

**Upper Mifflin Township**

**Draft**

**Zoning Ordinance**

**October 7, 2015**

## Table Contents

<b>ARTICLE 1 AUTHORITY, TITLE, PURPOSE OF ENACTMENT, INTERPRETATION, APPLICABILITY, MUNICIPALITY LIABILITY, DISCLAIMER, SEVERABILITY, &amp; REPEALER .....</b>	<b>1</b>
Section 100. Authority.....	1
Section 102. Purpose of Enactment.....	1
Section 103. Community Development Objectives.....	1
Section 104. Interpretation.....	2
Section 105. Applicability.....	2
Section 106. Municipality Liability.....	3
Section 107. Disclaimer.....	3
Section 108. Severability.....	3
Section 109. Repealer.....	3
<b>ARTICLE 2 DEFINITIONS.....</b>	<b>4</b>
Section 200. Definition of Terms.....	4
<b>ARTICLE 3 “C” CONSERVATION ZONING DISTRICT .....</b>	<b>28</b>
Section 300. Purpose.....	28
Section 301. Permitted Uses by Right.....	28
Section 302. Accessory Uses.....	28
Section 303. Uses Permitted by Conditional Use.....	29
Section 304. Area and Design Requirements.....	29
Section 305. Woodland Preservation Requirements.....	30
Section 307. Off-street parking.....	30
Section 308. Signs.....	30
<b>ARTICLE 4 “A” AGRICULTURE ZONING DISTRICT.....</b>	<b>31</b>
Section 400. Purpose.....	31
Section 401. Permitted Uses by Right.....	31
Section 402. Accessory Uses.....	31
Section 403. Uses Permitted by Conditional Use.....	32

Section 404. Area and Design Requirements. ....	33
Section 405. Agricultural Nuisance Disclaimer.....	33
Section 406. Required Erosion and Sediment Pollution Control Plan. ....	33
Section 408. Buffer and Screening Requirements. ....	34
Section 409. Off-Street Parking. ....	34
Section 410. Signs. ....	34
Section 411. Landscaping. ....	34
<b>ARTICLE 5 “R” RESIDENTIAL ZONING DISTRICT .....</b>	<b>35</b>
Section 500. Purpose. ....	35
Section 501. Permitted Uses by Right.....	35
Section 502. Accessory Uses. ....	35
Section 503. Uses Permitted by Conditional Use. ....	35
Section 504. Area and Design Requirements. ....	36
Section 505. Zoning requirements for use of on-lot sewerage disposal systems.....	37
Section 506. Buffer and Screening Requirements. ....	37
Section 507. Livestock and Poultry Regulations. ....	37
Section 508. Off-Street Parking. ....	38
Section 509. Signs. ....	38
Section 510. Landscaping. ....	38
<b>ARTICLE 6 “C-I” COMMERCIAL - INDUSTRIAL ZONING DISTRICT .....</b>	<b>39</b>
Section 600. Purpose. ....	39
Section 602. Permitted Uses by Right.....	39
Section 603. Accessory Uses. ....	40
Section 604. Uses Permitted by Conditional Use. ....	40
Section 605. Area and Design Requirements. ....	41
Section 606. Zoning requirements for use of on-lot sewerage disposal systems.....	41
Section 607. Buffer and Screening Requirements. ....	41
Section 608. Livestock and Poultry Regulations. ....	41
Section 609. Off-Street Parking. ....	41
Section 610. Signs. ....	41
Section 611. Landscaping. ....	41

<b>ARTICLE 7 SUPPLEMENTAL REGULATIONS.....</b>	<b>42</b>
Section 700. Yard and Lot Regulations.....	42
Section 701. Performance Standards.....	44
Section 702. Prohibited Uses in All Districts.....	45
Section 703. Uses Not Provided For.....	45
Section 704. Swimming Pools.....	45
Section 705. Fences, Walls, and Vegetation (Excluding Agricultural Uses).....	46
Section 706. Off-Street Parking.....	46
Section 707. Signs.....	48
Section 708. Landscaping.....	52

<b>ARTICLE 8 SPECIFIC CRITERIA FOR CONDITIONAL USES, AND USES PERMITTED BY RIGHT.....</b>	<b>53</b>
Section 800. Application.....	53
Section 801. Adult-Related Uses.....	53
Section 802. Airports/Heliports.....	53
Section 803. Animal Hospitals, Veterinary Offices and/or Kennels.....	54
Section 804. Bed and Breakfast Homes and Inns.....	54
Section 805. Campgrounds.....	55
Section 806. Commercial Day Care Facilities.....	55
Section 807. Communication Antennas, Towers, Equipment, Transmitting and Receiving Facilities.....	55
Section 808. Conversion Apartment.....	61
Section 809. ECHO Housing.....	62
Section 810. Forestry Operations.....	63
Section 811. Golf Courses.....	65
Section 812. Halfway House.....	65
Section 813. Home Occupations.....	66
Section 814. House of Worship and Related Uses.....	67
Section 815. Incidental Business.....	67
Section 816. Intensive Agricultural Operations.....	67
Section 817. Junkyard.....	68
Section 818. Manure Storage Facilities.....	69
Section 819. Mobile / Manufactured Home Parks.....	69
Section 820. No-Impact Home-Based Businesses.....	70

Section 821. Quarry.....	70
Section 822. Racetracks.....	73
Section 823. Retirement Facility.....	74
Section 824. Riding Schools and Stables. ....	74
Section 825. Sanitary Landfill, Incinerator.....	75
Section 826. Schools, Private and Public. ....	76
Section 827. Shooting Ranges (outdoor).....	76
Section 828. Truck Terminal, Truck Stop, Warehousing, Wholesale Trade Establishment. .....	77
Section 829. Vehicle and Equipment Repair Garage.....	78
<b>ARTICLE 9 NONCONFORMING LOTS, USES AND BUILDINGS .....</b>	<b>79</b>
Section 900. The Continuation of Nonconforming Uses and Buildings.....	79
Section 901. Registration.....	79
Section 902. Existing Nonconforming Lots. ....	79
Section 903. Existing Nonconforming Uses and Buildings. ....	79
Section 904. Change of Use.....	80
Section 905. Abandonment and Discontinuance. ....	81
<b>ARTICLE 10 ADMINISTRATION, PERMITS, AND FEES.....</b>	<b>82</b>
Section 1000. Duties of Zoning Officer. ....	82
Section 1002. Zoning Permit.....	<b>82</b>
Section 1003. Inspections.....	<b>83</b>
Section 1004. Fees. ....	<b>84</b>
Section 1005. Interpretation and Uses Not Regulated. ....	84
Section 1006. Interpretation of Zoning Text and Boundaries. ....	84
Section 1007. Enforcement Notice.....	85
Section 1008. Causes of Action. ....	85
Section 1009. Jurisdiction.....	85
Section 1010. Enforcement Remedies.....	86
Section 1011. Creation of Zoning Hearing Board and Appointments. ....	86
Section 1012. Alternate Members.....	86
Section 1013. Removal of Members. ....	87
Section 1014. Organization of Board.....	87
Section 1015. Expenditures for Services.....	87

Section 1016. Hearing.....	87
Section 1017. Jurisdiction.....	89
Section 1018. Applicability of Judicial Remedies.....	90
Section 1019. Governing Body's Functions.....	90
Section 1020. Variances.....	91
Section 1021. Conditional Uses.....	91
Section 1022. Parties Appellant Before the Board.....	92
Section 1023. Enactment of Zoning Ordinance Amendments.....	92
Section 1024. Procedure for Landowner Curative Amendments.....	93
Section 1025. Procedure for Municipal Curative Amendments.....	94
Section 1026. Publication, Advertisement and Availability of Ordinances.....	94
Section 1027. Appeals.....	95

## ARTICLE 1

### **AUTHORITY, TITLE, PURPOSE OF ENACTMENT, INTERPRETATION, APPLICABILITY, MUNICIPALITY LIABILITY, DISCLAIMER, SEVERABILITY, & REPEALER**

**Section 100. Authority.** This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

**Section 101. Title.** This Ordinance shall be known as and may be cited as “The Zoning Ordinance of Upper Mifflin Township.”

**Section 102. Purpose of Enactment.** This Zoning Ordinance is enacted for the following purposes:

- A. To act as an overall plan for the orderly growth and development of Upper Mifflin Township and as such seek to implement the Township’s Comprehensive Plan.
- B. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements.
- C. To prevent one or more of the following: overcrowding, blight, loss of health, life or property from fire, flood or other dangers.
- D. To adopt a Zoning Map dividing Upper Mifflin Township into zoning districts with varying regulations.
- E. To permit, prohibit, regulate and determine the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- F. To establish the maximum density and intensity of uses.
- G. To protect prime agricultural land.
- H. To provide for the protection of natural and historic features and resources.
- I. To encourage the viability of agricultural operations.
- J. To protect existing residential neighborhoods.
- K. To provide diverse housing opportunities, including housing that is affordable.
- L. To encourage adaptive reuse and infill development.

**Section 103. Community Development Objectives.**

The Community Development Objectives are based on the goals and objectives of the Western Cumberland County Joint Municipal Comprehensive Plan, which includes Upper Mifflin Township, and the Land Use Chapter adopted by Upper Mifflin Township. These objectives are:

- A. Preserve, maintain, and enhance the quality of life and rural character of the region. This includes the region’s agricultural economy, cultural heritage and natural resources.
- B. Identify, conserve, and properly manage the environmental, aesthetic, natural and cultural resources of the area.
- C. Guide development in an appropriate manner whereby existing community resources are not unduly overtaxed and discourage conflicts between neighboring properties and municipalities.
- D. Strive for the best interests of the region when considering land uses, housing types, environmental interests, demographic sectors, and economic and political forces.
- E. Support or enhance municipal services such as transportation, utilities, education, emergency services, recreation, pedestrian safety, and information resources during the development process.
- F. Emphasize the importance of the proper utilization of the region’s valuable, but in some cases limited, resources.
- G. Promote smart growth – Develop communities with housing and transportation choices near jobs, shops, and schools.

**Section 104. Interpretation.**

- A. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Upper Mifflin Township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements; provided however, that where this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

**Section 105. Applicability.**

Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:

- A. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.
- B. Change of the type of use or expansion of the use of a structure, building or area of land.
- C. Creation of a lot or alteration of lot lines.



- D. Creation of a new use.

**Section 106. Municipality Liability.**

- A. The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by Upper Mifflin Township, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

**Section 107. Disclaimer.**

- A. It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as “The Clean Streams Law”; the Act of May 31, 1945 (P.L. 1198, No 418) known as the “Surface Mining Conservation and Reclamation Act”; the Act of April 27, 1966 (1<sup>st</sup> Special Session, P.L. 31, No. 1) known as “The Bituminous Mine Subsidence and Land Conservation Act”; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the “Coal Refuse Disposal Control Act”; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the “Noncoal Surface Mining Conservation and Reclamation Act”; the Act of June 30, 1981 (P.L. 128, No. 43) known as the “Agricultural Area Security Law”; the Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”: and the Act of May 20, 1993 (P.L. 12, No 6) known as the “Nutrient Management Act” preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

**Section 108. Severability.**

- A. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

**Section 109. Repealer.**

- A. All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with provisions of this Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any causes of action arising prior to the enactment of this Ordinance.

## ARTICLE 2

### DEFINITIONS

#### Section 200. Definition of Terms.

- A. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms “shall and will”, “will” and “must” are always mandatory. The words “should” or “may” are permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words, “intended, arranged or designed to be used or occupied”. The word “erected” shall be inclusive of the words “constructed, altered or moved.”

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

**ABUT or ABUTTING:** Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, open to traffic or a perennial waterway.

**ACCESSORY BUILDING:** A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESS DRIVE or DRIVEWAY:** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY SOLAR ENERGY SYSTEM:** See Solar Energy System, Accessory.

**ACCESSORY USE:** A use customarily incidental to the principal use or the main building and located on the same lot with such principal use or main building.

**ACRE:** A measure of land area containing 43,560 square feet.

**ADDITION:** Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

**ADULT RELATED USE:** An establishment that offers for sale or rent books, magazines, periodicals, films or audio/video materials that are characterized by an emphasis upon sexual conduct or sexually explicit nudity. This term also includes establishments presenting motion picture film, audio/video materials, or live performances which are characterized by sexual conduct or sexually explicit nudity.

**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 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.

**AGRICULTURE, INTENSIVE (INTENSIVE AGRICULTURAL USE):** Intensive agricultural uses include but are not limited to: (a) slaughter areas; (b) areas for processing of manure; (c) concentrated animal feeding operations (see definition); (d) concentrated animal operation (see definition).

**AGRICULTURAL OPERATION:** An enterprise that is actively and continuously 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 by farmers or are consistent with technological development within the agricultural industry excluding the construction of buildings, structures and impervious surfaces.

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

**ALTERATION:** As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

**AMENDMENT:** A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

**ANIMAL HOSPITAL:** A building used for the treatment, including incidental housing or boarding, of domestic animals by a veterinarian.

**ANTENNA SUPPORT STRUCTURES:** Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

**APARTMENT:** A structure containing three or more dwelling units, excluding townhouses.

**APARTMENT, CONVERSION:** A multi-family dwelling constructed by converting an existing dwelling into apartments for two (2) or more families without substantially altering the exterior of the building.

**APPLICANT:** A landowner or developer (as herein defined) who has filed an application for development including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit or for the approval of a subdivision plat or plan or for approval of a land development plan.

**AREA, BUILDING:** The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

**AREA, GROSS:** The total lot area, including public right-of-way.

**ASSISTED LIVING FACILITY:** Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

**BASE FLOOD ELEVATION:** The elevation above sea level, based on the vertical datum in the current Flood Insurance Rate Maps for Upper Mifflin Township of the 100-year flood.

**BASEMENT:** A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

**BED AND BREAKFAST INNS AND HOME:** A residence where not more than 10 guest rooms are rented to not more than 20 overnight guests on a daily basis.

**BERM:** A mound of soil, either natural or man-made, used to obstruct views.

**BUFFER YARD:** A strip of land which is planted and maintained in shrub, bushes, trees, grass or other landscaping material and intended to provide an area of separation between different districts or uses.

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, or property, and including covered porches or bay windows, and chimneys. The term is inclusive of any part thereof.

**BUILDABLE AREA:** The area of lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**BUILDING COVERAGE:** The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the lot area.

**BUILDING HEIGHT:** The vertical distance from the average finished grade, in front of the building where the address is taken, to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

**BUILDING SETBACK LINE:** The line within a property defining the required minimum distance between a building and the adjacent right-of-way said distance referred to as front yard, and the line defining side and rear yards.

**BUILDING, NON-CONFORMING:** See Non-Conforming Structure or Building.

**BUILDING, PRINCIPAL:** A building in which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

**BUSINESS SERVICES:** Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationary supplies; food catering; interior decorating; taxidermy;

upholstering and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; mortuaries; warehouses and distribution facilities; and contractor's offices.

**CAMP OR CAMPGROUND:** A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

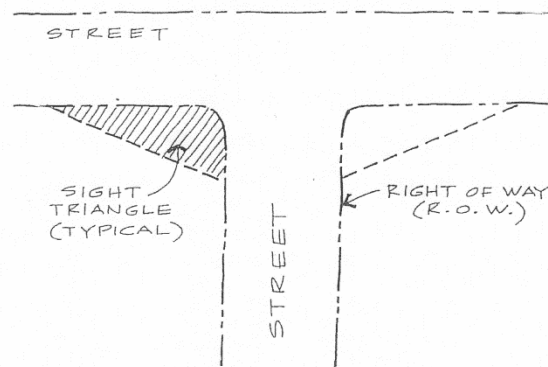
**CARTWAY:** That portion of a street including shoulders intended for vehicular use.

**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 a half feet.

**CERTIFICATE OF USE AND OCCUPANCY:** The certificate issued by a duly authorized Township officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**CHANGE OF USE:** Any use that substantially differs from the previous use of a building or land.

**CLEAR-SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.



**COMMERCIAL RECREATION OR ENTERTAINMENT FACILITIES:** An activity operated as a gainful business open to the public for entertainment or recreation, including but not limited to motion-picture theaters, health clubs and miniature golf courses.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities.

**COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

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

**COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

**COMMUNITY SEWER SYSTEM:** See Sewage facilities.

**COMMUNITY WATER SUPPLY SYSTEM:** A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

**COMPREHENSIVE PLAN:** The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of Upper Mifflin Township, as amended from time to time.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria:

(1) Criteria 1

- The proposed agricultural operation exceeds any of the following animal type thresholds:
  - 700 mature dairy cows;
  - 1,000 veal calves;
  - 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs;
  - 2,500 swine of 55 lbs. or more;
  - 10,000 swine under 55 lbs. or more;
  - 500 horses;
  - 10,000 sheep or lambs;
  - 55,000 turkeys;
  - 30,000 layers or broiler chickens using a liquid manure handling system;
  - 125,000 broiler chickens not using a liquid manure handling system;
  - 82,000 layer chickens not using a liquid manure handling system;
  - 30,000 ducks not using a liquid manure handling system; and/or,
  - 5,000 ducks using a liquid manure handling system.

(2) Criteria 2

- Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.

(3) Criteria 3

- Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.

**CONCENTRATED ANIMAL OPERATION (CAO):** An agricultural use determined under the Title 25, Chapter 83, Subchapter 83.262. of the Pennsylvania Department of Environmental Protection Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Table A within the above-described Section, which may be amended.

**CONDITIONAL USE:** A use permitted (and approved by the governing body) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance.

**CONDOMINIUM:** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

**CONSERVATION AREA:** Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, or areas of significant biological productivity of uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

**CONVENIENCE STORE:** A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. A convenience store may involve the sale of gasoline.

**CUL-DE-SAC:** A street with access closed at one end and with a vehicular turn-around at the closed end.

**DAY CARE, CHILD:** A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs.

**DEED RESTRICTION:** A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

**DENSITY:** The number of families, individuals, dwelling units, or housing structures per gross acre of land.

**DETENTION BASIN:** A structure designed to temporarily detain surface runoff for a period of time sufficient to reduce the velocity and rate of surface flows leaving a site. Detention basins drain after rainfall has ceased.

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

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

**DISTRICT:** A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

**DRAINAGE CONVEYANCE FACILITY:** A Stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, stormwater detention/retention facilities, etc.

**DUPLEX:** See Dwelling, Single Family, Semi-Detached.

**DWELLING:** A building designed for residential purposes and used as living quarters for one or more persons.

**DWELLING, MANUFACTURED HOUSING:** Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

**DWELLING, MULTI-FAMILY:** A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

**DWELLING, SINGLE FAMILY ATTACHED:** A building used by one family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

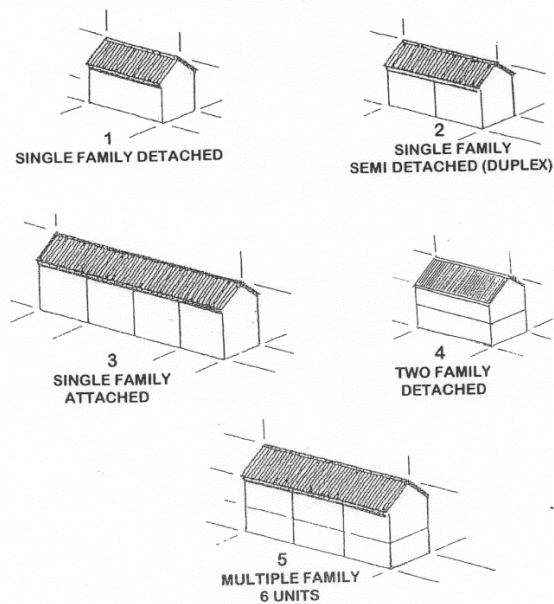
**DWELLING, SINGLE FAMILY, DETACHED:** A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

**DWELLING, SINGLE FAMILY, SEMI-DETACHED:** A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building. (Duplex)

**DWELLING, TWO FAMILY, DETACHED:** A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

**DWELLING, UNIT:** One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities arranged for occupancy by one family or a single person.





**EASEMENT:** A right granted for the use of private land for certain public, quasi-public or private purposes; also the land to which such right pertains.

**EASEMENT, DRAINAGE:** An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

**ECHO HOUSING (Elder Cottage Housing Opportunities):** Also known as “granny flat” or elder cottage housing. It permits a family member, related by blood, marriage or adoption, to live independently but close to relatives on the same lot. The housing is connected to the utility system of the main dwelling unit and shall have a maximum square footage of 1,250.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other agencies or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare.

**EXISTING USE:** An activity or use of land occurring on a lot or parcel as of the effective date of this Ordinance.

**FENCE:** Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence.

**FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

**FINISHED GRADE:** The elevation of the land surface of a site after completion of all site preparation work.

**FLOOD:** A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

**FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD):** A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 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 Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

**FLOOD HAZARD BOUNDARY MAP:** An official floodplain map issued by the Federal Insurance Administration.

**FLOODPLAIN:** Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary – Mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PaDEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PaDEP).

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term "floodproofing" shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

**FLOODWAY:** The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway extends from the stream to 50 feet from the top of the bank of the stream.

**FLOOD FRINGE:** Those portions of land within the floodplain subject to inundations by the one-hundred flood, outside the floodway in areas where detailed study and profiles are available.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

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

**FORESTRY OPERATIONS:** The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve land development.

**FUELING STATION:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**GLARE:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GREENHOUSE:** A building with transparent walls and roof; for the cultivation and exhibition of plants under controlled conditions. A greenhouse operation can be used for personal use, or in a manner in which plants are offered for sale to the public, either at wholesale or at retail.

**GREENWAY –** A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

**GROSS BUILDING AREA:** The total area of a building available for construction or use, as measured from the exterior walls or the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

**GROUND FLOOR:** The floor of a building nearest the mean grade at the front of the building.

**GROUP HOME:** A licensed dwelling providing supervised non-transient lodging or residential services for not more than seven (7) persons including supervisory personnel, but excluding domestic help limited to two (2) in number, in which some or all of the occupants are unrelated.

**HALFWAY HOUSE:** A noninstitutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

**HAZARDOUS MATERIAL:** Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or Upper Mifflin Township as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic

and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

**HAZARDOUS WASTE:** Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or the Township as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, 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, disposed of, or otherwise managed.

(NOTE: “Hazardous Waste” shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

**HEIGHT:** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

**HELIPORT:** An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**HOME OCCUPATION:** Any activity carried out for gain by a resident and conducted as an incidental use in the resident’s dwelling unit.

**HOSPITAL:** A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four-hour basis. The term “hospital” shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children’s hospitals, and any such other facilities which provide inpatient care. The term “hospital” shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

**HOTEL:** A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of the hotel.

**IMPERVIOUS SURFACE:** A surface that prevents or impedes the percolation of water into the ground.

**INCIDENTAL BUSINESS:** A retail business, personal service, or business service activity that is secondary to the principal residential use on the lot and is conducted by the business owner, who resides on the site. Incidental businesses shall not include vehicle sales, fueling stations, eating establishments, and adult related uses.

**INOPERABLE MOTOR VEHICLE:** A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

**JUNK:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

**JUNK YARD:** Any area and/or structure used primarily for the collecting of scrap metal or discarded material, or for the dismantling, storage and salvaging of the machinery or vehicles primarily not in running condition and for the sale of parts thereof.

**KENNEL:** A state-licensed facility through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four or more canines in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

**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 conditions), 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.

**LIGHTING:**

- (1) **Diffused:** That form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) **Direct or Flood:** That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) **Indirect:** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LIVESTOCK:** Any wild animal or any domestic animal of, or related to, the bovine, equine, swine or sheep family. Includes llamas, alpacas, and similar animals.

**LOADING SPACE:** An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

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

- (1) **Lot Area:** The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.
- (2) **Lot, Corner:** A lot at the junction of and abutting on two or more intersecting streets or private roads.
- (3) **Lot, Panhandle (flag):** A lot not meeting minimum frontage requirements and where access to the public road is by a 50' wide strip of land that is a part of the lot but that is not used in determining the applicable minimum lot area requirement. The lot area of a flag lot shall be calculated by using only that portion of the lot that satisfies the minimum lot dimensions.
- (4) **Lot Interior:** A lot other than a corner lot.
- (5) **Lot, Nonconforming:** The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

- (6) Lot, Reverse Frontage (Double Frontage, Through): A lot having frontage on two parallel or non-intersecting streets. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

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

**LOT FRONTAGE**: The length of the front lot line measured at the street right-of-way.

**LOT, IMPERVIOUS COVERAGE**: A lot which has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area includes the area of buildings, inclusive of rooftop, gravel, sidewalks and impervious surfaces divided by lot area.

**LOT LINE, FRONT**: A lot line separating the front of the lot from the street. On a corner lot, all lot lines which abut a street shall be front lot lines.

**LOT LINE, REAR**: A lot line which does not intersect a front lot line and is most distant from and most parallel to a front lot line.

**LOT LINE, SIDE**: Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lot lines, one (1) rear lot line, and the remainder lot lines shall be side lot lines.

**LOT OF RECORD**: A lot that exists as shown or described on a plat or deed in the records of the Cumberland County Recorder of Deeds.

**LOT WIDTH**: The width of a lot measured at the required building setback line.

**MANUFACTURING**: The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MINI WAREHOUSES**: An establishment providing for the enclosed storage of household items or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**MIXED-USE DEVELOPMENT**: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

**MOBILE HOME**: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL:** A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

**NO IMPACT HOME BASED BUSINESS:** A business or commercial activity administered or conducted as a use which is clearly secondary to the residential use of the 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.

**NONCONFORMING LOT:** See Lot, Nonconforming.

**NONCONFORMING SIGN:** Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**NONCONFORMING STRUCTURE OR BUILDING:** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE:** A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NURSERY, HORTICULTURE:** Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

**OFFICE:** A use which involves administrative, clerical, contractors, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, medical offices, and photographic services.

**OFF-STREET PARKING:** A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

**OUTDOOR STORAGE:** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

**PARCEL:** A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

**PARKING LOT:** Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

**PARKING SPACE:** The space within a building, or on a lot or parking lot, for the parking or storage of one (1) motor vehicle.

**PARTY WALL:** A common shared wall between two separate structures, buildings, or dwelling units.

**PERSONAL SERVICE ESTABLISHMENT:** Service activities shall include and be similar to barbershops, beauty salons, health spas, massage parlors; photographic studios; self-service laundry and dry-cleaning establishments, laundromats; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult related uses as defined herein.

**PERVIOUS SURFACE:** Any material that permits full or partial absorption of stormwater.

**PLACE OF WORSHIP:** A nonprofit use of land or a building or buildings as a place of worship, church, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

**PLAN:** See Plat.

**PLAN, SKETCH:** An informal plan indicating salient existing features of a tract and its surroundings and the general layout of proposed subdivision or land development. The sketch plan does not constitute a formal submission of a preliminary or final plan and is voluntarily offered to all applicants for guidance.

**PLAT:** The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms “plat” and “plan” have the same meaning.

**PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains soils of the first or second class as designated by the USDA Natural Resource and Conservation Services county soil survey.

**PRINCIPAL USE:** The primary or predominant use of any lot or parcel of land.

**PRINCIPAL SOLAR ENERGY SYSTEM:** See Solar Energy System, Principal.

**PRIVATE STREET/ROAD:** A non-public right-of-way which provides vehicular access to one or more lots.

**PROCESSING:** A function which involves only the cleaning, sorting, sizing, packaging, or any combination thereof, of products and materials.

**PUBLIC GROUNDS:** Includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned and operated facilities.
- (3) Publicly owned or operated scenic and historic sites.



**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 in accordance with the Pennsylvania Municipalities Planning Code.

**PUBLIC LAND:** Owned, operated or controlled by a government agency (federal, state, or local) including a corporation created by law for the performance of certain specialized governmental functions or any public school district.

**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 (65. C.S. CH.7 relating to open meetings).

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

**PUBLIC PARKS AND RECREATION AREAS:** Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

**PUBLIC RECREATION FACILITY:** Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, etc.

**PUBLIC STREET/ROAD:** A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

**PUBLIC UTILITY, BUILDING AND STRUCTURES:** Any structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

**QUARRY:** A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**RECYCLING CENTER:** A building or site that is not a junk yard, at which recoverable resources such as newspaper, cardboard, glass, plastic containers, and/or metal cans are collected, separated, stored, flattened, crushed or bundled prior to shipment to others for further treatment or reprocessing.

**RECYCLING YARD OR FACILITY:** A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material.

**RESTAURANT:** A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

**REPAIR SERVICES:** Shops for the repair of equipment, automobiles, vehicles, household items, or similar repair service, including the incidental sales of new or used parts associated with the repair service rendered by the establishment.

**RETAIL BUSINESS:** A business which markets goods, merchandise, commodities, or the like, on a retail, not wholesale basis with the intent that customers frequent the location to purchase offered items. Retail business establishments shall not be construed to be adult related uses as defined herein.

**RETIREMENT FACILITY:** Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

**RIGHT-OF-WAY:** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

**RIPARIAN BUFFER AREA:** An area of land adjacent to a perennial or intermittent stream.

**ROADSIDE STAND:** A prospective use, intended for limited duration, for the display and retail sale of agricultural products.

**SANITARY LANDFILL OR INCINERATOR:** Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX, and any state or federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable federal regulation, such as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 to 6992 and 40 CFR Parts 260 to 279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities or resource recovery facilities, as defined in the Pennsylvania Code.

**SCHOOL:** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**SCREENING:** The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties uses and/or districts composed entirely of trees, berms, shrubs, privacy fences, walls and/or other similar type materials.

**SCREEN PLANTING:** A vegetative material of sufficient height and density, to conceal from the view of adjoining properties, the structures and uses on the premises on which the screen planting is located.

**SETBACK:** The distance between the building and any lot line.

**SETBACK LINE:** See Building Setback Line.

**SEWAGE FACILITIES:** A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

- (1) Individual Sewage System: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal.
- (2) Community Sewage System: A sewage facility, privately owned, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units (EDU'S), and the treatment or disposal, or both of the sewage on one (1) or more of the lots at another site.
- (3) Public Sewage System: A sewage facility, owned and operated by a municipal agency or a public company controlled by the Pennsylvania Public Utility Commission, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units (EDU'S), and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

**SIDEWALK**: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**SIGHT DISTANCE**: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGN**: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.

**SIGN, AREA**: The area of a sign including all lettering, wording, and accompanying design 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.

**SIGN, AWNING, CANOPY OR MARQUEE**: A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

**SIGN, BILLBOARD**: See Sign, Off-Premise.

**SIGN, CONSTRUCTION**: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

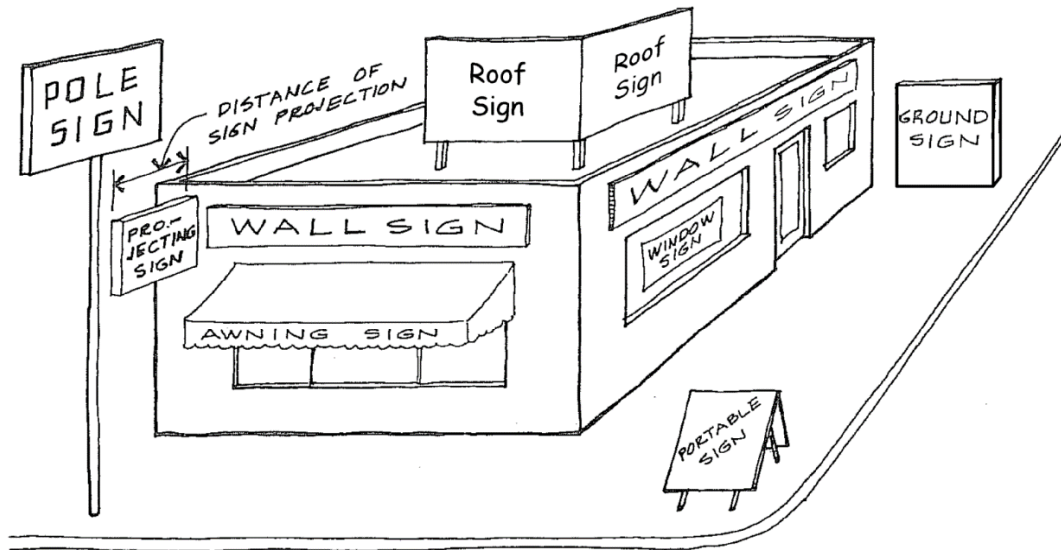
**SIGN, DIRECTIONAL**: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

**SIGN, FACE**: The area or display surface used for the message.

**SIGN, FREESTANDING**: A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

**SIGN, GROUND**: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

**SIGN, HEIGHT:** The vertical distance measured from the average surrounding ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a House of Worship.



## SIGN TYPES

**SIGN, OFF-PREMISE:** A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

**SIGN, PROJECTING:** A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

**SIGN, REAL ESTATE:** A sign relating to the property upon which it is located, offering such property for sale or lease.

**SIGN, ROOF:** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

**SIGN, TEMPORARY:** Any sign or advertising display constructed of cloth fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

**SIGN, WALL:** A sign primarily supported or painted on a wall of a building. A Wall Sign shall also include a sign displayed upon an awning, marquee or canopy.

**SIGN, WINDOW:** A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

**SIMILAR USE:** A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.

**SLOPE:** Slopes are to be expressed in a percentage based upon vertical difference in feet per 100'0" of horizontal distance.

**SOLAR EASEMENT:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR ENERGY SYSTEM, ACCESSORY:** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

**SOLAR ENERGY SYSTEM, PRINCIPAL:** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SOLAR PANEL:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SOLAR RELATED EQUIPMENT:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

- (1) **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.
- (2) **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
- (3) **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

**SPECIAL EXCEPTION USES:** A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code. A special exception use must be approved by the Zoning Hearing Board.

**STABLE, BOARDING/RIDING:** A structure designed for the feeding, housing, and/or exercising of horses, and where horses are kept for sale, hire, riding, and/or stabled for compensation.

STEEP SLOPE: Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023 I \times L}{A}$$

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

STREET: A strip of land, including the entire right-of-way, intended to be dedicated for uses as means of vehicular and pedestrian circulation by the public at large. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

STRUCTURAL ALTERATION: Any change in the supporting or structural members of a building or structure, such as the bearing walls, partitions, columns, beams, girders, etc., or any change in the dimension or configuration of the rooms or exterior walls.

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

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

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

SUBSTANTIAL IMPROVEMENT: Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

TELECOMMUNICATIONS ANTENNA: A device attached to a building, structure, or telecommunications tower principally intended for receipt or transmission of signals for such uses as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications. Not included are antennas for private, non-commercial and amateur purposes, including but not limited to ham radios and citizens band radios.

**TELECOMMUNICATIONS TOWER:** A free standing structure, including any guy wires, principally intended to support facilities for receipt or transmission of signals for uses such as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, low power television, or radio, including accessory equipment related to telecommunications. Not included are towers and supportive structures for private, non-commercial and amateur purposes including, but not limited to, ham radios and citizen band radios.

**USE:** The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**UTILITY LINE:** A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.

**VARIANCE:** A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The hardship variance can be granted when the strict enforcement of the zoning ordinance as it applies to a specific lot would present practical difficulties in the use of the property. The hardship relates to the physical characteristics of the property, and without the variance, the property becomes unusable.

**VEHICLE AND EQUIPMENT REPAIR GARAGE:** An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of “Fueling Station”. A vehicle and equipment repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding or transmissions. Any use permitted as part of a “fueling station” is also permitted as part of a “vehicle and equipment repair garage.”

**VEGETATIVE COVER:** An area covered with a vegetative material: grass, shrubs, vines and trees.

**VETERINARY:** See Animal Hospital.

**WAREHOUSE:** A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

**WATER COURSE:** A stream of water, river, brook, creek, or channel or ditch for water, whether natural or man-made.

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

**WATER SYSTEM, COMMUNITY:** A system for supplying and distributing potable water from a common source(s) to two (2) or more dwellings and/or other buildings within a neighborhood area, such system being privately owned.

**WETLAND:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (definition used by U.S. Environmental Protection Agency and U.S. Army Corps of Engineers.)

**YARD, BUFFER:** See Buffer Yard.

**YARD, DEPTH:** The shortest distance between a lot line and a required setback line.

**YARD, FRONT:** A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.

**YARD INTERIOR:** An open unoccupied space between the building of a dwelling group or between a building and its accessory buildings; not a front, side or rear yard.

**YARD LINE:** See Building Setback Line.

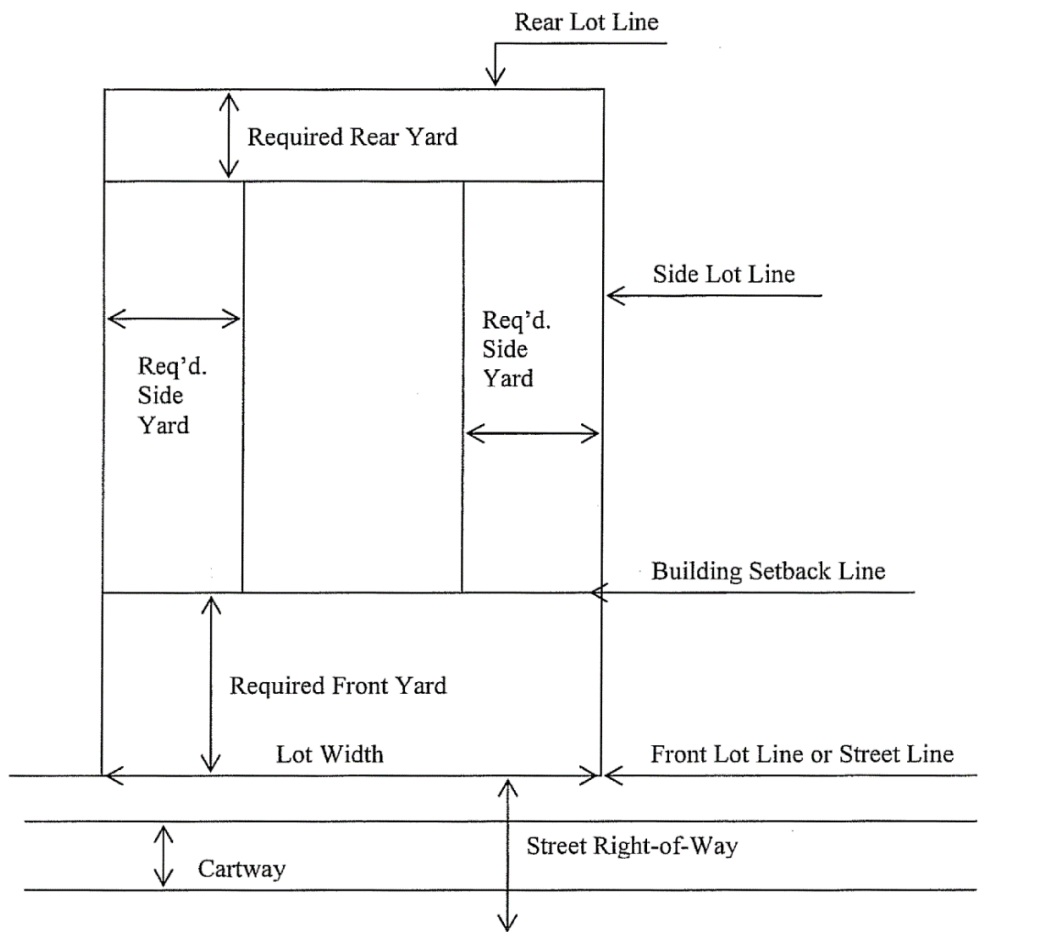
**YARD, REAR:** A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line.

**YARD, REQUIRED:** An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

**YARD, SIDE:** A space parallel to the side lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line.



## REQUIRED YARD SETBACKS



**ZONING DISTRICT:** A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

**ZONING MAP:** The map setting forth the boundaries of the Zoning Districts of Upper Merion Township which shall be part of this Ordinance.

**ZONING OFFICER:** The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may also be the Building Inspector or Township Secretary and serve both offices of the township.

**ZONING PERMIT:** A document signed by a zoning officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

**ARTICLE 3**  
**“C” CONSERVATION ZONING DISTRICT**

**Section 300. Purpose.**

To protect the environmentally sensitive features of Blue Mountain and State Game Lands that also have significant value for passive and active recreational pursuits: specifically, forested areas and steep slopes. To protect this area and its resources including surface and groundwater quality, low intensity land uses are permitted. More intensive uses are permitted by Conditional Use.

**Section 301. Permitted Uses by Right.**

- A. Agricultural Operation, excluding intensive agricultural operations
- B. Single-Family Detached Dwellings
- C. ECHO Housing (see Section 809)
- D. House of Worship and Related Uses (see Section 814)
- E. Group Homes
- F. Forestry Operations (Sec. 810)
- F. Municipal uses, public/private recreation facilities, and public utilities
- G. Natural Areas or Wildlife Refuges
- H. Plant Nurseries and Greenhouses
- I. Private hunting clubs
- J. Riding Schools and Stables (see Section 824)
- K. Saw Mills
  - 1. No material shall be deposited or stored and no building or structure shall be located within fifty feet (50') of any property line.

**Section 302. Accessory Uses.**

- A. Carpentry
- B. Child Care, in Home
- C. Home Occupation (Sec. 813)
- D. Manure Storage Facilities for a Farm (Sec. 818)
- E. No Impact Home Based Business (Sec. 820)

- F. Outdoor Wood-Fired Boilers (see Ordinance No. 2012-1)
- G. Roadside stands subject to the following conditions:
  - 1. All structures used to display goods shall be no more than three hundred (300) square feet in size, and shall maintain a setback of fifteen (15) feet from the edge of the road right-of-way.
- H. Small Engine Repair and/or Welding Shop

**Section 303. Uses Permitted by Conditional Use.**

Uses and activities permitted by Conditional Use are granted upon approval from the Board of Supervisors in accordance with Section 1021 after a recommendation by the Planning Commission.

- A. Bed and Breakfast Inns and Homes (see Section 804)
- B. Campground (see Section 805)
- C. Communication Antennas, Towers and Equipment Transmitting and Receiving Facilities (see Section 807)
- D. Incidental Business (see Section 815)
- E. Quarry (see Section 820)
- F. Shooting Ranges (outdoor) (see Section 827)
- G. Solar Energy Systems (see Ordinance No. 2012-2)
- H. Accessory Wind Energy Facility (see Ordinance No. 2012-03)

**Section 304. Area and Design Requirements.**

- A. Any lot, tract or parcel used for residential or other non-residential purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Frontage	Maximum Permitted Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Permitted Building Height*
					Front (from right-of-way)	Side	Rear	
All Uses	2 acres	300 ft.	300 ft.	15%	50 ft.	35 ft.	50 ft.	35 ft.

\* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antenna or other similar projections.

**Section 305. Woodland Preservation Requirements.**

- A. When required by the Pennsylvania Department of Environmental Protection an Erosion and Sedimentation Pollution Control Plan, in acceptable form, must be approved by the Cumberland County Conservation District prior to the commencement of logging or the harvesting of forest products on land located in the Conservation District.
- B. Grading plans shall conform with the existing grade as much as possible to limit the required amount of earth and tree removal. Alternate grading plans will be required to preserve large stands of existing trees.
- C. On any lot containing or intended for residential use, the removal of exiting trees shall be minimized as much as practical to accommodate the residence and accessory structures/uses.

**Section 307. Off-street parking.**

Off-street parking shall be provided as required by Article 7, Section 706.

**Section 308. Signs.**

The placement, type and size of all signs erected in the Conservation District shall be regulated by the provisions of Article 7, Section 707.

## ARTICLE 4

### “A” AGRICULTURE ZONING DISTRICT

#### **Section 400. Purpose.**

The purpose of the Agriculture Zoning District is to protect and stabilize the characteristics associated with productive agriculture, while allowing low density residential development. It is the intent to permit uses and activities that are agricultural in nature and encourage the preservation of productive farmland and the rural character of the Township. Those areas designated in the Agriculture Zoning are to be used in general conformance with the current Upper Merion Township Comprehensive Plan.

#### **Section 401. Permitted Uses by Right.**

- A. Agricultural Operation
- B. Single family detached dwellings
- C. ECHO housing (see Section 809)
- D. House of worship and related uses (see Section 814)
- E. Group homes
- F. Forestry Operations (see Section 810)
- G. Municipal uses including public/private recreation facilities and public utilities
- H. Natural areas, wildlife refuge, parks, greenways
- I. Plant nurseries and Greenhouses
- J. Private hunting clubs
- K. Riding schools and stables (see Section 824)
- L. Sawmills
  - 1. No material shall be deposited or stored and no building or structure shall be located within fifty feet (50') of any property line.
- M. Schools (see Section 826)
- N. Temporary housing for farm employees

#### **Section 402. Accessory Uses.**

The following uses and buildings incidental to any permitted uses shall be permitted.

- A. Accessory solar energy facility

- B. Child care, in home
- C. Home occupations (see Section 813)
- D. Manure storage facilities (see Section 818)
- E. No impact home based business (see Section 820)
- F. Roadside stands subject to the following conditions
  - 1. All structures used to display goods shall be no more than three hundred (300) square feet in size, and shall maintain a setback of fifteen (15) feet from the edge of the road right-of-way.
- G. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, parking areas and garages.
- H. Outdoor Wood-Fired Boilers (see Ordinance No. 2012-1)
- I. Accessory Wind Energy Facility (see ordinance No. 2012-03)

**Section 403. Uses Permitted by Conditional Use.**

Uses and activities permitted by Conditional Use are granted upon approval from the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Uses by Conditional Use shall be subject to the requirements specified in Article 8 and elsewhere in this ordinance.

- A. Airports/ heliports (see Section 802)
- B. Animal hospitals, veterinary, Kennels (see Section 803)
- C. Bed and breakfast homes and inns (see Section 804)
- D. Campgrounds (see Section 805)
- E. Cemetery
- F. Communications antennas, tower, equipment, transmitting, and receiving facilities (see Section 807)
- G. Conversion apartments (see Section 808)
- H. Golf course (see Section 811)
- I. Vehicle and equipment repair garage (see Section 829)
- J. Incidental business (see Section 815)
- K. Intensive agricultural operations (see Section 816)
- L. Quarry (see Section 821)

- M. Retail sale and service of agricultural, plant nursery and garden supplies and goods
- N. Shooting ranges - outdoor (see Section 827)
- O. Principal solar energy system (see Ordinance #2012-2)
- P. Principal wind energy facility (see Ordinance #2012-3)

**Section 404. Area and Design Requirements.**

- A. Any lot, tract or parcel used for residential or other non-residential purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height*
				Front (from right-of-way)	Side	Rear	
Agriculture, horticulture, and forestry related uses	2 acre	200 ft.	10%	50 ft.	35 ft. each	50 ft.	50 ft.
Single-family detached dwellings	2 acre	200 ft.	25%	35 ft.	25 ft. each	25 ft.	35 ft.
Other principal uses	2 acre	200 ft.	30%	35 ft.	25 ft. each	25 ft.	35 ft.
Accessory buildings and structures	N/A	N/A	Included in above	Not permitted	25 ft.	25 ft.	20 ft.

\* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antenna or other similar projections.

**Section 405. Agricultural Nuisance Disclaimer.**

From the effective date of this Ordinance, all subsequent subdivision and land development plans submitted within this Zone shall require a note which duplicates the following section and which must be transferred to the purchaser by the seller:

The lands depicted on this plan may be located adjacent to or be involved in a normal agricultural operation as defined by the Pennsylvania Act 133 of 1982, as amended, “The Right To Farm Law.” If you purchase land that is depicted on this plan and said lands are located or involved as described above, you may be prohibited from filing a nuisance action against the operators of a normal agricultural operation. In addition you may be subjected to inconvenience, discomfort and possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, dust, odor, the operation of machinery of any kind including aircraft, the storage and disposal of manure, and application of fertilizers, soil amendments, herbicides and pesticides.

**Section 406. Required Erosion and Sediment Pollution Control Plan.**

Any agriculture, horticulture or forestry-related uses which involve earthmoving activities over 5,000 square feet, or the commercial harvesting or timbering of vegetation, shall require the acquisition of an

approved Erosion and Sediment Pollution Control Plan from the Cumberland County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection.

**Section 408. Buffer and Screening Requirements.**

All non-residential uses adjacent to a residential zone or use shall comply with Section 700.E of this Ordinance. This section shall not apply to agriculture.

**Section 409. Off-Street Parking.**

Off-street parking shall be provided as required by Section 706 of this Ordinance.

**Section 410. Signs.**

The placement, type, and size of all signs erected in the A Zoning District shall be regulated by the provisions of Section 707 of this Ordinance.

**Section 411. Landscaping.**

All commercial, industrial, and institutional uses shall comply with Section 708 of this ordinance.



## ARTICLE 5

### “R” RESIDENTIAL ZONING DISTRICT

#### Section 500. Purpose.

The purpose of the “R” Residential Zoning District is to preserve the agricultural character of the region while providing for low to higher density residential development opportunities.

#### Section 501. Permitted Uses by Right.

- A. Single Family Detached Dwelling
- B. Single Family Semi-Detached Dwelling
- C. Single Family Attached Dwelling
- D. Two Family Detached Dwelling
- E. Multi-Family Dwelling
- F. Group Home
- G. Natural areas, wildlife refuge , parks, greenways
- H. Forestry Operations (see Section 810)
- I. Solar energy systems, accessory (see Ordinance 2012-3)
- J. Municipal uses including public recreational facilities and public utilities

#### Section 502. Accessory Uses.

The following uses and buildings incidental to any permitted uses shall be permitted.

- A. Uses and structures which are customarily associated with the permitted uses.
- B. Childcare, in home
- C. Home occupation (see Section 813)
- D. No impact home-based business (see Section 820)
- E. Roadside stands subject to the following conditions:
  - 1. All structures used to display goods shall be no more than three hundred (300) square feet in size, and shall maintain a setback of fifteen (15) feet from the edge of the road right-of-way.

#### Section 503. Uses Permitted by Conditional Use.

- A. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purposes of the district.

- B. Bed and breakfast homes and inns (see Section 804)
- C. Commercial daycare facilities (see Section 806)
- D. Conversion apartment (see Section 808)
- E. ECHO housing (see Section 809)
- F. House of worship and related uses (see Section 814)
- G. Mobile/manufactured home park (see Section 819)
- H. Retirement facility (see Section 823)
- I. School (see Section 826)

**Section 504. Area and Design Requirements.**

- A. **No Public/Community Sewer and Water** - Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area *	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
				Front (from right-of-way)	Side	Rear	
Single-family detached dwelling	2 acre	200 ft.	25 %	35 ft.	25 ft. each	25 ft.	35 ft.
Single-family semi-detached	40,000 sq. ft. per unit	200 ft. per unit	25%	35 ft.	25 ft.	25 ft.	35 ft.
Two-family detached	2 acre	200 ft.	25%	35 ft.	25 ft. each	25 ft.	35 ft.
Single-family attached	Not permitted without public/community sewer and water						
Multi-family	Not permitted without public/community sewer and water						
Other permitted use	2 acre	200 ft.	25%	35 ft.	25 ft.	25 ft.	35 ft.
Accessory use or structure	N/A	N/A	N/A	Not permitted in required front yard	25 ft.	25 ft.	20 ft.

\* All uses relying upon on-lot sewers must comply with Section 505.

\*\* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antenna or other similar projections.

- B. **Public/Community Sewer and Water** - Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height *
				Front (from right-of-way)	Side	Rear	
Single-family detached dwelling	10,000 sq. ft.	80 ft.	35 %	25 ft.	10 ft. each	20 ft.	35 ft.
Single-family semi-detached	6,000 sq. ft. per unit	50 ft. per unit	35%	25 ft.	15 ft. one side	20 ft.	35 ft.
Two-family detached	6,000 sq. ft. per unit	100 ft.	35%	25 ft.	15 ft. each	25 ft.	35 ft.
Single-Family Attached	2,500 sq. ft. per unit, provided no more than 5 dwelling units per acre	20 ft. per dwelling unit	50%	25 ft.	15 ft. end unit	25 ft.	35 ft.
Multi-family	1.5 acres, provided no more than 5 units per acre	200 ft.	50%	50 ft.	30 ft. each	50 ft.	35 ft.
Other permitted use	11,000 sq. ft.	80 ft.	60%	30 ft.	20 ft. each.	30 ft.	45 ft.
Accessory use or structure	N/A	N/A	N/A	Not permitted in required front yard	25 ft.	25 ft.	20 ft.

\* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antenna or other similar projections.

**Section 505. Zoning requirements for use of on-lot sewerage disposal systems.**

- A. Regardless of any lot area requirements listed in this chapter, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PADEP and/or the Sewage Enforcement Officer.
- B. Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

**Section 506. Buffer and Screening Requirements.**

All non-residential and multi-family uses shall comply with Section 700.E of this Ordinance.

**Section 507. Livestock and Poultry Regulations Permitted as Conditional Use.**

Within the (R) zone, the keeping of livestock and poultry shall be permitted by conditional use as set forth in Section 1021.

**Section 508. Off-Street Parking.**

Off-street parking shall be provided as required by Section 706 of this Ordinance.

**Section 509. Signs.**

The placement, type, and size of all signs erected in the R Zoning District shall be regulated by the provisions of Section 707 of this Ordinance.

**Section 510. Landscaping.**

All commercial, industrial, institutional, and multi-family uses shall comply with Section 708 of this ordinance.

## ARTICLE 6

### “C-I” COMMERCIAL - INDUSTRIAL ZONING DISTRICT

#### **Section 600. Purpose.**

To provide for a wide range of commercial and industrial uses, including more intensive uses which, because of their shipping, storage, and other requirements, exert special demands on Upper Mifflin Township.

#### **Section 602. Permitted Uses by Right.**

- A. Animal hospital, veterinary offices, and/or kennels (see Section 803)
- B. Bed and breakfast homes and inns (see Section 804)
- C. Cemetery
- D. Commercial daycare facilities (see Section 806)
- E. Commercial recreation or entertainment facilities
- F. Convenience store with or without fuel dispensing
- G. Financial institution
- H. Forestry operations (see Section 810)
- I. Fueling station
- J. Funeral home, mortuaries, and crematoriums
- K. House of worship and related uses (see Section 814)
- L. Manufacturing and/or assembly
- M. Medical facility including hospital
- N. Mini-warehouses
- O. Motel or Hotel
- P. Municipal uses including public recreational facilities and public utilities
- Q. Professional offices
- R. Recycling center
- S. Restaurant

- T. Retail business, business services, and personal services
- U. Schools (see Section 826)
- V. Accessory solar energy system (see Ordinance #2012-2)
- W. Vehicle sales and service
- X. Vehicle and equipment repair garage (see Section 829)
- Y. Single-Family Detached Dwellings

**Section 603. Accessory Uses.**

The following uses and buildings incidental to any permitted uses shall be permitted.

- A. Childcare, in home
- B. Home occupation (see Section 813)
- C. No impact home based business (see Section 820)
- D. Uses and structures which are customarily associated with the permitted uses.

**Section 604. Uses Permitted by Conditional Use.**

- A. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purposes of the district.
- B. Adult-related uses (see Section 801)
- C. Airport/heliport (see Section 802)
- D. Communication antennas, towers, equipment, transmitting and receiving facilities (see Section 807)
- E. Halfway house (see Section 812)
- F. Junkyard (see Section 817)
- G. Quarry (see Section 821)
- H. Racetrack (see Section 822)
- I. Sanitary landfill, incinerator (see Section 825)
- J. Principal solar energy system (see Ordinance #2012-2)
- K. Truck terminal, truck stop, warehouse and/or wholesale trade establishment (see Section 828)
- L. Accessory wind energy facility, Principal wind energy facility (see Ordinance #2012-3)

**Section 605. Area and Design Requirements.**

Use	Minimum Lot Area *	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
				Front (from right-of-way)	Side	Rear	
Permitted and Conditional uses	Sufficient to accommodate buildings, setbacks, impervious coverage, parking	200 ft.	70%	50 ft.	25 ft. each	50 ft.	45 ft.
Accessory use or structure	N/A	N/A	N/A	Not permitted in required front yard	25 ft.	25 ft.	20 ft.

\* All uses relying upon on-lot sewers must comply with Section 606.

\*\* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antenna or other similar projections.

**Section 606. Zoning requirements for use of on-lot sewerage disposal systems.**

- A. Regardless of any lot area requirements listed in this chapter, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PADEP and/or the Sewage Enforcement Officer.
- B. Every use relying upon on-lot sewerage disposal systems shall be required to properly maintain and repair such systems.

**Section 607. Buffer and Screening Requirements.**

All non-residential uses adjacent to a residential zone or use shall provide a 50 feet buffer yard and comply with Section 700.E of this Ordinance.

**Section 608. Livestock and Poultry Regulations.**

Within the (C-I) Zone, the keeping of livestock and poultry shall be permitted by conditional use as set forth in Section 1021.

**Section 609. Off-Street Parking.**

Off-street parking shall be provided as required by Section 706 of this Ordinance.

**Section 610. Signs.**

The placement, type, and size of all signs erected in the C-I Zoning District shall be regulated by the provisions of Section 707 of this Ordinance.

**Section 611. Landscaping.**

All commercial, industrial, and institutional uses shall comply with Section 708 of this ordinance.

## ARTICLE 7

### SUPPLEMENTAL REGULATIONS

#### Section 700. Yard and Lot Regulations.

- A. On Corner Lots: Front yards are required on all street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.
- B. Front Yard Exception: No proposed dwelling need have a setback greater than the average of the two (2) existing dwellings with the greatest setbacks located within one hundred (100) feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. However, in no event shall the front yard be less than twenty (20) feet.
- C. Projections Into Required Yards
1. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet into front and side yards.
  2. Covered porches, decks, and patios whether enclosed or not, shall be considered as part of the structure, are subject to setback requirements and shall not be permitted to project into a required front yard setback.
- D. Through Lots: Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots, the front yard need only be along the more minor street of the subdivision.
- E. Buffer Yards and Screening Requirements
1. Buffer yards and screening requirements shall be applicable under the following circumstances:
    - a. Where a non-residential use abuts an existing residential use or the Residential Zoning District "R".
    - b. Where a proposed multi-family residential use abuts an existing single-family detached, semi-detached, two family detached, or attached dwelling.
    - c. Where screening is required by this ordinance, the Township, or by the Zoning Hearing Board.
  2. All buffer yards shall meet the following requirements.
    - a. A twenty (20) feet wide planting strip or buffer yard shall be provided and may be included within any required building setback requirements.



- b. No buffer yard or part thereof shall be used for parking, storage, display, loading and unloading. Buffer yards shall be free of structures except fences and walls.
  - c. Buffer yards may be crossed by access roads, service drives or easements, however, no turning or maneuvering of vehicles shall be permitted in the buffer area.
  - d. All screening materials and landscaping shall not encroach upon the adjoining property line at full maturity.
3. No buffer yard shall be required for any non-residential use separated from a residential use by a public street.
4. Characteristics of Buffer Yards and Screening:
- a. Each buffer yard shall include a planting screen of evergreen trees or shrubs extending the length of the lot line.
  - b. Each planting screen shall meet the following requirements:
    - 1. Plant materials needed to form the visual screen shall have a minimum height when planted of (6) feet and will grow to a minimum of fifteen (15) feet tall at maturity on ten (10) foot centers maximum. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
    - 2. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 5 years a mostly solid year-round visual screen.
  - c. Where space allows, evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
  - d. The plant screen shall be maintained in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.
5. Fences, Walls, and other Screening
- a. Any fence or wall in a buffer yard shall be placed on the inside of any required plant screening.
  - b. As a condition of any variance or conditional use approval, the installation of a fence or wall may be required in addition to a buffer yard. As a condition of any land development approval the Board of Supervisors may require the installation of a fence or wall in addition to a buffer yard.
  - c. As a conditional use, the applicant may prove to the satisfaction of the Board of Supervisors that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the

Board may approve a decorative brick wall to be placed between a loading area and an abutting street.

**Section 701. Performance Standards.**

- A. No land or building in any zoning district shall be developed, used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable conditions in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.
- B. All uses shall be subject to and comply with the following regulations, or as amended, where applicable.
  - 2. Noise Pollution and Vibration: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
  - 3. Air Pollution. Airborne Emissions and Odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
  - 4. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
  - 5. Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
  - 6. Outdoor Lighting: These standards only apply to non-residential uses and parking lots abutting residential uses.
    - a. All outdoor lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, as amended.
    - b. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas.
    - c. Lighting shall be designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse.
    - d. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.

- e. No glare or direct illumination may be in excess of one half (1/2) foot candles when measured at a residential property line and/or at a residential zoning district boundary.

**Section 702. Prohibited Uses in All Districts.**

- A. Dump, landfill or disposal site, except a refuse disposal site established as an official township refuse disposal site or a refuse site duly licensed as a refuse site by the Pennsylvania Department of Environmental Protection.
- B. No unlicensed, inoperable or junked motor vehicle or substantial remnants thereof shall be parked, stored, placed or allowed to remain on any lot within any zoning district, visible from an adjacent lot or public street, for a period in excess of ninety (90) days. Nothing shall be deemed to prohibit the parking, storage or placement of such vehicle within a completely enclosed building or structure, or within a junk yard with a valid license and permit therefore. Nothing herein shall be interpreted to amend or repeal the Upper Mifflin Township Nuisance Ordinance, Ordinance No. 2006-2.
- C. Outdoor storage of items intended for yard sales and/or other temporary sales shall not be permitted to exceed more three (3) consecutive days. All items, including signage, shall be removed upon the completion of the yard sale.

**Section 703. Uses Not Provided For.**

In any district established by this ordinance, when a specific use is neither permitted nor denied, the Board of Supervisors shall make a determination as to the similarity or compatibility of this use in question to the permitted uses or conditional uses in the district upon receipt of an application so requesting such determination. Upon finding that the use in question is significantly similar to and compatible with a permitted or conditional use in the zoning district, the Board of Supervisors shall allow such use as either a permitted or conditional use. If allowed as a conditional use, appropriate conditional use permit procedures shall be followed. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this determination has been made.

**Section 704. Swimming Pools.**

Outdoor swimming pools must conform to applicable state codes and shall be subject to the following regulations.

- A. Every outdoor swimming pool with a surface area of 150 square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall that is not less than four (4) feet in height. For above ground pools the sides of the pool, if forty eight (48) inches in height may be considered the fence.
- B. All doors or gates opening through such enclosures, or accessing above ground pools shall be equipped with a self-closing and self-latching device for keeping such door or gate securely closed at all times when not in actual use.

**Section 705. Fences, Walls, and Vegetation (Excluding Agricultural Uses).**

No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.

**Section 706. Off-Street Parking.**

A. General Provisions. It is the intent of these standards that adequate off-street parking and loading facilities shall be provided for each use of land. As used herein, the term “parking space” includes either covered garage space or uncovered parking space located off the public right-of-way.

1. No parking space to be provided under the terms of this section shall be located within the right-of-way of any street.
2. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirement of the several occupancies occur at different times.

B. Design Standards.

1. The minimum size of a parking space for any use shall be nine (9) feet wide by eighteen (18) feet long. The above notwithstanding, all parking spaces shall be ample in size for vehicles for which the use is intended.
2. Entrance/exit drives and interior travel lanes for parking areas shall be a minimum of eighteen (18) feet for one (1) way travel, and twenty four (24) feet for two (2) way travels.
3. No parking area for multi-residential use, commercial, industrial, public, or semipublic use shall be permitted which would allow or encourage the backing of vehicles directly into a street. Points of ingress and egress between a street and off-street parking and service areas shall be designed so that vehicles can be moved from such parking and service areas to the street only by way of such designated points of ingress and egress.
4. All dead-end parking lots shall be designed to provide sufficient backup area for the end spaces.

C. Landscaping and Screening. All off-street parking areas which provide more than eight (8) parking spaces shall be screened from any abutting property zoned residential or used for residential purposes. Screening may be accomplished by the placement of a solid fence high enough to provide screening, and/or the provision, and maintenance of solid plantings in the form of the contiguous evergreen shrubs. Evergreen trees or shrubs shall be at least six (6) feet in height at the time of planting and set back at least five (5) feet from any property line.

D. Minimum Parking Requirements

Not less than the following amounts of off-street parking shall be provided:

<u>Use</u>	<u>Parking Requirement</u>
Dwelling	2 per dwelling unit
Retail Business; Business, Personal, Repair Service; Office	1 per each 300 sq. ft. of gross floor area
Motels, Hotels	1 per each unit, + 1 per each employee on maximum shift.
House of Worship and Related Uses, Auditoriums, Community Buildings, Movie theaters	1 per each 3.5 seats, based on total capacity,
Financial Institution	1 per 350 sq. ft. of gross floor area, + 1per employee on maximum shift.
Restaurant	1 per each 4 seats, + 1 per each employee on largest shift.
Bowling Alley	4 spaces per lane, plus 1 space per employee on largest shift.
Warehouse and Distribution	1 per employee on the two largest consecutive shifts.
Wholesale Establishments	1 per each 400 sq. ft. of gross floor area.
Automotive Service Stations	4 spaces + 2 for each service bay, + 1 per each 300 sq. ft. of retail sales area, + 1 per employee on maximum shift
Convenience Store,	4 spaces + 1 space for 250 sq. ft. of gross floor area.
Home Occupations	As determined by the Zoning Officer – See Section 817.
Medical Office Buildings, Dental Office	1 per each 175 sq. ft. of gross floor area
Retirement Facility	1 per each 2.5 beds, + 1 per employee on maximum shift, apartment-1.25 per unit.

E. Uses Not Specifically Listed. Parking for any use not specifically listed shall be determined by the Zoning Officer.

- F. Lighting. Parking lots of fifteen (15) spaces or more shall be lighted during evening operating hours. Lighting shall be shielded so as not to produce objectionable glare (See Section 701).
- G. Loading and Unloading Space.
1. Adequate off-street loading and unloading space shall be provided on the same premises for every use which involves the delivery or shipment of goods or other materials in bulk. This space shall be arranged so as not to interfere with the normal movement of traffic on the site and on the roadway.
  2. No off-street loading/ unloading spaces shall be within any building setback and/ or buffer area.

**Section 707. Signs.**

- A. Signs Permitted in All Districts. Signs listed in this subsection are permitted in all zoning districts as defined in this ordinance.
1. Name and Address of Resident. Name and address of resident, but not to include any commercial advertising, of not more than four (4) square feet in sign area.
  2. No Trespassing Signs. No trespassing signs or other such signs regulating the use of a property, such as “No Hunting”, “No Fishing”, etc. of not more than two (2) square feet in sign area for residential uses, and five (5) square feet in all non-residential zoning districts.
  3. Real Estate Marketing Signs. Real estate marketing signs are signs which advertise the sale, rental or lease of the land upon which they are located. Such signs shall not exceed six (6) square feet in area in residential districts and shall not exceed twelve (12) square feet in area in all other zoning districts.
  4. Bulletin Boards for Public, Charitable or Religious Institutions. Bulletin boards for public, charitable or religious institutions, when located on the premises thereof and with a sign area of not more than thirty two (32) square feet if single-faced, nor more than sixty four (64) square feet if double-faced, and used exclusively for non-commercial announcements.
  5. Public Services Signs. Signs regulating on-premises traffic (Examples: “In – Out”, “Enter – Exit”, designation of handicapped parking spaces, and signs denoting restrooms, telephone) not to exceed five (5) square feet in area and bearing no commercial advertising.
  6. Signs Erected by a Governmental Body. Signs erected by a governmental body or under the direction of such body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools or playgrounds, etc.
  7. Political Signs. Advertises a person or party seeking political office or a political cause on a referendum shall not exceed four (4) square feet in area.

8. Special Events of Charitable or Public Service Groups. Such signs must be removed as soon as the event or activity described thereby has occurred and shall not be permitted to exist more than thirty (30) days prior to such event or activity.
9. Permanent Residential Development Signs. Permanent residential development signs at major entrances designated to identify a residential subdivision and containing no commercial advertising shall have a maximum area of thirty two (32) square feet.
10. Signs Identifying Places of Worship. Signs identifying places of worship, when located on the premises thereof, shall have a maximum area of thirty two (32) square feet.
11. Home Occupation Signs. Signs identifying home occupations shall not be larger than six (6) square feet in area. Nor more than one (1) such sign shall be permitted for each occupation.
12. Off-Premises Directional Signs. Signs identifying businesses or activities located elsewhere and giving information/directions, containing no advertising. Such signs must be located outside of the public street right-of-way, and are limited to a total of three (3) such signs per establishment. The area of off premises directional signs shall be charged against the maximum allowable sign area for on-premises signs as provided in Section D herein below.

B. Signs Prohibited in All Zoning Districts. The following signs shall not be permitted in any zoning districts:

1. Signs which incorporate in any manner any flashing or moving illumination or with illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by action of normal wind currents. Clocks, hanging signs which move with air currents, time and temperature signs and barber poles are excepted, provided they otherwise comply with all other provisions of this part.
2. Light sources which cast light on signs are prohibited unless shielded by opaque material so that lamps are not visible from off the property on which the signs are located.
3. Any sign or sign structure which constitutes a hazard to public safety or health.
4. Signs of such character, form shape, color, or wording that they imitate or resemble any official traffic sign, signal, or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a street.
5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required building exit.
6. Any obsolete sign which no longer advertises a bona fide business conducted or product sold.
7. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.

8. Signs that display words or images that are obscene or pornographic.

C. Signs in Conservation District and Residential District.

1. Illuminated signs are prohibited in the Residential District and Conservation District except for street address, signs indicating churches or other places of worship, and municipal signs necessary for public safety.
2. No sign may be erected or maintained in a Residential District, or Conservation District which exceeds thirty two (32) square feet of area on a single face, or sixty four (64) square feet of area on a double-faced sign.
3. Billboards and off-premise advertising signs are prohibited in the Residential District and Conservation District. Off-premise directional signs are permitted in all zones as regulated herein.

D. Business Sign General Provisions. Signs identifying a business or product located or manufactured on the same premises shall be permitted wherever such business or industry is lawfully established in accordance with this ordinance. Legally established nonconforming uses shall also be permitted to have business signs in accordance with this ordinance.

1. Number of Signs Per Premises. Notwithstanding anything else to the contrary in this part or elsewhere, no more than three (3) signs identifying a business, office, or industry may be erected or maintained on any premises at any one (1) time, except when a building is located on a corner lot and has public entrances on two (2) or more public ways, or where a building has both a front and rear public entrance, one (1) additional sign may be erected. A double-faced sign shall count as a single sign.
2. Height of Signs. No sign or any part thereof (including braces, supports or lights) shall exceed a height of twenty (20) feet if erected at the right-of-way line of any street, road or highway adjoining the premises on which the sign is located, plus one (1) foot additional height for each three (3) lineal feet that said sign is located from such street, road or highway as measured on a perpendicular line from such right-of-way line to the nearest part of the sign, provided, however, that no sign shall exceed thirty five (35) feet in height regardless of its distance from the right-of-way line. Height shall be measured from the actual grade of the premises directly below the face of the sign (exclusive of any mounds or other additions to the grade level) to the highest part of the sign.
3. Sign Area. Notwithstanding anything else to the contrary in this part, the total sign area per premises shall not exceed three (3) square feet per lineal front foot of that portion of the building occupied by the occupant of said premises, except that no premises shall be limited to less than thirty two (32) square feet of total sign area. In no case shall the total sign area of all signs on one premise exceed two hundred fifty (250) square feet.

E. Specific Sign Standards. In addition to the general provisions above, the following regulations shall apply:



1. No wall sign shall extend above the top of the wall upon which it is placed.
  2. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.
  3. All signs and all parts, braces and supports thereof shall be located entirely within the property lines of the premises and shall not project over public right-of-way, public easements, or other adjoining lands. Freestanding signs may be permitted between the property line and the minimum building setback lines, except where otherwise prohibited by this ordinance.
  4. A freestanding business sign shall have no more than two (2) faces or advertising sides.
  5. No single face or advertising side of a freestanding business sign shall have an area which exceeds fifty (50) square feet.
  6. One sign in addition to other allowable signs will be permitted to identify the price and type of fuel sold by a gasoline station, such sign shall not exceed thirty (30) square feet in area.
  7. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, including but not limited to: signs designed to be transported by means of wheels, menu and sandwich board signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way unless said vehicle is used in the normal day-to-day operations of the business, shall be considered a portable sign. Such signs shall be limited to a maximum of thirty two (32) square feet in area and shall be limited to one (1) such sign per premises.
- F. Safety and Maintenance. All signs and all parts thereof shall be kept in a good state of repair and maintenance, must be constructed of durable materials, and shall remain in compliance with other applicable state and local codes and ordinances.
- G. Abandoned Signs.
1. “Abandoned Sign” Defined. A sign which pertains to a time, event or purpose which no longer applies or is located on a property which has been unoccupied or vacant for at least ninety (90) days.
  2. Removal of Abandoned Signs. Signs that are abandoned shall be removed by the person(s) responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such person(s) by the Township. If such person(s) fail or refuse to remove such abandoned sign(s) after the notice aforesaid, the Township may remove the sign(s) at the expense of the person(s) responsible for the erection and/or maintenance thereof.
- H. Nonconforming Signs.
1. All signs which are in existence on the effective date of this ordinance which do not meet the applicable provisions of this ordinance shall be considered nonconforming. A

nonconforming sign may not be expanded or extended in any manner that would make it more nonconforming.

2. An existing lawful nonconforming sign may be replaced with a new sign, provided that the new sign is not more nonconforming in any manner than the previous sign.

**Section 708. Landscaping.**

A. Commercial, industrial, institutional or multi-family uses shall meet the following standards:

1. Any part of the lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

**ARTICLE 8**  
**SPECIFIC CRITERIA FOR CONDITIONAL USES, AND**  
**USES PERMITTED BY RIGHT**

**Section 800. Application.**

In addition to the Supplemental Regulations listed in Article 7, the following sets forth standards that shall be applied to each conditional use, or use permitted by right listed below. These standards must be satisfied prior to approval of any applications. 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 the standards of this Article specify different standards. In such cases, the specific standards of this Article shall apply.

**Section 801. Adult-Related Uses.**

- A. Within the C-I Zone, adult-related uses are permitted by conditional use subject to the following criteria:
1. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.
  2. 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;
  3. 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;
  4. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use;
  5. The subject property shall be setback at least one thousand feet (1,000') from any lot containing a school, day care facility, park, playground, library, hospital, nursing/retirement home, church or other house of worship;
  6. No sexual activity or conduct shall be permitted; and,
  7. The zoning permit will be reviewed annually for compliance. The Zoning Officer will also perform semi-annual inspections.

**Section 802. Airports/Heliports.**

- A. In the (A) and (C-I) zones airports/heliports are permitted by conditional use subject to the following criteria:
1. Minimum lot area shall be 30 acres for airports and three acres for heliports.

2. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation.
3. No part of the takeoff/landing strip and/or pad shall be located within 300 feet from any property line.
4. The applicant shall provide the delineation of the airport or heliport hazard zone, which includes approach, transitional, horizontal, and conical zones as shown in the official records and navigational charts of the Federal Aviation Administration. This information shall be provided to Upper Mifflin Township and all adjoining municipalities with land located within the hazard zone.
5. An application for the heliport on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

**Section 803. Animal Hospitals, Veterinary Offices and/or Kennels.**

- A. Within the (A) zone animal hospitals, veterinary offices, and kennels shall be permitted by conditional use and in the (C-I) zone animal hospitals, veterinary offices, and kennels shall be permitted by right subject to the following criteria:
  1. All areas used for exercise shall be securely fenced.
  2. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 25 feet from all property lines and a minimum of 500 feet from any adjacent existing residence whose owner is other than the animal building owner.
  3. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 7:00 p.m.

**Section 804. Bed and Breakfast Homes and Inns.**

- A. Bed and breakfast homes and inns shall be permitted by right in the (C-I) zone and by conditional use in the (C), (A) and (R) zoning districts subject to the following specific criteria:
  1. A bed and breakfast home shall be allowed only in a residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
  2. The use of a residential dwelling for a bed and breakfast home or inn must be approved by the Township Sewage Enforcement Officer and the system upgraded, if necessary.
  3. All bed and breakfast homes and bed and breakfast inns shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

**Section 805. Campgrounds.**

- A. Within the (A) and (C) Zones, campgrounds are permitted by conditional use on a minimum of ten (10) acres, subject to the following criteria:
  - 1. All campsites and outdoor play areas shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line and screened from adjoining residentially zoned or utilized properties;
  - 2. An internal road system shall be provided.
  - 3. All campgrounds shall furnish centralized sanitary sewer and garbage collection facilities that shall be set back a minimum of one hundred feet (100') from any property line. Such facilities shall be screened from adjoining residentially zoned or occupied properties.
  - 4. Any accessory retail or service commercial uses shall be set back a minimum of fifty feet (50') 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 or occupied parcels in accordance with Section 706.C.
  - 5. Any campground when used for military reenactments shall abide by the requirements of this section. Military reenactment activities, other than those activities that are indistinguishable from other allowable campground activities, shall be limited to the hours of 9:00 AM to dusk.

**Section 806. Commercial Day Care Facilities.**

- A. Within the (R) zone commercial day care facilities are permitted by conditional use; and in the (C-I) zone by right subject to the following criteria:
  - 1. Passenger "drop off" and "pick up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
  - 2. All commercial day care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

**Section 807. Communication Antennas, Towers, Equipment, Transmitting and Receiving Facilities.**

- A. Within the (A), (C), and (C-I) zones, Communication Antennas, Towers, Equipment, Transmitting and Receiving Facilities are permitted by conditional use subject to the following criteria:
- B. Definitions. The following words and phrases when used in this Ordinance shall have the meaning given to them in this Section unless the content clearly indicates otherwise:

1. Alternative Tower Structure – man-made trees, clock towers, tall steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas on towers.
2. Antenna – Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas (such as panels) and omnidirectional antennas (such as whips) but not including satellite earth stations.
3. Antenna Support Structure – Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy for telecommunications purposes.
4. Height – The vertical distance measured from the base of the tower or antenna at the ground or the elevation of attachment to a structure or building, to its highest point. If the tower or the antenna is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.
5. Monopole – An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.
6. Operator – The party responsible for the operation and maintenance of the telecommunications site.
7. Owner – The owner or leasee of the property on which the telecommunications site will be constructed.
8. Substantial Change – Any increase in the height of the antenna support structure by more than 10%, or by the height of one additional antenna with a separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
9. Telecommunications Site – A tract or parcel of land that contains a telecommunications antenna or tower, its support structure, accessory building(s), parking and may include other uses and equipment associated with and ancillary to telecommunications signal transmission or processing.
10. Tower – A structure that is intended to support equipment used to transmit and/or receive telecommunications or radio signals, including monopoles and lattice type construction steel structures.

C. Antennas – General Requirements.

1. Any Applicant proposing Communications Antennas to be mounted on a Building or other structure, including existing towers, shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
2. Any Applicant proposing Communications Antennas to be mounted on a Building or other Structure, excluding existing towers, shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted, so that installation and maintenance of the Building or Structure, the

antenna(s), and communications equipment building can be accomplished.

3. The Owner or Operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate a Communications Tower if applicable, and Communications Antennas.
4. Communications Antennas shall not cause radio frequency interference with other communications facilities located in Upper Mifflin Township.

D. Towers – General Requirements

1. Communications Towers shall comply with all applicable Federal Aviation Administration, and Commonwealth Bureau of Aviation Regulations.
2. The Applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
3. A complete Subdivision and/or Land Development Plan shall be required for all proposed telecommunications sites on new antenna support structures. Replacement, collocation, or modification of previously approved facilities shall not be subject to new zoning or land use approvals, provided there is no substantial change.
4. Any Applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require an affidavit listing the name, address, telephone number and date when the owners of potentially Suitable Structures within a half (1/2) mile radius of the proposed Communications Tower were contacted, asking permission to attach antenna(s) to their structures or buildings. “Suitable Structures” shall include but not be limited to smokestacks, silos, water towers, buildings over thirty-five (35) feet in height, support structures of other telecommunications companies, and other communications towers (fire, police, etc.). The affidavit shall include copies of the requests and responses which indicate that one (1) or more of the following reasons for not selecting such Structure apply:
  - a. The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
  - c. Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. Addition of the proposed antenna and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards

established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- e. A commercially reasonable agreement could not be reached with the Owners of such Structures.
  - f. That technological evidence establishes the Communications Tower/Antenna must go where it is proposed in order to satisfy its function in the grid system and the providing of the quality of service required by law.
5. The Township may request a review of the application and affidavit by a qualified Engineer for evaluation of need for and design of any new tower. The cost for such review shall be borne by Applicant.
6. The following sites shall be considered by Applicants as the preferred order to location of communications antennas and assorted equipment. As determined feasible, and in order of preference, the sites are:
- a. Existing communication towers, smoke stacks, silos, water towers, or any other tall structure.
  - b. Publicly owned structures.
7. The Applicant shall submit certification from a Pennsylvania Registered Professional Engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Pennsylvania and Upper Merion Township Building Code.
8. The Applicant and/or Owner shall accept full responsibility for any legal action that arises from damage to private and/or public property during the construction, use, and maintenance of the telecommunication site, and shall indemnify, defend and hold the Township harmless from said legal action.
9. No building permit shall be issued until the Owner or Operator provides the Township with a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence, and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
10. No building permit shall be issued until the Owner of the Communications Tower, antenna or any associated facilities provides a deposit with the Township of financial security, in an amount sufficient to cover the cost to dismantle and remove the Communications Tower, antenna, or any associated facilities, including structures and buildings within six (6) months of the date upon which the communications tower or facilities remain unused for a period of twelve (12) consecutive months. The party providing the financial security shall be the Owner or Operator. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security and acceptable to the Township Supervisors, provided said bonding company or lending institution is



authorized to conduct such business within the Commonwealth. If ownership of the facilities is transferred, the financial security must remain in place until the new Owner provides financial security in an amount equal to or greater than the current security. The amount of financial security shall be based upon an estimate of the cost to dismantle and remove the structure(s), and be submitted by the Applicant or Owner or Operator and prepared by a Professional Engineer licensed as such in the Commonwealth and certified by such Engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown.

11. On an annual basis, the Owner or Operator shall submit (1) a copy of its current Federal Communications Commission license; (2) the name, address and emergency telephone number for the Operator of the Communications Tower; (3) a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence, and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas; (4) a notarized statement containing language approved by the Township Solicitor which shall indemnify and save harmless Upper Mifflin Township, Cumberland County, Pennsylvania from any and all litigation which may arise from the construction, operation, maintenance and demolition of any tower, antenna, or other structure on the telecommunications site. This statement must be signed by the Owner of the tower/antenna and the Owner of the property upon which the telecommunications facility is located, if the property is owned by an entity other than the telecommunications entity.
12. Every twenty-four (24) months after the tower/antenna is put into operation, the Owner or Operator shall have an on-site inspection conducted. The inspection and inspection report shall be conducted, prepared, signed and sealed by a Professional Engineer, registered in the Commonwealth of Pennsylvania, and who is competent in structural design and inspection of towers/antennas. The written report shall be submitted to the Township for review, and shall detail inspections of the tower and antenna, the tower/antenna foundation, any attachments to the tower/antenna, guy wires and anchors (if any), buildings on the site, the perimeter fencing and the general condition of the site with respect to safety.
13. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the Owner or Operator shall continue to provide the Township with up to date information regarding the items listed in paragraph 11 (above) and maintain the required general liability and property damage insurances, or dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period.
14. The Applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Township. This requirement may be waived, provided that the Applicant demonstrates that the provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:
  - a. The number of Federal Communications Commission (FCC) licenses foreseeable for the area.
  - b. The type of tower site and structure proposed.

- c. The number of existing and potential licenses without tower spaces.
  - d. Available spaces on existing and approved towers.
  - e. Potential adverse visual impact by a tower designed for shared use.
15. The Applicant shall undertake a visual impact assessment of any proposed new towers. The assessment shall include:
- a. A demonstration that the antenna or tower is the minimum height required to function satisfactorily.
  - b. A “zone of visibility map” provided to determine locations where the tower or antenna may be seen.
  - c. Pictorial representations of “before and after” views from key viewpoints within the Township limits.
  - d. Assessment of the visual impact of the tower base, accessory buildings, and overhead utility lines from abutting properties and streets.
  - e. Assessment of alternative tower or antenna designs and color schemes.
16. The Applicant shall provide written notice of the proposed tower development to neighboring property owners within five hundred (500) feet of the property on which the tower is to be constructed.
- E. Tower Site Design Requirements. The design and layout of a proposed tower site shall comply with the following:
- 1. Any applicable state or federal regulations.
  - 2. Unless specifically required by state or federal regulations, all towers shall have a finish that shall minimize, to the greatest extent possible, the degree of visual impact.
  - 3. Accessory buildings shall maximize the use of building materials, colors and textures in order to blend with the natural surroundings.
  - 4. No portion of any tower or related structure shall be used for a sign or other advertising purpose, including, but not limited to company name, phone numbers, banners, streamers, etc.
  - 5. All plans, specifications and reports for the design of new towers must be signed and sealed by a Professional Engineer, registered in the Commonwealth of Pennsylvania, having expertise in the design of telecommunications sites and facilities.
  - 6. All guy wires and guy wire anchors associated with guyed Communications Towers shall be clearly marked so as to be visible at all times. The guy wires shall not encroach on the front, rear, or side yard setback areas, and shall be located within a fenced enclosure.

7. No lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
8. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
9. The site of a Communications Tower shall be secured by a chain link fence with a minimum height of eight (8) feet to limit accessibility by the general public. No fencing shall be required for an antenna mounted on a pre-existing structure. A 24 inch x 24 inch sign shall be attached to the gate at the entrance to the telecommunications site and shall include the following information:
  - a. Name of Owner and Operator.
  - b. Daytime and emergency telephone number of Owner and Operator.
  - c. Name of contact person in the event of an emergency.
10. When the fencing around a newly constructed telecommunications site is within 1,000 feet of a residential dwelling, an evergreen screen shall be planted along the fence line that faces the dwelling. The screening shall be planted in the area between the fence and the property/lease boundary of the telecommunications site and comply with Section 700.
11. Antenna support structures shall be set back from all property lines a distance equal to the height of the tower and any attached antenna.
12. All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings), unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depots and vehicle storage.

F. Amateur Radio:

This Ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio status Operator.

**Section 808. Conversion Apartment.**

- A. Conversion apartments shall be permitted by conditional use in the (A) and (R) zones subject to the following criteria:
  1. All dwelling units within the building shall contain at least four hundred (400) square feet of habitable floor area.
  2. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.

3. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
4. Two (2) off-street parking spaces per unit shall be provided.
5. The applicant shall furnish evidence of an approved means of water supply and sewer disposal.

**Section 809. ECHO Housing.**

- A. Within the (A) and (C) zones ECHO Housing is permitted by right, and in the (R) zone Echo Housing is permitted by conditional use subject to the following criteria:
  1. The ECHO Housing may not exceed 1,250 square feet of floor area.
  2. The total lot coverage for the principal dwelling, any existing accessory structures, the ECHO Housing, and impervious surfaces together shall not exceed the maximum requirement for the zone in which the ECHO housing is located.
  3. The ECHO Housing shall be occupied by an elderly person related to the occupants of the principal dwelling by blood, marriage or adoption.
  4. The ECHO Housing shall be occupied by a maximum of two (2) people.
  5. Utilities
    - a. For public sewer and water supply and all other utilities, the ECHO housing 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
    - b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to Upper Mifflin Township showing that the total number of occupants in both the principal dwelling and the ECHO Housing will not exceed the maximum capacities for which the original septic systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted.
  6. A minimum of one (1) off street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO Housing, in addition to that required for the principal dwelling.
  7. The ECHO Housing shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses.
  8. The ECHO Housing shall be removed from the property or reestablished as a use permitted in the district in compliance with the Subdivision and Land Development Ordinance to the extent necessary, within twelve (12) months after it is no longer occupied by a person who qualifies for the use.

9. Upon the proper installation of the ECHO Housing, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every twelve (12) months.
10. Subject to compliance with the above criteria, Echo Housing shall be considered an accessory use and shall not require submission of a land development plan.

**Section 810. Forestry Operations.**

- A. Forestry shall be permitted by right in all zoning districts. The following standards apply to all timber harvesting within the municipality where the area being timbered exceeds one acre. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.
- B. Notification and Preparation of a Logging Plan.
  1. For all timber harvesting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within ten (10) business days before the operation is complete. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
  2. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur until the plan has been prepared. The plan shall be available at the harvest site all times during the operation and shall be provided to the Zoning Officer upon request.
  3. The landowner and the operator shall be jointly and separately responsible for complying with the terms of the logging plan.
  4. An erosion and sedimentation pollution control plan must be approved by the Cumberland County Conservation District if over 25 acres of disturbance occurs, in accordance with Title 25 Pennsylvania Code, Chapter 102. Documentation of such approval is required prior to the beginning of any timber harvest activities.
- C. Contents of the Logging Plan. As a minimum the logging plan shall be acceptable to the zoning officer and shall include the following:
  1. The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;
  2. The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  3. The design, construction, and maintenance of stream and wetland crossings;
  4. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
  5. A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries

of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of water of the Commonwealth; and the general location of the proposed operation to municipal and state highways, including any accesses to those highways.

6. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq; and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.)
7. Any permits required by state laws and regulations shall be attached to and become part of the logging plan.

D. Forest Practices. The following requirements shall apply to all timber harvesting operations in Upper Mifflin Township.

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of Upper Mifflin Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
2. No tops or slash shall be left within twenty-five (25') feet of any public thoroughfare or private roadway providing access to adjoining residential property.
3. All tops and slash between twenty-five (25') and fifty (50') feet of any public roadway or private roadway providing access to adjoining residential property or within fifty (50') feet of adjoining residential property shall be lopped to a maximum height of four (4') feet above ground.
4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
5. No tops or slash shall be left within fifty feet (50') of any perennial or intermittent stream or the designated floodplain of any stream, whichever is greater.
6. No harvest of trees shall occur within one hundred fifty feet (150') of any stream designated as high quality or exceptional value or one hundred feet (100') of any other stream in accordance with 25 PA Code Chapter 102.
7. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

E. Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the land owner and the operator shall be responsible for repairing any damage to Upper Mifflin Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

**Section 811. Golf Courses.**

- A. Within the (A) zone golf courses are permitted by conditional use subject to the following criteria:
  - 1. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, or public street, access drive, or driveway.
  - 2. All golf course buildings and uses shall be set back fifty feet (50') from any adjoining roads and one hundred feet (100') from adjoining residential parcels.
  - 3. Golf courses may include accessory uses and recreation amenities, provided such uses are located so as to provide incidental service to the golf course employees and users.
  - 4. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and be screened from adjoining residential structures and roads.
  - 5. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining residences.
  - 6. Any driving range as part of the golf course shall include appropriate netting or other devices to prevent balls from leaving the property.
  
- B. In addition to requirements of the Upper Mifflin Township Subdivision and Land Development Ordinance, the plans shall include the following information:
  - 1. Runoff controls for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items.
  - 2. Water use plan, including emergency condition usage.
  - 3. Nutrient plan to ensure nitrates, herbicides, pesticides, fungicides or other fertilizer is used in compliance with applicable law.
  
- C. Any points where the golf course crosses a road, driveway, or parking lot shall be signed, warning motorists and pedestrians.

**Section 812. Halfway House.**

- A. Halfway houses shall be permitted in the (C-I) zone by conditional use subject to the following criteria:
  - 1. A halfway house must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to Upper Mifflin Township prior to beginning the use.
  - 2. A halfway house shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.

3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
4. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, day-care center or public library.
5. The halfway house shall not be located within 1,000 feet of another halfway house.
6. Any use permit granted for the halfway house shall be bound to the type and number of residents listed on the application. Any increase in the type or number of residents being housed shall require a new hearing before the governing body.

**Section 813. Home Occupations.**

- A. Within all zones, home occupations are permitted by right as accessory uses, subject to the following criteria:
1. The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling.
  2. The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
  3. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
  4. One off-street parking space shall be required per non-resident employee and adequate off-street parking shall be provided for patrons.
  5. The use shall not require delivery or pickup by tractor-trailer trucks.
  6. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
  7. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, toxic, flammable or explosive substances, other than types and amounts typically found on a residential property.
  8. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
  9. See Home Occupation Sign requirements in Article 707.
  10. If more than one home occupation is conducted within a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance. In any case, no more than one non-resident employee shall be allowed to work on site at one time.



**Section 814. House of Worship and Related Uses.**

- A. Within the (C), (A) and (C-I) zones a House of Worship and Related Uses shall be permitted by right, and as a conditional use in the (R) zone, subject to the following criteria:
  - 1. Side and rear yard setback: Fifty feet (50') when adjacent to a residential lot or zone.
  - 2. Church Related Residences (Rectories and Convents), educational, and day care facilities shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.

**Section 815. Incidental Business.**

- A. An Incidental Business shall be a conditional use in the (A) and (C) zones subject to the following specific criteria:
  - 1. No more than the equivalent of six (6) nonresidents shall be employed by all incidental businesses. At least one (1) owner of the incidental business must reside on the site. For the purpose of this section, "employed" shall be defined as involved in the on-site conduct of the business.
  - 2. Where practicable, the incidental business shall be conducted within an existing building. Any new building constructed for use by the business shall be located so as not to interfere with site drainage and clear sight triangle and must be not less than fifty feet (50') from any adjoining residential properties.
  - 3. Incidental businesses adjacent to a residential zone or use shall provide a 50' buffer yard and comply with the screening requirements of Article 700.E of this ordinance.
  - 4. The total of all incidental businesses shall not occupy buildings totaling more than four thousand (4,000) square feet of gross floor area.
  - 5. Any sign used for an incidental business shall comply with the sign regulations in Article 707 of this ordinance.
  - 6. 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.

**Section 816. Intensive Agricultural Operations.**

- A. Within the (A) Zone, an intensive agricultural operation including concentrated animal feeding operations (CAFO) and concentrated animal operations (CAO) shall be permitted as a conditional use subject to the following criteria:
  - 1. The parcel of contiguous land owned by the owner of an intensive agricultural operation shall be and remain at least 50 acres.
    - a. Irrespective of the provisions of this section, any intensive agricultural operation in existence prior to the enactment of this Ordinance may not expand such operation without obtaining a conditional use approval from Upper Mifflin Township.

- b. Any building or building addition constructed after the date of the enactment of this chapter to house animals in an intensive agricultural operation must maintain the following setbacks:
  - (1) From a dwelling not owned by the owner of the intensive agricultural operation, a church, a building used in connection with a home occupation or incidental business, or other building occupied by human beings at least 10 hours a week: 500 feet.
  - (2) From a property line or watercourse: 100 feet.
  - (3) From a well not owned by the owner of the intensive agricultural operation: 150 feet.
  - (4) Buildings housing animals shall not be located within the floodplain.
- 2. The owner of the intensive agricultural operation must establish and maintain an access to the operation so that all motor vehicles making a right turn whether entering or leaving the property can do so without first having to enter the left-hand side of the public highway.
- 3. The intensive agricultural operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.
- 4. The intensive agricultural operation must ensure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection.

**Section 817. Junkyard.**

- A. Within the (CI) Zone, junkyards are permitted by conditional use, subject to the following criteria:
  - 1. See also regulating junk, junkyards and automobile graveyards in Upper Mifflin Township, Cumberland County, Pennsylvania ordinance adopted on May 6, 1966 for additional regulations.
  - 2. No portion of any junk yard shall be closer than five hundred (500) feet to a residential use.
  - 3. All junk yards shall be enclosed by a fence. All junk material, including but not limited to junked motor vehicles, junked trailers, junked recreational vehicles or mobile homes, junked machinery and/or equipment, shall be stored inside the enclosed fencing. The fence shall be constructed of solid material, such as masonry, corrugated metal, or wood that obscures the view of the junk yard from the public right-of-way or from adjoining properties. The fence shall be at least six (6) feet high and shall contain a lockable gate made of similar solid material, which shall be kept closed and locked when not attended. The gate and all fencing shall be maintained in good condition and shall not be allowed to deteriorate or become unsightly. There shall be no advertising of any form placed on the fencing.

4. The fence enclosing a junk yard shall be set back at least twenty-five (25) feet from the right-of-way of any public street or road, and shall be set back a minimum of ten (10) feet from all other property lines.
5. All junk shall be stored and arranged so as to permit access by firefighting equipment, and to prevent the accumulation of stagnant water. Junked automobiles shall be arranged in single or double rows with at least fifteen feet between rows. All gasoline and oil shall be drained from junked vehicles, and shall be stored in one location on the premises until properly discarded.
6. Junk material shall not be piled to a height of more than eight (8) feet from ground level.
7. Weeds and grasses within the junk yard shall be kept mowed and shall not be permitted to seed.
8. No garbage or organic waste shall be permitted to be stored in any junk yard.
9. Junk yards shall, at all times, be maintained in such a manner so as not to cause public or private nuisance, nor cause any menace to the health or safety of any persons off the premises, nor cause any noxious or offensive smoke or odors, nor cause the breeding, harboring or infesting of rats, rodents or vermin, nor cause a violation of any health or sanitation law, ordinance or regulation of any governmental body.

**Section 818. Manure Storage Facilities.**

- A. Manure Storage Facilities are permitted as an accessory use in the (A) and (C) zones and, subject to the following specific criteria:
  1. All manure storage facilities shall be designed and located in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 3 and 25 Pa. code Chapter 91 – Pollution Control and Preservation at Agricultural Operations; and located in accordance with 25 Pa. Code Chapter 83, State Conservation Commission - Minimum Standards for Manure Storage Facilities; and any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection.
  2. All manure storage facilities’ designs shall be reviewed by the Cumberland County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

**Section 819. Mobile / Manufactured Home Parks.**

- A. Mobile / Manufactured Home Parks shall be permitted in the (R) zone by conditional use subject to the following criteria:
  1. Article IX of the Upper Mifflin Subdivision and Land Development Ordinance requires additional regulations for mobile/manufactured home parks.

2. A mobile home park or manufactured home park shall only include homes of single or multiple widths, but shall not include travel trailers or motor homes.
3. Any parcel to be used as a mobile / manufactured home park shall have a minimum tract area of twenty-five (25) acres.
4. Coverage regulations: The maximum impervious coverage of any individual mobile / manufactured home lot shall not exceed twenty five percent (25%).

**Section 820. No-Impact Home-Based Businesses.**

- A. A No-Impact Home Based Business shall be permitted in all zones in accordance with the following requirements except that such accessory use shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common-interest-ownership community.
  1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
  5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

**Section 821. Quarry.**

- A. Quarries shall be permitted by conditional use in (A), (C), and (C-I) zones. The requirements set forth below in this Section shall not apply to Small Noncoal Surface Mining Activities (less than 10,000 tons per year and maximum permit area of 5 acres) as regulated in 25 Pa. Code, Chapter 77. Small quarries, as described above, shall be subject to other requirements of this ordinance including screening, buffer, and setbacks.
- B. As part of each application, the applicant shall furnish an accurate survey site plan, at a scale no less than one inch equal to 400 feet, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:
  1. The boundaries of the proposed affected area, together with drainage area above and below the area.

2. The location and names of the types of resources to be extracted or quarried and names of all natural and man-made features, such as streams, roads, railroads, and utility lines, on or immediately adjacent to the area.
  3. The location of all buildings within 1,000 feet of the parcel; and the names and addresses of the owners and present occupants; total acreage; names and addresses of adjacent landowners; and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.
  4. The purpose for which each building is used, and estimated depth of the proposed operation and land area to be excavated, with dimensions.
  5. Proposed alterations to watercourses to assure stream quality and quantity.
  6. Any proposed fencing and landscaping.
  7. A contour map showing cross sections of any proposed quarry area, including a detailed hydrogeologic groundwater study based on complete site studies.
- C. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Board of Supervisors a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- D. A traffic study shall be submitted by the applicant in accordance with the Subdivision and Land Development Ordinance unless the Township shall agree otherwise in writing. If the traffic study demonstrates that improvements to Township or State roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make and/or guarantee cost of such improvements.
- E. At the time of application for a conditional use, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including the production, transportation, processing, stockpiling, storage and disposal of products, by-products and wastes, shall be corrected by the operator.
- F. At the time of application for a conditional use, a reclamation plan shall also be submitted setting forth the following information:
1. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries and legal description of the tract.
  2. A description of the location, type, extent, methods and time schedule for the operation proposed.

3. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.
  4. A plan for reuse of the land after completion of the operations.
- G. As a condition of approval, the operator must certify that, after the termination of operations, he/she must rehabilitate the area to conform to the reclamation plan and all applicable federal and state statutes and regulations.
  - H. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993 No. 219, as amended, 52 P.S. paragraph 3301 et. seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of the Department of Environmental Protection implementing such statutes.
  - I. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
  - J. The operator shall provide Upper Mifflin Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.
  - K. All screening and buffers required by this ordinance shall be provided. Such screening, plantings and fencing shall be permanently maintained.
  - L. Quarry operations shall maintain a three hundred feet (300) setback from all property lines.
  - M. No structures or parking areas shall be located closer than 100 feet to any property line.
  - N. Waste products or waste containers shall not be placed within required yards. All such containers shall be completely enclosed by a solid fence or wall.
  - O. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gate, and other means to deny access at unauthorized times.
  - P. Vehicular access shall be designed so as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
  - Q. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that waiting vehicles to be weighed will not backup onto public roads.
  - R. All access drives onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred-foot-long crushed-stone section of driveway shall be placed just beyond the preceding two-hundred-foot paved

section to help collect any mud that may be attached to a vehicle's wheels. The owner/operator shall be responsible for any dirt/mud deposited on the public right-of-way.

- S. The facility shall front upon, and gain access from, an arterial or collector, as defined in the Township's Comprehensive Plan, as amended, or Subdivision and Land Development Ordinance.
- T. There shall be no operations on Sunday and no operation between 7:00 p.m. and 5:00 a.m. on other days.
- U. Within 90 days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer and/or Upper Mifflin Township Engineer setting forth the following:
  - 1. The name and address and telephone number of the operator.
  - 2. The location of the operation with reference to the nearest public road.
  - 3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.
  - 4. The name and address of the landowner or his duly authorized representative.
  - 5. An annual report of the type and quantity of material produced.
  - 6. The current status of the reclamation work performed pursuant to the approved reclamation plan.
  - 7. A maintenance report for the site verifying that all required fencing, berming, and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed.
  - 8. Verification that the proposed use continues to comply with all applicable state regulations. The operator shall furnish copies of any approved permits and/or any notices of violations issued by the Pennsylvania Department of Environmental Protection to the Zoning Officer and/or Township Engineer.

**Section 822. Racetracks.**

- A. Within the (C-I) zone, racetracks are permitted by conditional use, subject to the following criteria:
  - 1. The minimum setbacks of all structures from public roads shall be 100 feet.
  - 2. Such facility shall be situated no closer than 500 feet from any property in a residential zone or residential use at the time of approval.
  - 3. Access to such facility shall be by a paved road. All racetracks shall have direct access to an arterial or collector roadway, as identified in the Comprehensive Plan. Traffic shall not be directed through residential subdivisions or residential streets.

4. Off-street parking shall be provided at a minimum of one space for each three patrons or seats.
5. Accessory uses and/or structures may be permitted in conjunction with the principal use of the property, provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
6. Noise from the racetrack shall not exceed 80 decibels at 100 feet from the racetrack property line.
7. Hours of operation of the racetrack shall be between 10:00 a.m. (noon on Sunday) and 8:00 p.m.
8. Overnight parking and /or all forms of camping shall not be permitted.

**Section 823. Retirement Facility.**

- A. Retirement facilities shall be permitted in the (R) zone by conditional use subject to the following criteria:
  1. The following principal uses shall be permitted within a retirement facility.
    - a. Residential uses (all types)
    - b. Long-term care nursing center
    - c. Assisted living facility
    - d. Public uses: recreation areas, libraries, and community buildings
    - e. Institutional uses: churches and similar places of religious worship
  2. The following accessory uses shall be permitted:
    - a. Adult and child day care
    - b. Medical facilities and dispensaries
    - c. commercial uses not to exceed 2,500 square feet of gross floor area
  3. Maximum density for residential units shall be eight (8) units per acre.
  4. Maximum impervious lot coverage shall be 60%.
  5. Public/community water and sewer shall be required.

**Section 824. Riding Schools and Stables.**

- A. Riding schools and stables are permitted by right within the (C) and (A) zone, subject to the following criteria:
  1. All animals, except while exercising or pasturing shall be confined in a building. The building shall be setback 100 feet from any residential lot or zone.
  2. All outdoor training, show, or riding areas shall be enclosed by a minimum four-foot-high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.



3. 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.
4. All parking compounds and unimproved overflow parking areas shall be set back at least fifty (50) feet from adjoining lot lines. There shall be one space for each nonresident employee and one space for every two equine animals kept on the property.

**Section 825. Sanitary Landfill, Incinerator.**

- A. Within the (C-I) Zone, sanitary landfill and incinerator facilities shall be permitted by conditional use, subject to the following criteria:
  1. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Board of Supervisors.
  2. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Township. If a conditional use is granted, the operator shall continue to present such documentation to the Township when it is submitted to the Pennsylvania Department of Environmental Protection.
  3. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery, and the regulations of the Department of Environmental Protection implementing such statutes.
  4. The minimum lot area shall be 100 acres for solid waste disposal facilities.
  5. A fence measuring eight feet high shall be provided around the entire facility. The fence used shall have openings less than three inches in any dimension, if any. Along a residential zone or within 500 feet of an existing residential dwelling, an evergreen screen must be planted along the outside of the fence, within the building setback area along the property line. The evergreen screen shall be created by planting trees six (6) feet tall at planting that will grow to a minimum of fifteen (15) feet tall at maturity, on ten (10) foot centers maximum.
  6. The applicant shall submit to the Township a hydrogeologic study performed by a qualified hydrogeologist or other similar professional concerning the potential adverse effect of the proposed use on the water supply for neighboring properties. Such study shall be prepared in accordance with the accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study.
  7. The operator shall limit access to the site to those posted times when an attendant is on duty. Access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.

8. Sufficiently long vehicle-stacking lanes (inspected and approved by the Municipal Engineer) into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.
9. A traffic study shall be submitted by the applicant in accordance with the Subdivision and Land Development Ordinance unless the Township shall agree otherwise in writing. If the traffic study demonstrates that improvements to Township or State roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make and/or guarantee cost of such improvements.
10. The operator shall provide the Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within 48 hours from the date such notice of violation was received by the operator.
11. Litter control measures shall be implemented to prevent scattering of materials and a plan for the cleanup of litter shall be submitted to the Township.
12. No structures shall be located closer than 300 feet to any property line and no parking areas shall be located closer than 100 feet from a property line.
13. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All required fencing shall be maintained in good repair.

**Section 826. Schools, Private and Public.**

- A. Private and public schools are permitted by right in the (A) and (C-I), and conditional use in (R) zone subject to the following:
  1. 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.
  2. Minimum side and rear setback requirements: 50 feet when adjacent to a residential use or zone.
  3. Minimum street frontage: 100 feet.
  4. Maximum lot impervious coverage: 70%

**Section 827. Shooting Ranges (outdoor).**

- A. Within the (A) and (C) zones, shotgun, rifle, pistol and/or archery ranges are permitted by conditional use, subject to the following criteria:
  1. Minimum lot area: 10 acres.
  2. Minimum lot width: 300 feet.

3. All range facilities including buildings, parking, and firing range shall be at least 200 feet from any property or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling.
4. An earthen background berm must be provided within 20 feet of the farthest target post to prevent ricocheting bullets or stray arrows. The berm shall meet the following requirements:
  - a. The berm shall have a slope of not less than one vertical to two horizontal feet and must extend at least eight feet above the ground level of the highest target.
  - b. The crest of the berm at the eight-foot-minimum height limit shall be at least four feet in width as measured between the wall of the berm facing the range and the opposite wall.
  - c. Earthen side berms, as described above, shall be provided immediately adjacent to the range and shall extend far enough to contain any ricochets, but no less than fifty (50) feet from the background berm toward the firing line.
5. Shooting Range Operations:
  - a. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
  - b. Hours of operation shall be limited to 8:00 a.m. to dusk (defined by the Pennsylvania State Game Commission) from Monday-Saturday, and 12:00pm to dusk (defined by the Pennsylvania State Game Commission) on Sunday.
6. A development plan shall identify the Safety Fan for each firing range. The Safety Fan is the area on the shooting range facility designed to contain all projectiles fired from the shooting range, including direct fire and ricochet.

**Section 828. Truck Terminal, Truck Stop, Warehousing, Wholesale Trade Establishment.**

- A. Within the (C-I) Zone, truck terminals, truck stops, warehousing, and wholesale trade establishments are permitted by conditional use, subject to the following criteria:
  1. The subject property shall have a minimum of three hundred feet (300') of road frontage.
  2. The subject use, which shall include truck parking but exclude employee parking, shall be located no closer than five hundred feet (500') from the (R) zone or residence, and/or property containing a school, daycare facility, park, playground, library, hospital, or retirement facility.
  3. Air compressors, fuel pump islands and kiosks and other structures may not be within fifty (50') of the street ROW line.
  4. All access drives onto the same road shall be at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.

5. 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.
6. The outdoor storage of unlicensed vehicles is prohibited.
7. 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.
8. 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.
9. 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. In addition, the applicant shall prepare, present and abide by an emergency response plan to handle hazardous material spills and any other reasonable threat to public health or safety.
10. Minimum lot size is 10 acres for truck terminals; Minimum lot size is 5 acres for truck stops; Minimum lot size is 2 acres for warehousing and wholesale trade establishments.

**Section 829. Vehicle and Equipment Repair Garage.**

- A. Auto repair garages are conditional uses in the (A) zone and permitted by right in the (C-I) zone, subject to the following criteria:
  1. All paint work shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
  2. Overnight outdoor storage of “junk” shall be prohibited within view of a public street or a dwelling.

**ARTICLE 9**

**NONCONFORMING LOTS, USES AND BUILDINGS**

**Section 900. The Continuation of Nonconforming Uses and Buildings.**

- A. All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance.

**Section 901. Registration.**

- A. Nonconforming uses and structures may be reported to the Zoning Officer by the owner, user, lessor, or lessee, and be registered by the Zoning Officer.
- B. Should a nonconforming use or building not be reported or identified, the owner of the nonconforming use or structure shall have the right to show by evidence to the Zoning Officer that the use or building was nonconforming upon the effective date of this ordinance.

**Section 902. Existing Nonconforming Lots.**

- A. Any nonconforming lot, due to its lot area or dimensions, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.
- B. In the development and use of a nonconforming lot, all the requirements of this Ordinance shall be met with the exception of lot area and lot width.

**Section 903. Existing Nonconforming Uses and Buildings.**

- A. Alterations and Reconstruction.
  - 1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
  - 2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc, may be rebuilt and used for the same purposes, provided that:
    - a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
    - b. The reconstructed building does not exceed the height and area of the building destroyed or create any new dimensional non-conformities.

**B. Extensions, Expansions, and Enlargements.**

1. Nonconforming uses or buildings which are not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge.
  - a. Any extension, expansion or enlargement shall conform to the height, area, yard, coverage regulations, and other dimensional requirements of the district in which it is located.
    - (i) Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
      - (aa) The structure shall not be extended beyond the existing nonconforming setback line
      - (bb) No additional nonconformity shall be created
      - (cc) The new nonconforming horizontal extension shall not be greater than 25% of the existing gross floor area
      - (dd) All other requirements of this Article are met
  - b. Any expansion or enlargement of a nonconforming building or use shall not exceed 50% of the total area of the nonconforming building or use from the time it became nonconforming.
  - c. All required loading and /or parking spaces for any expansion or enlargement shall comply with the requirements of Section 706.
  - d. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.
  - e. Any expansions or extensions of a nonconforming sign shall comply with Section 707 of this Ordinance.
  - f. The intensity of a nonconforming use shall not be increased. Intensity shall refer to the nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc. resulting from the nonconforming use.

**Section 904. Change of Use.**

- A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

- B. A nonconforming use may be changed to another nonconforming use only by the granting of a Conditional Use in compliance with this Ordinance. Where a Conditional Use approval is required, the Board of Supervisors shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
1. Traffic safety and generation (especially truck traffic).
  2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards.
  3. Amount and character of outdoor storage.
  4. Late night and early morning hours of operation if the new use would be close to dwellings.
  5. Compatibility with the character of surrounding uses.

**Section 905. Abandonment and Discontinuance.**

- A. A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

## ARTICLE 10

### ADMINISTRATION, PERMITS, AND FEES

#### Section 1000. Duties of Zoning Officer.

- A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this ordinance and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits and perform all inspections required by this Article. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.
- B. The Zoning Officer shall have the right to enter any building or enter any land at any reasonable hours as necessary in the execution of his duties, provided that:
  - 1. The Zoning Officer shall notify the owner and/or tenant before conducting any inspection requiring entry onto the property. Permission shall be obtained from the property owner or tenant prior to each inspection. If refused entry, the Board of Supervisors may authorize the Zoning Officer to seek legal authority to enter without permission.
  - 2. The Zoning Officer or his duly authorized assistant(s) shall display identification upon commencing an inspection.
  - 3. Inspections shall, whenever possible, be performed in the presence of the property owner or his representative or tenant.
- C. The Zoning Officer shall maintain files, open to the public, of all applications for Zoning Permits along with plans submitted therewith.
- D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this ordinance as well as action taken as a result of such complaints.

#### Section 1002. Zoning Permit.

- A. A zoning permit shall be required prior to the erection, construction or alteration of any building structure, or sign, or any portion thereof; prior to the moving of a building into the Township, or from one place in the Township to another; prior to the change or extension of non-conforming use; and upon a change in the use of a structure or land. 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.
- B. Application for permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall include building and plot plans of a satisfactory nature in duplicate, and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in the use complies with the



provisions of this ordinance. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all requirements of applicable codes and ordinances.

- C. No zoning permit shall be issued except in conformity with the regulations of this ordinance, except after written order from the Zoning Hearing Board or the Courts. Permits shall be granted or refused within thirty (30) days after date of application. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning Hearing Board.
- D. No permit shall be valid or effective after one (1) year from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit has been commenced within the said one (1) year period and pursued with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit has granted due to circumstances or any reasonable cause beyond his control, the permit may be renewed without additional cost to the applicant.
- E. 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 the plans on which the permit or approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, or provisions of all pertinent laws.
- F. A record of all Zoning Permits shall be kept on file at the Township Office by the Zoning Officer and a copy shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

**Section 1003. Inspections.**

- A. It shall be the duty of the Zoning Officer to make the following minimum number of inspections of property for which a Zoning Permit/Building Permit has been issued.
  - 1. Initial inspections shall be performed at the beginning of any construction, erection or alteration activity, prior to the change or extension of non-conforming uses, or prior to the change in the use of a structure or land. The purpose of the inspection shall be to determine compliance with applicable provisions of this ordinance, to assure that the work performed conforms to the plans and other data submitted with the approved permit application, and especially in the case of non-conformities, to assess existing use, operation, and extent of occupation prior to changes.
  - 2. Final inspections shall be performed upon completion of any construction, erection or alteration activity, after a change or extension of non-conforming uses, or after change in the use of a structure or land. The purpose of this inspection shall be to determine compliance with applicable provisions of this ordinance and to assure that the permitted activity has been performed in accordance with the plans, statements and other data submitted with the approved permit application.
- B. The Zoning Officer shall keep a record of all inspections, noting the permittee, address, purpose of the inspection, date, time and his findings. Such record shall be accessible to the Board of Supervisors and Township Secretary, and a copy of each inspection record shall be mailed to the permittee. Enforcement actions shall be undertaken in accordance with this ordinance, the

Pennsylvania Municipalities Planning Code (Act 247 of 1968 as reenacted and amended), and other law as may be applicable.

**Section 1004. Fees.**

The governing body 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 governing body may reevaluate the fees 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 1005. Interpretation and Uses Not Regulated.**

- A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted By Right or Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a Conditional Use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:
  - 1. Proposed use would be closely similar in character to uses permitted in that zoning district and would be no more intensive in external impacts and nuisances than uses that are permitted in the zoning district.
  - 2. Use is not specifically prohibited in that Zoning District.

**Section 1006. Interpretation of Zoning Text and Boundaries.**

- A. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all Zoning District boundaries to applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
- B. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board.
- C. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:
  - 1. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines (according to official County records) as they existed at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Official Zoning Map.
  - 2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
  - 3. The location of a district boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

4. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

**Section 1007. Enforcement Notice.**

- A. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
  1. The name of the owner of record and any other person against whom the Township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  4. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.
  5. An outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance, or any part thereof: and with any regulations adopted pursuant thereto.
  6. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this ordinance.
  7. A statement indicating 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.

**Section 1008. Causes of Action.**

Cause of Action. If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify the governing body. With the consent of the governing body, the Township Solicitor or other officer of Township 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.

**Section 1009. Jurisdiction.**

District Justices shall have initial jurisdiction over proceedings brought under Section 1008.

**Section 1010. Enforcement Remedies.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than the maximum permitted by law plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment; the municipality 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 even, there shall be deemed to have been only one such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this zoning ordinance shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person of entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**Section 1011. Creation of Zoning Hearing Board and Appointments.**

Pursuant to Article IX, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, the Upper Merion Township Board of Supervisors hereby creates a Zoning Hearing Board, consisting of three members who shall be residents of the Township. Members of the Zoning Hearing Board shall hold no other office in the Township. The terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term.

**Section 1012. Alternate Members.**

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 Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 14.04, 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 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 Township, including membership on the Planning Commission or 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 1015 unless designated as a voting alternate member pursuant to Section 1025

**Section 1013. Removal of Members.**

Any Zoning Hearing Board member may be, removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member received fifteen (15) days advanced 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.

**Section 1014. Organization of Board.**

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the 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 1016.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing 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.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of Upper Mifflin Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

**Section 1015. Expenditures for Services.**

Within the limits of funds appropriated by the governing body, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of 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 1004, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

**Section 1016. Hearing.**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given 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 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 Zoning Hearing Board. 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.

- B. 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.
- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearings shall be conducted by the Zoning Hearing 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 maybe, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be Upper Mifflin Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Board. The Zoning Hearing 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.
- F. The chairman or acting chairman of the Zoning Hearing 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.
- G. 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.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Zoning Hearing 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 Zoning Hearing Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person, appealing from 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.
- J. The Zoning Hearing 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.

- K. The Zoning Hearing 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 Zoning Hearing 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 this ordinance or of any other 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 Zoning Hearing 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 Zoning Hearing Board fails to render its 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 a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or the record to or 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 (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection A. of this Section. If the Zoning Hearing 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.

- L. 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 Zoning Hearing 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.

#### **Section 1017. Jurisdiction.**

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except, those brought before the Board, of Supervisors pursuant to section 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
  2. Challenges to the validity of a land use 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 said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

3. 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 nonconforming use, structure or lot.
4. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
5. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1020.
6. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.
7. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the Subdivision and Land Development Ordinance or Planned Residential Development applications.

**Section 1018. Applicability of Judicial Remedies.**

Nothing contained in this article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

**Section 1019. Governing Body's Functions.**

- A. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  1. All applications pursuant to Section 508 of the Municipalities Planning Code for approval of subdivisions and land developments under Article V of the MPC.
  2. Applications for conditional use under the express provisions of the zoning ordinance pursuant to Section 603(c)(2) of the Pennsylvania Municipalities Planning Code.
  4. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article XI of the Pennsylvania Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
  5. Appeals from the determination of the Zoning Officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under the Township Subdivision and Land Development Ordinance. Where such determination relates only to development not involving a Municipalities Planning Code Article V or Article V11 application, the appeal from such determination of the zoning officer or the municipal engineer shall be to the zoning hearing board.



**Section 1020. Variances.**

- A. The Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflicts unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary 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 the Zoning Ordinance in the neighborhood or district in which the property is located.
  - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3. That such unnecessary hardship has not been created by the appellant.
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
  - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Zoning ordinance.

**Section 1021. Conditional Uses.**

- A. Where the Board of Supervisors, in the zoning ordinance, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code in the zoning ordinance.
- B. The Board of Supervisors shall render a written decision or, when no decisions called for, make written findings on the conditional use application within forty five (45) days after the last hearing before the governing body. Where the application is contested or denied; each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning

Code or of any 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.

- C. Where the Board of Supervisors 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 a 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 of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.
- D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

**Section 1022. Parties Appellant Before the Board.**

Appeals under Section 1017 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 1020 and for conditional use under Section 1021 may be filed with the Zoning Hearing Board or Board of Supervisors, respectively, by any landowner or any tenant with the permission of such landowner.

**Section 1023. Enactment of Zoning Ordinance Amendments.**

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the hearing.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- C. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Cumberland County Planning Commission for recommendations.
- 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.
- E. The Township may offer a mediation option as an aid in completing proceedings authorized by Article IX or Article X-A of the Pennsylvania Municipalities Planning Code. In exercising such

an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

- F. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Cumberland County Planning Commission.

**Section 1024. Procedure for Landowner Curative Amendments.**

- A. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The governing body shall commence a hearing thereon within sixty (60) days of the request as provided in said Section. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in Section 1022 and notice of the hearing thereon shall be given as provided in Section 1025 of this ordinance and in Section 916.1 of the Pennsylvania Municipalities Planning Code.
- B. The hearing shall be conducted in accordance with Section 1016 and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. If the Board of Supervisors of Upper Mifflin Township determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, 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:
  - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - 2. 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;
  - 3. The suitability of the site for the intensity of use proposed by the site soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
  - 4. The impact of the proposed use on the site 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
  - 5. The impact of the proposal on agriculture and other land uses which are essential to public health and welfare.

**Section 1025. Procedure for Municipal Curative Amendments.**

If the Township determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Township shall declare by formal action, this Zoning 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 of Upper Merion Township shall:
  - 1. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
    - (a.) references to specific uses which are either not permitted or not permitted in sufficient quantity;
    - (b.) reference to a class of use or uses which require revision; or
    - (c.) reference to the entire ordinance which requires revisions.
  - 2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 1022 in order to cure the declared invalidity of the zoning ordinance.
- C. Upon the initiation of the procedures, as set forth in clause A., the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 1023, nor shall the Zoning Hearing Board be required to give a report requested under Section 1017 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause A. 1. Upon completion of the procedures as set forth in clauses A. and B., no rights to a cure pursuant to the provisions of Sections 1023 of this ordinance and 916.1 of the Pennsylvania Municipalities Planning Code 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 there has been a curative amendment pursuant to this Section.
- D. If the Township utilizes the procedures as set forth in clauses A. and B. it may not again utilize said procedure for a thirty six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause B.; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this ordinance to fulfill said duty or obligation.

**Section 1026. Publication, Advertisement and Availability of Ordinances.**

- A. Amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail if the full text is not included:
  - 1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - 2. An attested copy of the proposed amendment 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. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- C. This zoning ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**Section 1027. Appeals.**

- A. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended shall be used for securing review of any decision rendered pursuant to of this zoning ordinance.
- B. All appeals from all land use decisions rendered pursuant to of this ordinance shall be taken to the Court of Common Pleas of Cumberland County and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. Section 5572 (relating to time of entry of order) or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.