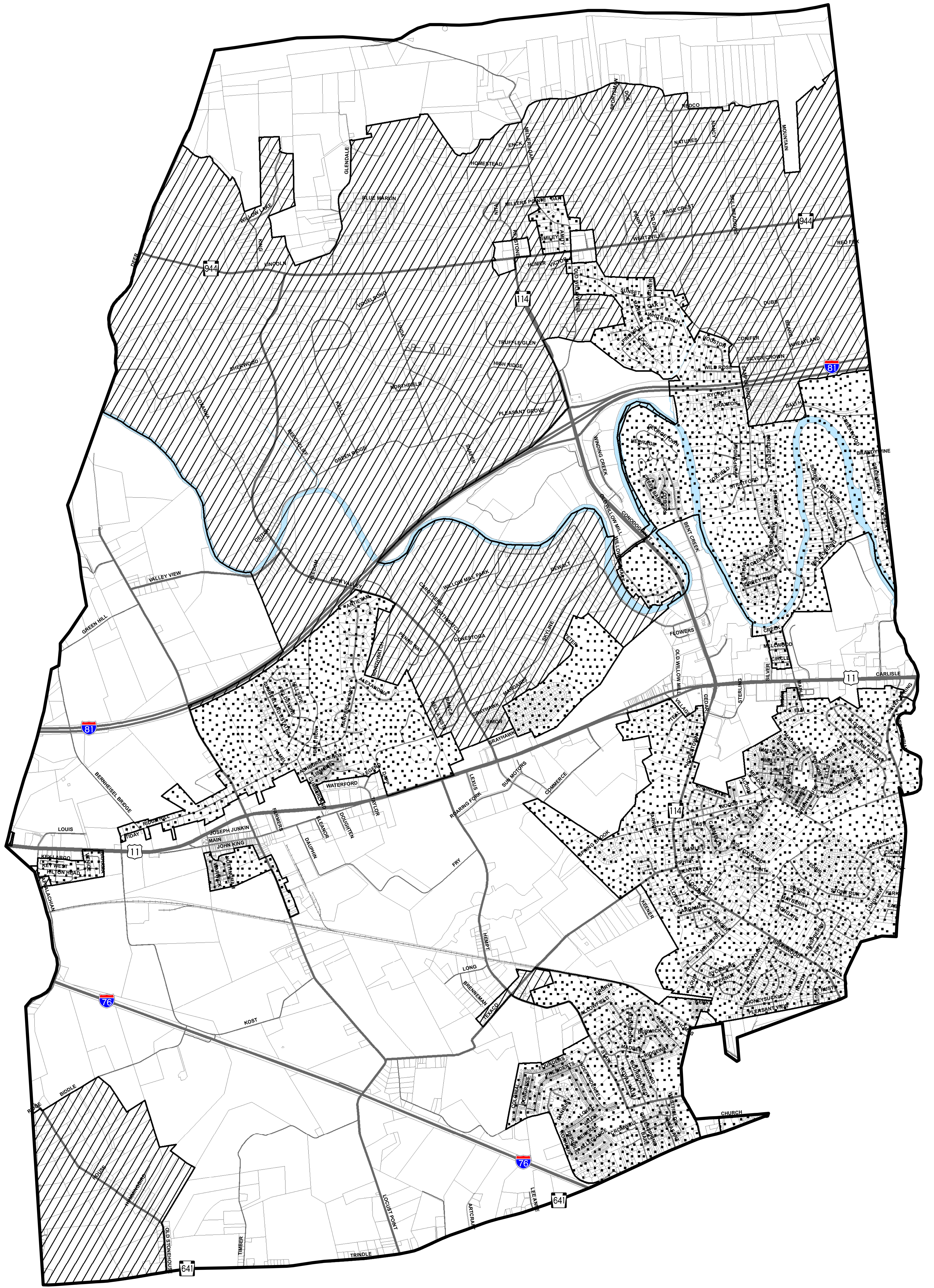
Silver Spring Township Base Zoning Districts




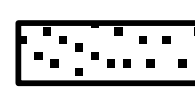
- | | | |
|--|---|---|
| Conservation - C | Quarry - Q | Light Industrial - I1 |
| Agriculture - A | Neighborhood Commercial - C1 | General Industrial - I2 |
| Rural Residential - R | Community Commercial - C2 | Interchange RG - INT-RG |
| Residential Estate - RE | Highway Commercial - C3 | Interchange PC - INT-PC |
| Residential - R1 | Professional Office - O | Village Residential - R3 |
| High Density Residential - R2 | | Mixed Use A - MU-A |
| | | Mixed Use B - MU-B |


 1 mile
 Adopted March 23, 2022
 Prepared for Silver Spring Township
 by Environmental Planning & Design, LLC

Silver Spring Township Conservation Development Overlay



Conservation Development Overlay

-  Area A
-  Area B



Adopted March 23, 2022
Prepared for Silver Spring Township
by Environmental Planning & Design, LLC