

ZONING ORDINANCE

For

Boggs Township

Centre County, Pennsylvania

Prepared by a committee comprised of:

Boggs Township Planning Commission
Boggs Township Supervisors
Xochi Confer, Township Secretary
Sandra Richner, Township Zoning Officer
Rodney A. Beard, Township Solicitor
Cummings & Smith, Inc., Consulting Engineers
Douglas W. Hovey, Project Planner

Adopted – September 7, 1971

Amended: (Ordinance #134)

June 5, 2001

Effective Date: July 1, 2001

Amended: (Ordinance #135)

December 18, 2001

Effective Date: December 24, 2001

Amended: (Ordinance #145)

December 14, 2004

Effective Date: December 19, 2004

BOGGS TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 134

TITLE: Adoption of Boggs Township Zoning Ordinance and Official Zoning Map

PREAMBLE

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISION OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWERAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND FLOODPLAINS. THESE GENERAL GOALS INCLUDE, AMONG OTHERS, THE SPECIFIC PURPOSES SET FORTH IN THE STATEMENTS OF INTENT OF THE VARIOUS REGULATIONS FOR THE REPSECTIVE DISTRICTS.

WHEREAS, the Boggs Township Planning Commission has done extensive work in the investigation and preparation of a revised Zoning Ordinance and Official Map for Boggs Township; and

WHEREAS, the Boggs Township Planning Commission has employed the consulting and investigative expertise of Douglas W. Hovey, Senior Planner, Cummings & Smith, Inc., Consulting Engineers, of Montgomery, Pennsylvania, in this endeavor; and

WHEREAS, the Boggs Township Planning Commission conducted a public hearing on the proposed revised Zoning Ordinance and Official Map for Boggs Township on March 19, 2001, pursuant to public notice; and

WHEREAS, the Boggs Township Planning Commission did forward the proposed revised Zoning Ordinance and Official Map for Boggs Township to the Boggs Township Board of Supervisors with its recommendation for the approval of the proposed revised Zoning Ordinance and Official Map for Boggs Township; and

WHEREAS, the Boggs Township Board of Supervisors conducted a public hearing on the proposed revised Zoning Ordinance and Official Map for Boggs Township on May 7, 2001, pursuant to public notice; and

WHEREAS, at least forty-five (45) days prior to the Supervisors's public hearing, copies of the proposed revised Zoning Ordinance and Official Map for Boggs Township were

forwarded to the Centre County Planning Commission and all municipalities with boundaries adjoining the boundaries of Boggs Township, and the Bald Eagle School District, for their review and comment thereon; and

WHEREAS, the comments of the Centre County Planning Commission, and the adjoining municipalities, and the school district, if any, along with comments of the public, were considered by the Board of Supervisors of Boggs Township.

NOW, THEREFORE, be it **ENACTED** and **ORDAINED**, by the Board of Supervisors of Boggs Township, Centre County, Pennsylvania, that the attached Boggs Township Zoning Ordinance and Official Zoning Map is hereby adopted as the Boggs Township Zoning Ordinance and Official Zoning Map of Boggs Township, Centre County, Pennsylvania, pursuant to the following provisions:

Section 1. Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247, approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Section 2. Title

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

Section 3. Purpose

The provisions of this Ordinance have been designed to:

- Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forest, wetlands, aquifers and floodplains, and natural drainage.
- To prevent or reduce one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- Comply with federal and state floodplain management requirements.

Section 4. Statement of Community Development Objectives

This Ordinance has been prepared in accordance with the documents Boggs Township A Comprehensive Plan 1970 and the 2000 Comprehensive Plan Update including the statement of "Revised Goals for the Township" found in the 2000 document.

Section 5. Establishment of Controls

5.1. Minimum Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

5.2. For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

5.3. For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Section 6.10, and other regulations of this Ordinance pertaining to nonconforming structures or uses.

5.4. Types of Controls

The following minimum and uniform regulations shall apply in the respective districts:

- Use regulations, including Permitted, Special Exception, and Conditional Uses;
- Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots. Structures, Buildings, and Uses; Off-street Parking and Loading; Projections into Yards; Screening and Landscaping; Signs; and other unique conditions;
- Floodplain management provisions; and
- Criteria for the evaluation of Special Exception and Conditional Uses.

Section 6. Establishment of Zoning Districts

For the purposes of the Zoning Ordinance, the Township of Boggs is hereby divided into the following zoning districts:

- RH – Rural Heritage
- R – Residential District
- VC – Village Commercial
- CM – Commercial Manufacturing
- FP – Forest Preservation

Section 7. Zoning District Maps

7.1. Adoption of Official Zoning Map

The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept on file with the Township Secretary. If, and whenever, changes are made in boundaries or other matter included on the Official Zoning Map, such changes in the map shall be made within five (5) days after the amendment has been approved by the Board of Supervisors.

7.2. Copies of Zoning Map

Regardless of the existence of copies of the Zoning Map which may from time to time be made, the Official Zoning Map shall be that map which is on file with the Township Secretary. The Official Zoning Map shall govern in all cases where conflicting map information is identified.

7.3. Zoning District Boundary Lines

The zoning district boundary lines shall be as shown on the Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines and roadways and streams, the corporate boundary of the Township or as identified on the Map.

7.4. Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the Official Zoning Map, the Board of Supervisors shall determine the location of such boundary. The Board of Supervisors may request a recommendation from the Boggs Township Planning Commission prior to making such decision.

Section 8. Severability

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

Section 9. Conflicts

9.1. Repeal

All existing ordinances or parts of ordinances as listed on the attached Repealed Ordinance Index, dated June 5, 2001, or otherwise, which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

9.2. Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are more stringent than the requirement of this Ordinance. The Ordinance shall control in all cases where the State requirements are less stringent than the requirements contained in this Ordinance.

Section 10. Disclaimer of Liability

This Ordinance shall not create liability on the part of Boggs Township or any officer, employee, or agent thereof for any fire or flood damage that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

With regard to the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted or existing within such areas will be free from flooding or flood damages.

Access to a public system (i.e., water or sewerage systems), when stipulated by this Ordinance, can not be guaranteed by Boggs Township. The conditions and terms of access shall be set by the receiving authority or utility company.

Section 11. Amendment to Prior Ordinance

This Ordinance serves to amend under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of 1988, P.L. 805, No. 247, the prior Boggs Township Zoning Ordinance, Ordinance #28 enacted and ordained by the Supervisors of Boggs Township, Centre County, Pennsylvania, on September 7, 1971, and any subsequent amendments to that Ordinance.

Section 12. Effective Date

This Ordinance shall be effective on and after July 1, 2001.

Adopted and ordained by the Supervisors of Boggs Township, this 5th day of June, 2001, in lawful meeting properly advertised and convened

ATTEST

Xochi Confer, Secretary-Treasurer

Board of Supervisors

William T. Griffith, Chairman
Jerry D. Sayers, Vice-Chairman
Thomas E. Poorman, Supervisor

NOTE: Original Signed Copy is on file in the Boggs Township Municipal Officer, 1270 Runville Road, Bellefonte, PA

ORDINANCE

#135

TITLE: Amending the Boggs Township Zoning Ordinance and Official Zoning Map

PREAMBLE

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE: COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISIONS OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWERAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS AND FLOODPLAINS. THESE GENERAL GOALS INCLUDE, AMONG OTHERS, THE SPECIFIC PURPOSES SET FORTH IN THE STATEMENTS OF INTENT OF THE VARIOUS REGULATIONS FOR THE RESPECTIVE DISTRICTS.

WHEREAS, the Boggs Township Board of Supervisors has employed the consulting and investigative expertise of Douglas W. Hovey, Senior Planner, Cummings & Smith, Inc., Consulting Engineers, of Montgomery, Pennsylvania, in this endeavor; and

WHEREAS, the Boggs Township Board of Supervisors conducted a public hearing on the proposed amendments to the Zoning Ordinance and Official Map for Boggs Township on December 18, 2001, pursuant to public notice; and

WHEREAS, at least thirty (30) days prior to the Supervisors' public hearing, copies of the proposed amendments to the Zoning Ordinance and Official Map for Boggs Township were forwarded to the Centre County Planning Office and Commission and all municipalities with boundaries adjoining the boundaries of Boggs Township, and the Bald Eagle School District, for their review and comment thereon; and

WHEREAS, the comments of the Centre County Planning Commission, and the adjoining municipalities, and the school district, if any, along with comments of the public, were considered by the Board of Supervisors of Boggs Township.

NOW, THEREFORE, Be it ENACTED and ORDAINED by the Supervisors of the Township of Boggs, Centre County, Pennsylvania, that the attached Boggs Township Zoning Ordinance and Official Zoning Map is hereby amended as the Boggs Township Zoning Ordinance and Official Zoning Map of Boggs Township, Centre County, Pennsylvania, pursuant to the following provisions:

Section 1. Rezone tax parcel numbers 07-111-136 (Helen Evock) and 07-111-135 (Karen Andrews) located along Old 220 Road from Residential to Village Commercial.

Section 2. The typographical error in Section 9.9.10 of the Boggs Township Zoning Ordinance will be corrected to read "50".

Section 3. The following definition will be added to Article I, Section 1.3, pertaining to definitions: Trailer Storage: Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility, that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

Section 4. Delete Sections 7.6.2.1 through 7.6.2.4 of the Boggs Township Zoning Ordinance and the last sentence of Section 7.6.2.

Section 5. Amend Section 9.2.1.2 of the Boggs Township Zoning Ordinance to allow fences to be setback a minimum of two (2) feet from the property line.

Section 6. Delete Section 7.14 and all subsections there under from the Boggs Township Zoning Ordinance.

Section 7. Amend Section 9.12.4 and Section 9.14.3 to allow Family Based Group Homes to be sold and the permit assigned provided that the use does not change. The amended language will read as follows:

Section 9.12.4 The Family Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change to the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

Section 9.14.3 The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

Section 8. Amend Section 9.2.8 of the Boggs Township Zoning Ordinance to allow Hobby Farms to consist of minimum of three (3) acres.

Section 9. Amend Section 9.2.2 to allow fifteen (15) foot access openings for garage structures and building height to be in accordance with the regulations applicable to principal structures in the district. Section 9.2.2 will then read as follows:

A detached garage, greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed the Maximum Building Height allowed for the District and shall not be located in front of the principal building. The door opening for a garage or storage building shall not exceed 15 ft. in height. Accessory structures shall be separated a minimum of ten (10) feet from any structure and shall be located no closer than eight (8) feet from any side or rear property line. A single storage

building 100 sq. ft. or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks.

Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirement provided that they do not occupy more than 100 sq. ft. of area.

Section 10. Amend the Schedule of Uses and applicable language in all district regulations to allow Communication Towers of less than one hundred (100) feet as Permitted Uses in all districts, and Communication Towers of one hundred (100) feet or greater as Conditional Uses in all districts.

Section 11. Amend the definition of Accessory Use or Structure contained in Section 1.3 to read as follows: A use or structure subordinate to the principal use of a building, or future intended principal use, on the same lot and serving a purpose customarily incidental to the use, or future intended use, of the principal building or land use.

Section 12. Remove the definition of a Tent from Section 1.3.

Section 13. Amend the definition of a Dwelling, Mobile Home, in Section 1.3 to read as follows: A single-family detached factory manufactured dwelling built on a chassis, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles, which are placed on a site for more than 180 consecutive days.

Section 14. Amend the minimum required lot size for camps and seasonal dwellings in the Forest Preservation district to 10 acres.

Section 15. Amend the minimum required lot size for Agricultural Operations in the Forest Preservation district from 50 acres to 20 acres.

Section 16. Amend Section 6.5.1 of the Boggs Township Zoning Ordinance to include the following paragraph at the end: The Supervisors, and/or the planning agency, if any, may determine that the requirement of a site plan is not necessary in situations where the requested use clearly has no adverse impact on the items listed above and there would be no benefit in requiring the applicant to submit a site plan.

Section 17. Amend all sections of the Boggs Township Zoning Ordinance to replace all references to the "Planning Commission" to the "planning agency, if any."

Section 18. Delete Sections 7.8.1.8.1, 7.8.1.8.2, and 7.8.1.8.3 of the Boggs Township Zoning Ordinance.

Section 19. Amend the Schedule of Uses of the Boggs Township Zoning Ordinance to change all Special Exceptions (SE) to Conditional Uses (CU).

Section 20. Add a new Section 9.2.3.5 reading as follows: No permit shall be required for above-grade level pools with a total water surface area of less than 300 square feet. However, all pools must be located in the side or rear yard of any lot.

Section 21. Add a new Section 12.2.13 reading as follows: Inform the Supervisors prior to issuing violation and/or enforcement notices.

Section 22. Compensation for members of the Zoning Hearing Board shall be established at \$25.00 per hearing.

Section 23. Severability

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the ordinance than the one so declared.

Section 24. Conflicts

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are more stringent than the requirements of this Ordinance. The Ordinance shall control in all cases where the State requirements are less stringent than the requirements contained in this Ordinance.

Section 25. Disclaimer of Liability

This Ordinance shall not create liability on the part of Boggs Township or any officer, employee, or agent thereof for any fire or flood damage that result from reliance on this Ordinance or any administrative decision lawfully made there under.

Access to a public system (i.e. water or sewerage systems), when stipulated by this Ordinance, cannot be guaranteed by Boggs Township. The receiving authority or utility company shall set the conditions and terms of access.

Section 26. Amendment to Prior Ordinance

This Ordinance serves to amend under the terms of Section 609 of the Municipalities Planning Code, Act of 1988, P.L. 805, No. 247, the prior Boggs Township Zoning Ordinance, Ordinance #134 enacted and ordained by the Boggs Township Supervisors, Centre County, Pennsylvania, on June 5, 2001 and any subsequent amendments to this ordinance.

Section 27. Effective Date

This Ordinance shall be effective five (5) days after the date of adoption.

ADOPTED and ORDAINED by the Supervisors of Boggs Township, Centre County, Pennsylvania, this eighteenth day of December, 2001, in lawful session properly advertised and convened.

ATTEST

Xochi Confer, Secretary

Boggs Township Supervisors

William T. Griffith, Chairman

Jerry D. Sayers, Vice-Chairman

Thomas E. Poorman, Supervisor

NOTE: Original Signed Ordinance is on file in the Boggs Township Municipal Building, 1270 Runville Road, Bellefonte, PA 16823. The ordinance can be reviewed by contacting 814-355-3301.

Key: P - Permitted Use
SE - Special Exception Use
CU - Conditional Use

Boggs Township Schedule of Uses

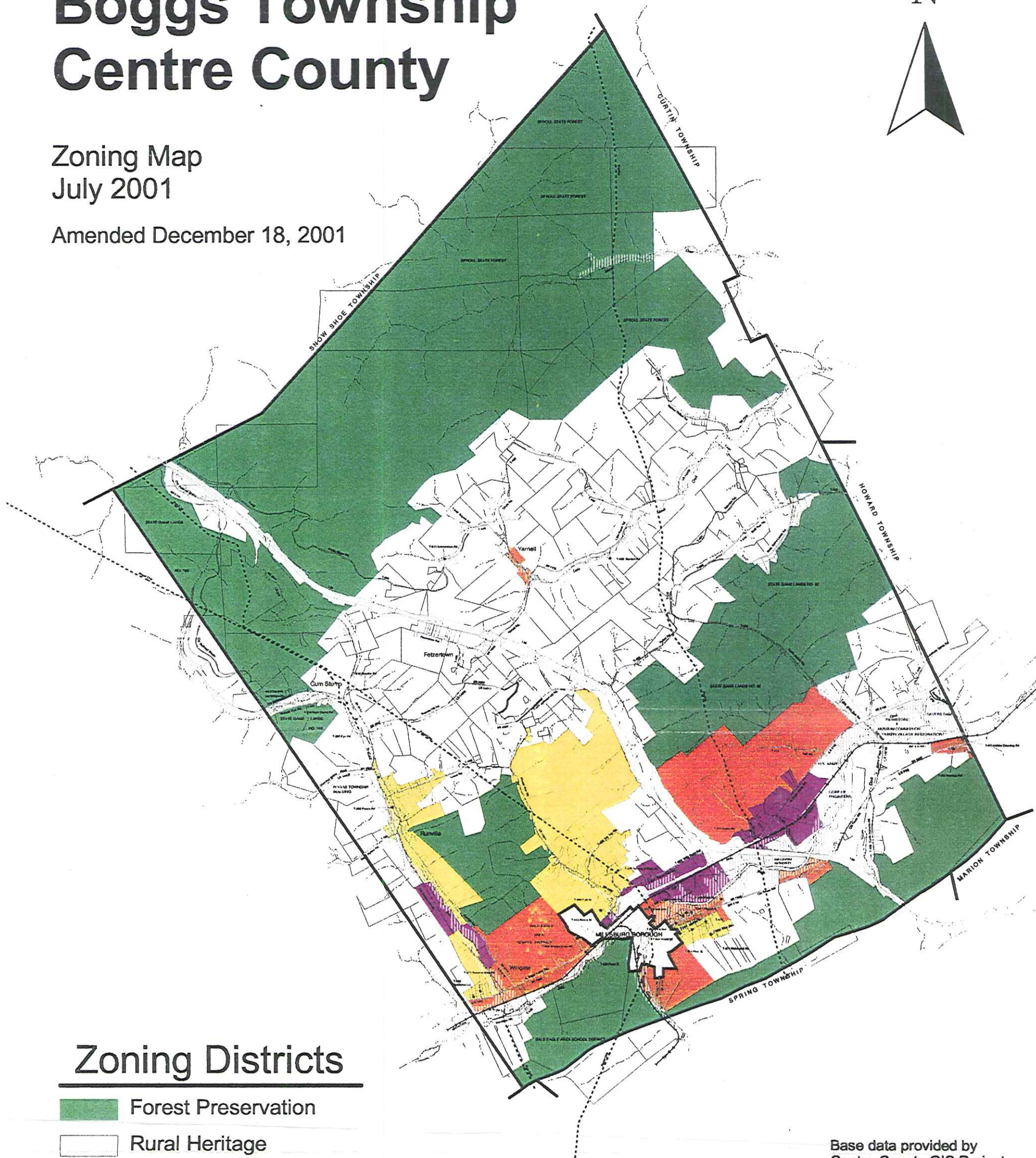
Zoning Districts

Uses	Rural Heritage	Forest Preservation	Residential	Village Commercial	Commercial Manufacturing
Accessory Uses/Structures	P	P	P	P	P CU
Adult Entertainment					P
Agricultural Business	P				CU
Agricultural Operation	P	P			CU
Animal Hospital	CU				CU
Automobile Repair Facility				CU	P
Bed & Breakfast	P	P	P	P	
Cluster Development			CU	CU	
Communications Antennae & Equipment Buildings	P	P	P	P	P
Communication Tower (Height 100 Feet or Less)	P	P	P	P	P
Communication Tower (Height Greater Than 100 ft.)	CU	CU			CU
Corrective/Penal Facility					CU
Cultivation of Crops (no permit required)	P	P	P	P	P
Day Care Center	P		P	P	CU
Dwelling, Multiple Family			CU	CU	
Dwelling, Single Family Detached	P	P	P	P	
Dwelling, Townhouse			CU	CU	
Dwelling, Two Family	P		P	P	
Essential Services	P	P	P	P	P
Family Based Group Home	CU		CU	CU	
Family Day Care Home	P		P	P	P
Forestry Activities	P	P	P	P	P
Funeral Home				CU	CU
Group Care Facility			CU	CU	
Home Business	CU				CU
Home Occupation	P	P	P	P	P
Hunting Camp or Seasonal Dwelling	P	P			
Indoor Recreation/Entertainment Facility					P
Industrial Park					CU
Junkyard or Salvage Yard					CU
Kennel	CU				
Manufacturing, Warehousing, Laboratory					P
Mini-Storage Facility				CU	CU
Mobile Home Park			CU		
Motel					P
Nursing Home or Retirement Village	CU		CU	CU	
Outdoor Recreation Facilities	CU	CU			
Parking Lot/Parking Garage (as principal use)				CU	P
Private Airport	CU	CU			
Professional Office			CU	P	P
Public/Semi Public Uses, Public Service Facility	CU		CU	CU	CU
Restaurant				P	P
Retail, Wholesale, Office, Service, or Repair Business				P	P
Shopping Center				CU	CU
Surface Mining	CU				
Truck & Auto Plaza					P
Trucking Terminal					P
Waste Storage or Processing Facility					CU







Boggs Township Centre County

Zoning Map
July 2001

Amended December 18, 2001



Zoning Districts

-  Forest Preservation
-  Rural Heritage
-  Residential
-  Village Commercial
-  Commercial Manufacturing
-  100 Year Flood Plain

Base data provided by
Centre County GIS Project

5000 0 5000 10000 15000 Feet

Cummings & Smith Inc.
Montgomery, PA
Upper Montclair, NJ
2001

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ARTICLE 1

Definitions

1.1 General Interpretation

For the purpose of this Ordinance, the terms and words listed in the Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

1.2 Rules of Interpretation

For the purpose of this Ordinance, the following rules of interpretation shall apply:

1.2.1 Words in the present tense include the future tense.

1.2.2 Words in the singular case include the plural and words in the plural case include the singular.

1.2.3 The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used, to be occupied, or offered for occupancy."

1.2.4 The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.

1.3 Terms Defined

Accessory Use Or Structure: A use or structure subordinate to the principal use of a building, or future intended use, on the same lot and serving a purpose customarily incidental to the use, or future use, of the principal building or land use.

Adult Entertainment: Adult book stores, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

Addition: Any construction which increases the size of a building or adds to the building.

AEU: Animal equivalent unit.

AEU per acre: An animal equivalent unit per acre of crop land or acre of land suitable for application of animal manure.

Agricultural Business: Any business primarily related to the (1) processing and sale of agricultural products or supplies or (2) the sale and/or repair of agricultural equipment.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua cultural 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. The term includes activities of a farming operation consistent with a family farm up to and including a Concentrated Agricultural Breeding Operation (CABO). For the purpose of this ordinance, the word Agriculture shall not include "Kennels".

Alley: A public or private way affording secondary means of access to abutting property.

Alteration: Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

Animal Equivalent Unit: One thousand pounds live weight of livestock or poultry, regardless of the actual number of individual animals comprising the unit.

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the treatment, housing or boarding of domestic animals.

Apartment: A living unit in a multiple family dwelling.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development or zoning including his heirs, successors and assigns.

Automotive Repair Facility: A building, structure or lot used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. .

Automobile Sales Facility: Any building, structure or lot area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work. For the purpose of this ordinance Automobile Sales Facilities are classified as Retail Services.

Automobile Service Station: A building, structure or lot where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. For the purpose of this ordinance Automobile Service Stations are classified as Retail Services.

Balcony: An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of occupants or for exterior access to the above grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

Basement: Any area of a building having its floor below ground level on all sides. A basement shall not be considered in determining the permissible number of stories.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers. It must have an on-site manager residing in the structure, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Board: The Zoning Hearing Board for Boggs Township, Centre County, Pennsylvania.

Boarding or Rooming House: A dwelling or part thereof where meals or lodgings are provided for compensation for at least three (3) but not more than fifteen (15) persons not transients. This use shall not include Family Based Group Home and Group Care Facility.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

Building Coverage: The portion of a lot, expressed as a percentage that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: For a lot where there is not noticeable slope at the point where the wall of the building meets the ground, the vertical distance from the finished grade of the ground to the highest point of the coping of a flat roof or to the edge line of a mansard roof or to the mean height level between eaves and ridges for gable, hip and gambrel roofs. For a lot where there is noticeable slope at the point where the wall of the building meets the ground, "Building Height" is the vertical distance from the finished grade of the ground at the horizontal midpoint of the wall of the building to the highest point of the coping of a flat roof or to the edge line of a mansard roof or to the mean highest level between eaves and ridge for gable, hip and gambrel roofs.

Building Line: A line established by law or this Ordinance, usually parallel to or following the property line (or the edge of the right-of-way for a public street, road or highway), beyond which a structure or any part of a structure may not extend. A building line is designed to create a setback area of open space from the property line in which no building(s) or structure(s), or parts thereof, may be constructed or placed. In regard to lots that abut public streets, roads, or highways, the building line is measured from the nearest edge of the right-of-way for such public street, road or highway rather than from the property line of the lot. Building lines may be either front, rear or side as specified below. This generally does not apply to uncovered entrance platforms, terraces and steps.

Front Building Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line. The front of a lot is normally designated by reference to the busiest street, road or highway which abuts or provides access to the lot. On irregular shaped lots that have no clear front, side or rear lot lines, an applicant or landowner must designate on the application which property line shall be the front property line. Upon such designation, all other property lines (rear and side) shall be determined in reference to the applicant or landowner's designation of the front property line. It is possible for a corner lot that abuts two (2) public roads, streets or highways of approximately equal volume of traffic to have two (2) front property lines unless the building or structure erected or to be erected thereon clearly has a front, in which case the lot line facing the front of the building or structure shall be the front property line.

Rear Building Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

Side Building Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

Camp: A part-time or seasonal dwelling.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as a Outdoor Recreation Use.

Cartway: The surface of a street or alley available for vehicular traffic.

Church: A building used for public worship including separate buildings used for residential, educational, burial, recreational or other uses. For the purpose of this ordinance a church is classified as a Public or Quasi-Public Use.

Clear Site Triangle: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerline. See Intersection Visibility in Section 7.5.

Cluster Development: A large scale residential development of 100 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The gross residential density of the underlying district cannot be exceeded in this

type of development. See Cluster Development in Section 9.7.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use of enjoyment of residents of a development, not including streets, 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 communication 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 Communication 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.

Communication 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 Antennas.

Community System: A central water or sewerage system, the rates and service of which are not controlled by a government authority.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan: A plan, prepared by the Planning Agency pursuant to Article III of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Conditional Use: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Agency, if any.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

Construction: The construction, reconstruction, renovation, repair, extension, expansion,

alteration, or relocation of a building or structure, including the placement of mobile homes.

Corrective/Penal Facility: A institution for the housing of persons accused of or having been convicted of committing criminal offenses of a serious nature.

Cultivation Of Crops: The use of land for raising of crops or for timber harvesting and excluding the keeping of animals.

Day Care Center: A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis. Day care service may include nursery schools and preschools, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a Family Day Care Home.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Density: The average number of person, families or dwellings per unit of area (acre, square mile, etc.).

Net Residential density. Density of the building site.

Gross Residential density. Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

Designated growth area: A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Developer: Any landowner, agent of such landowner or lessee with the permission of such landowner, who makes or causes to be made a subdivision 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 (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

Development of regional significance and impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Driveway: A vehicular way for entrance and exit to a property and circulation within the property. A driveway is not a structure and therefore may be located within the setback area created by front, side and/or rear building lines.

Dry Space: See Completely Dry Space and Essentially Dry Space.

Dwelling: Any structure, or portion thereof, which is designed or used for residential purposes. The term dwelling shall not be deemed to include motel, boarding or rooming house, bed and breakfast inn, hotel, hospital, or nursing home.

Dwelling, Farm: A dwelling unit located on a farm which is used as the residence of the owner of that farm or of persons necessary for the operations of the farm.

Dwelling, Mobile Home: A single-family detached factory manufactured dwelling build on a chassis, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Without limiting the foregoing definition, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Dwelling, Modular Home: A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation.

Dwelling, Multiple Family: A building designed for or containing two or more dwelling units, sharing access from a common hall, stair, or balcony.

Dwelling, Single Family Attached: See Townhouse.

Dwelling, Single Family Detached: A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Two- Family: Two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling Unit: A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Essential Services: Public utility and on-lot facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and

including related equipment such as poles, towers, wires, mains, sewers, septic tanks, drain fields, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Family: An individual, or two (2) or more persons related by blood or marriage, or adoption, or including not more than 6 persons placed in a foster home by an authorized agency, or a group of not more than three (3) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Family Based Group Home: Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, foster care homes, nursing homes, hospitals, halfway houses, prisons, or jails.

Family Day Care Home: A residence offering baby-sitting services and child care services to a maximum of six children unrelated to the resident household. A family day care home is permitted as a home occupation in the residential district.

Feed Lot: A concentrated animal or poultry operation for meat, eggs, or milk production, or stabling in pens. Also housing where animals or poultry are fed in confinement.

Flood: A temporary inundation of normally dry land areas.

Floodplain - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this area shall coincide with the boundary of the 100 year flood as defined in this Ordinance..

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Forestry: 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 any land development.

Future growth area: An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned

to accompany the orderly extension and provision of public infrastructure services.

Garage, Private: A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises or by individuals residing in the immediate vicinity of the private garage.

General consistency, generally consistent: That which exhibits consistency.

Governing Body: The Board of Supervisors of Boggs Township, Centre County, Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Sub grade: The elevation established to receive top surfacing or finishing materials.

Group Care Facility: Is a public agency licensed, supervised, or operated facility which provides resident services to 4 or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and boarding homes, personal care homes and assisting living arrangements. This category does not include day care centers, family based group homes, foster homes, nursing homes, hospitals, prisons, or jails.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking and generally recognized as an area enclosed by the exterior walls of a structure and measured in square footage. For instance, a single story rectangular structure having front and rear exterior walls of forty (40) feet in length and side wall of twenty (20) feet in length would have a habitable floor area of 800 square feet. Attics and basements, or portions thereof, that are not finished and are not intended for or used as living or occupied area are not counted as part of the Habitable Floor Area.

Historic Structure: Any structure that is:

- (i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Hobby Farm: A lot or contiguous lots at least three (3) acres in size on which livestock or poultry may be raised for personal use either on pasture or within animal housing. A Hobby Farm shall not be operated as an Agricultural Operation engaged in commercial raising of livestock for market.

Home Based Business: A business conducted on a lot in conjunction with a residential dwelling unit. Such uses include lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. No more than two (2) employees may work at the Home Based Business on a regular basis, and no Automotive Repair Facility may be a Home Based Business.

Home Occupation: Any activity conducted entirely within a dwelling, accessory structure, or on a farm which is clearly consistent and subordinate to the use of the premises for residential or agricultural purposes and providing that the exterior appearance of the building is maintained and there is no exterior evidence of the secondary activity other than the sign permitted herein.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Hotel: A building used as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any

areas in concrete, asphalt, gravel stone, etc or other compacted materials other than soil shall be considered impervious surfaces

Industrial Park: A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

Institution: A public or private facility providing for extended care of inmates or residents.

Junk: Any discarded article or material not ordinarily disposed of as rubbish, garbage, refuse or solid waste and including, but not limited to, scrap, metal, scrapped, abandoned or junked automobiles, machinery, equipment, paper, rags, glass containers, discarded lumber and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

Junk Yard Or Salvage Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel: A lot or building in which four (4) or more dogs or cats at least four months of age are kept for the purpose of protecting the animals from injury, containing the animals, and restraining entrance of other animals.

Land Development:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(ii) the division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or, for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) a subdivision of land.

(3) Activity which is subject to a Subdivision and/or Land Development Ordinance adopted by the Boggs Township Supervisors or, in the absence of any Subdivision and/or Land Development Ordinance adopted by the Boggs

Township Supervisors, subject to the Centre County Subdivision and Land Development Ordinance.

Lot: A piece or parcel of land undivided by any street or right-of-way and occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this Ordinance and its accessory buildings and uses, including all open spaces required by this Ordinance, and having frontage on a road.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways, but including the area of any easement.

Lot, Corner: A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than one hundred thirty-five degrees.

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

Lot, Double Frontage: A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot Line: A legally defined line dividing one parcel of property from another.

Lot Line, Front: The line separating the lot from roads upon which it abuts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The width of the lot measured at right angles to its center line, at the front building line.

Lowest Floor: The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured (Mobile) Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. Without limiting the foregoing definition, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured (Mobile) Home Park: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mini Storage Facility: A building, structure or lot designed for the temporary storage of furniture, equipment, machinery or other items upon a rental basis for multiple persons.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile (Manufactured) Home: See Dwelling, Mobile Home.

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

Motel Or Conference Center: A building or group of buildings located on a lot, arranged and used for lodging of guests, including convenient parking space on the premises and facilities for service of food to lodgers and/or nonlodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or nonlodgers.

Multimunicipal plan: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

Multimunicipal planning agency: A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

Municipalities Planning Code: Act of the Pennsylvania General Assembly No. 247

approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Municipality: The municipal corporation known as the Township of Boggs, Centre County, Pennsylvania.

New Construction: Structures for which the start of construction commenced on or after June 20, 1977, and includes any subsequent improvements thereto.

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

Nonconforming Structure: A sign or structure, the design or size of which does not conform to the regulations of this Ordinance for the district in which it is located.

Nonconforming Use: A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the district in which located.

Nursing Home or Retirement Village: An institution providing for extended care of greater than three (3) residents, excluding a correction facility.

Nutrient Management Act: Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Official Map: A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329). —

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Recreation Use: Public or private outdoor recreational uses and activities, including but not limited to: campgrounds; recreational vehicle parks; marinas; day camps; picnic grounds; golf courses; boat launching and swimming areas; hiking, bike, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; trap and skeet ranges; and hunting and fishing areas.

Parking Lot: A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

Parking Space: A permanently surfaced area of not less than one hundred eighty square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

Permanent Foundation: A foundation when constructed using approved methods and/or standards and materials shall remain intact for an interminable amount of time, and shall not be moveable or relocate able.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Final Zoning Compliance Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Final Zoning Compliance Permit.

Permitted Use: Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Planning Agency: The Planning Department or Planning Commission formed by Ordinance of Boggs Township Supervisors or, in the absence of such Ordinance, the Centre County Planning Commission.

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Porch: A roofed or unroofed structure projecting from the front, side, or rear wall of the building which shall have no wall more than 30 inches high and which shall be open on all sides, except the side adjoining the building.

Preservation or protection: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Prime agricultural land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services county soil survey.

Principal Use Or Structure: A building housing the main or principal use of the lot on which the building is located.

Private Airport: An airport, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, which is privately owned and which is not open or intended to be open to the public.

Private Lane: A private right-of-way of the required width not maintained by the Township or Penn DOT which affords the principal means of access for vehicles and pedestrians to abutting property or a lot or lots served by the Private Lane. The "Private Lane" shall include private drive, driveway, private way, private street, private avenue, private circle, private alley and items of similar nature.

Professional Office: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

Property Line: See Lot Line.

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 Municipalities Planning Code and this Ordinance.

Public infrastructure area: A designated growth area and all or any portion of a future growth area described in a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

Public infrastructure services: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the healthy and safety of residents.

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

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

seven days from the date of the hearing.

Public or Quasi-Public Use: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Banks, Post Offices, Churches, Cemeteries, Schools, Recreation Areas, Community Centers, Fire Halls, and other uses of the same general character.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Recreation Areas: Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this ordinance a Recreation Area is classified as a Public or Quasi-Public Use.

Recreation Or Entertainment Facility: A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is offered or sold. This use shall not include the sale of products other than recreation. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

Recreational Vehicle: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

Retail Business: A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

Right-Of-Way: That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

Regulatory Flood Elevation: The one Hundred (100) year flood elevation.

Road: See Street.

Roadside Stand: A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

Rural resource area: An area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

Screen Planting: A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrubs or hedges a minimum of four feet high intended as a barrier to visibility, glare and noise between adjacent properties.

Setback Lines: See Building Lines.

Shopping Center: A commercial land development consisting of multiple places of business in a single building or multiple buildings engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

Sign, Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Area of: (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background or a different color than the primary color of the building.

(c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all the letters and symbols.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Portable: Any sign or structure which is not securely attached to the ground or other structure.

Special Exception Use: A use which by its unique characteristics requires individual consideration by the Zoning Hearing Board before a zoning permit may be decided upon.

Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

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

Story, First: The lowest story or the ground story of any building, the floor which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

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

Street: A public or private right-of-way of the required width dedicated to, accepted and maintained by the Township or Penn DOT which affords the principal means of access for vehicles and pedestrians to abutting property or a lot or lots served by the Street. The term "street" shall include avenue, drive, circle, highway or any similar term except an alley.

Street, Arterial: A street serving a large volume of comparatively high speed and long distance traffic, including all streets classified as arterial streets in the Boggs Township Comprehensive Plan.

Street Collector: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Boggs Township Comprehensive Plan.

Street, Minor: Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are designed to afford primary access to abutting property.

Street, Public: All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by the Township or Penn DOT.

Street Right-Of-Way Line: An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, recreational vehicles, and other similar items. Public utility and on-lot facilities that do not require enclosure in a building (see Essential Services) shall not be considered structures. Trees, hedges, other vegetation, fences and driveways also shall not be considered structures.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or an addition to any structure.

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 development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements 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-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased

by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

Tax Parcel: The parcel of ground encompassed by the Uniform Tax Parcel Identifier Number assigned by Centre County.

Theater: A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See Recreation or Entertainment Facility.

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

Tourist Home: See Bed and Breakfast Inn.

Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Township: Boggs Township, Centre County, Commonwealth of Pennsylvania.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Trailer Storage: Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures.

Travel Trailer: See Recreational Vehicle.

Trucking Terminal: A commercial operation involving frequent and ongoing traffic in heavy trucks or tractor trailer vehicles that load and/or unload goods, commodities or merchandise from the vehicles or switch trailers or other hauling mechanisms for the purpose of routing, re-routing or distributing the goods, commodities or merchandise contained with the vehicles.

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

Variance: The departure to a minor degree from the text of the Ordinance in direct regard to

a hardship peculiar to an individual lot authorized by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance.

Vehicle Hobby Shop: A facility or property whose Owner or Operator repairs or restores either licensed or unlicensed or Junk Motor Vehicles as a hobby for his/her own personal use or interest, such as classic or antique automobiles, and not for money, payment, employment or compensation from others. For the purposes of this Ordinance, a Vehicle Hobby Shop shall be considered as an Accessory Use (see Section 9.2.7) which is run from the Owner's household garage. A Vehicle Hobby Shop shall comply with Section 7.12 Storage of Junk and Certain Vehicles at all times.

Village: An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Protection definitions and regulations.

Waste Storage or Processing Facility: A municipal or municipal authority owned and operated facility where land, structures and other appurtenances or improvements are utilized for the processing or disposal of municipal, residual, or hazardous waste.

Yard: The open, unoccupied space on the plot between the property line and the front, rear and side building lines (See Building Line).

Yard Sale or Garage Sale: The sale by a resident conducted on the premises of tangible personal property, such as used clothing and household articles accumulated over several years as part of everyday living, belonging to the owner or occupant of such property.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for Boggs Township, Centre County, Pennsylvania.

Zoning Map: The Official Zoning Map of Boggs Township.

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

Zoning Permit: See Permit.

ARTICLE 2

Rural Heritage District

2.1 Purpose of the Rural Heritage District

The purpose of the Rural Heritage District is to encourage the continued use of portions of the Township for rural living including open space, agricultural, and low density residential uses. As a rural resource area it is not anticipated that it will be served with public infrastructure services. On-lot utility provisions by the applicant will be necessary.

2.2 Use Regulations for the Rural Heritage District

2.2.1 Permitted Uses

- 2.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 9);
- 2.2.1.2** Agricultural Business;
- 2.2.1.3** Agricultural Operation;
- 2.2.1.4** Bed and Breakfast Inn (see supplemental regulations in Article 9);
- 2.2.1.5** Communications Antennae and Equipment Buildings (see supplemental regulations in Article 9);
- 2.2.1.6** Communication Tower with Height less than 100 ft. (see supplemental regulations in Article 9);
- 2.2.1.7** Cultivation of Crops (no permit required);
- 2.2.1.8** Dwelling, Single Family Detached;
- 2.2.1.9** Dwelling, Two Family;
- 2.2.1.10** Essential Service (no permit required);
- 2.2.1.11** Family Day Care Home (see supplemental regulations under Home Occupation in Article 9);
- 2.2.1.12** Forestry Activities (no permit required);

2.2.1.13 Home Occupation (see supplemental regulations in Article 9); and

2.2.1.14 Hunting Camp or Seasonal Dwelling.

2.2.1.15 Day Care Center

2.2.2 Conditional Uses (criteria found in Article 9)

2.2.2.1 Animal Hospital/Kennel;

2.2.2.2 Communications Tower (Height greater than 100 ft.

2.2.2.3 Family Based Group Home;

2.2.2.4 Home Business;

2.2.2.5 Nursing Home or Retirement Village;

2.2.2.6 Outdoor Recreation Use or Facility (also see the applicable Subdivision and Land Development Ordinance);

2.2.2.7 Private Airport;

2.2.2.8 Public or Quasi-Public Use, Public Service Facility; and

2.2.2.9 Surface Mining.

2.3 Height and Coverage Requirements

2.3.1 Maximum Building Coverage: 20%

2.3.2 Maximum Impervious Surface (including buildings): 30%

2.3.3 Maximum Building Height: 35 ft.

2.4 Minimum Areas and Dimensions

2.4.1 Agricultural Business; Bed and Breakfast Inn; Animal Hospital/Kennel; Day Care Center; Nursing Home or Retirement Village; or Public or Quasi-Public Use or Public Service Facility.

2.4.1.1 Minimum Lot Area:

on-lot sewer and water:	2 acres
public sewer or public water:	30,000 sq. ft.
public sewer and public water:	12,000 sq. ft.

2.4.1.2 Minimum Lot Width: 200 ft.

2.4.1.3 Minimum Yards:

front:	30 ft. (40 ft. on collector street)
side:	30 ft.
rear:	50 ft.

2.4.2 Agricultural Operation, Private Airport, or Surface Mining

2.4.2.1 Minimum Lot Area: 50 acres

2.4.2.2 Minimum Lot Width: 400 ft.

2.4.2.3 Minimum Yards:

front:	30 ft. (40 ft. on collector street)
side:	50 ft.
rear:	100 ft.

2.4.3 Family Based Group Home; Hunting Camp or Seasonal Dwelling; Single Family Detached and Two Family Dwelling.

2.4.3.1 Minimum Lot Area:

on-lot sewer and water:	2 acres
public sewer or public water:	30,000 sq. ft.
public sewer and public water:	12,000 sq. ft.

2.4.3.2 Minimum Lot Width: 150 ft.

2.4.3.3 Minimum Yards:

front:	30 ft. (40 ft. for collector street)
side:	10 ft.
rear:	20 ft.

2.4.4 Outdoor Recreation Use or Facility

2.4.4.1 Minimum Lot Area:	10 acres
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2.4.4.2 Minimum Lot Width:	400 ft.
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2.4.4.3 Minimum Building Lines:

front:	100 ft.
side:	50 ft.
rear:	50 ft.

ARTICLE 3

Residential District

3.1 Purpose of the Residential District

The purpose of the Residential District is to provide an area in the Township for primarily residential development that will be served by public water or sewer systems or both. A variety of residential types to serve a range of household size and income shall be encouraged provided that design considerations are made to enhance the compatibility of the different types. Nonresidential development shall be limited to types that are supportive and in harmony with the residential character of the neighborhood.

3.2 Use Regulations for the Residential District

3.2.1 Permitted Uses

- 3.2.1.1** Accessory Use or Structure (see supplemental regulation in Article 9);
- 3.2.1.2** Communications Antennae and Equipment Buildings (see supplemental regulations in Article 9);
- 3.2.1.3** Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 9);
- 3.2.1.4** Cultivation of Crops (no permit required);
- 3.2.1.5** Day Care Center (see supplemental regulations in Article 9);
- 3.2.1.6** Dwelling, Single Family Detached;
- 3.2.1.7** Dwelling, Two Family;
- 3.2.1.8** Essential Service (no permit required);
- 3.2.1.9** Family Day Care Home (see supplemental regulation for Home Occupations in Article 9);
- 3.2.1.10** Forestry Activities (no permit required); and
- 3.2.1.11** Home Occupation (see supplemental regulations in Article 9).
- 3.2.1.12** Bed and Breakfast Inn

3.2.2 Conditional Uses (criteria found in Article 9)

- 3.2.2.1 Cluster Development;
- 3.2.2.2 Dwelling, Multiple Family;
- 3.2.2.3 Dwelling, Townhouse;
- 3.2.2.4 Family Based Group Home;
- 3.2.2.5 Group Care Facility;
- 3.2.2.6 Mobile Home Park;
- 3.2.2.7 Nursing Home or Retirement Village;
- 3.2.2.8 Professional Office; and
- 3.2.2.9 Public or Semi-Public Use, Public Service Facility.

3.3 Height and Coverage Regulations

- 3.3.1 Maximum Building Coverage: 25%
- 3.3.2 Maximum Impervious Surface (including buildings): 35%
- 3.3.3 Maximum Building Height: 35 ft.

3.4 Density, Area and Dimension Standards

3.4.1 Single Family Detached Dwellings, Family Based Group Home, and Family Day Care Home

3.4.1.1 Minimum Lot Area

on-lot sewer and water:	1 acre (43,560 sq. ft.)
public sewer or public water:	30,000 sq. ft.
public sewer and public water:	12,000 sq. ft.

3.4.1.2 Minimum Lot Width

on-lot sewer and water:	150 ft.
public sewer or public water:	120 ft.
public sewer and public water:	80 ft.

3.4.1.3 Minimum Building Lines

front:	30 ft.
side:	10 ft.
rear - for lots 1 acre or larger in size:	25 ft.
rear - for lots less than 1 acre in size:	10 ft.

3.4.2 Two-Family Dwellings

3.4.2.1 Minimum Lot Area

public sewer or water:	1 acre (43,560 sq. ft.)
public sewer and public water:	24,000 sq. ft.

3.4.2.2 Minimum Lot Width

public sewer or water:	160 ft.
public sewer and public water:	100 ft.

3.4.2.3 Minimum Building Lines:

front:	30 ft.
side:	10 ft.
rear:	25 ft.

3.4.3 Townhouses

3.4.3.1 Minimum Lot Area for Townhouse Development: 3 acres

3.4.3.2 Maximum Gross Density: 5 dwelling units per acre

3.4.3.3 Minimum Lot Width for Townhouse Development: 300 ft.

3.4.3.4 Minimum Building Lines

front:	30 ft.
side - to property line	20 ft.
side - between units:	zero
side - between buildings:	100 ft.
rear:	25 ft.

3.4.3.5 Minimum Lot Area and Width Per Townhouse Unit

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

3.4.3.6 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

3.4.4 Multiple Family Dwelling or Nursing Home or Retirement Home

3.4.4.1 Minimum Lot Area: 3 acres

3.4.4.2 Maximum Gross Density: 5 dwelling units per acre

3.4.4.3 Minimum Lot Width: 300 ft.

3.4.4.4 Minimum Building Lines:

front:	50 ft.
side:	20 ft.
rear:	30 ft.

3.4.4.5 Minimum Building Separation: 100 ft.

3.4.4.6 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

3.4.5 Cluster Development

3.4.5.1 Minimum Lot Area for Cluster Development Project: 100 acres

3.4.5.2 Minimum Areas and Dimensions:

See the Cluster Development regulations in Article 9 for permitted deviations from areas and dimensions for individual lots within the Cluster Development.

3.4.5.3 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

3.4.6 Bed & Breakfast Inn; Day Care Center; Group Care Facility; Professional Office; Public or Semi-Public Use or Public Service Facility.

3.4.6.1 Minimum Lot Area: 1 acre (43,560 sq. ft.)

3.4.6.2 Minimum Lot Width: 150 ft.

3.4.6.3 Minimum Building Lines:

front:	50 ft.
side:	20 ft.
rear:	25 ft.

3.4.7 Mobile Home Park: See Boggs Township Mobile Home Park regulations (Ordinance 90, as amended) and the applicable Subdivision and Land Development Ordinance for additional requirements.

3.4.7.1 Minimum Park Area: 5 acres

3.4.7.2 Maximum Gross Density: 5 dwelling units per acre

3.4.7.3 Minimum Park Lot Width: 500 ft.

3.4.7.4 Minimum Park Building Lines:

front:	100 ft.
side:	50 ft.
rear:	50 ft.

- 3.4.7.5 **Minimum Mobile Home Lot Area:** 6,000 sq. ft.
- 3.4.7.6 **Minimum Mobile Home Lot Width:** 50 ft.
- 3.4.7.7 **Minimum Building Lines for Mobile Home Lot:**
- | | |
|--------|--------|
| front: | 20 ft. |
| side: | 10 ft. |
| rear: | 10 ft. |
- 3.4.7.8 **Water and Sewage Facilities:** The mobile home park development must be served by public water and public sewage facilities.
- 3.4.7.9 **Recreation Space Requirements:** A minimum of ten (10) percent of the gross park area or 750 square feet per unit, whichever is larger, shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be readily accessible to all mobile home lots. The plans and application for a mobile home park shall show the proposed recreational facilities to be provided and explain the maintenance of such recreation space.

ARTICLE 4

Village Commercial District

4.1 Purpose of the Village Commercial District

The purpose of the Village Commercial District is to maintain and improve areas within the Township which presently have a mixed land use pattern including various types of residential, public service, cultural, educational, and commercial uses.

New development of the uses noted above can be accommodated in the Village Commercial District provided that the community character is maintained, that the pertinent standards contained within this ordinance are met, and to the extent that land is available for the intended use.

4.2 Use Regulations for the Village Commercial District

4.2.1 Permitted Uses

- 4.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 9);
- 4.2.1.2 Bed and Breakfast Inn (see supplemental regulations in Article 9);
- 4.2.1.3 Communications Antennae & Equipment Buildings (see supplemental regulations in Article 9);
- 4.2.1.4 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 9);
- 4.2.1.5 Cultivation of Crops (no permit required);
- 4.2.1.6 Day Care Center;
- 4.2.1.7 Dwelling, Single Family Detached;
- 4.2.1.8 Dwelling, Two Family;
- 4.2.1.9 Essential Service (no permit required);
- 4.2.1.10 Family Day Care Home (see supplemental regulations under Home Occupation in Article 9);
- 4.2.1.11 Forestry Activities (no permit required);

- 4.2.1.12 Home Occupation (see supplemental regulation in Article 9);
- 4.2.1.13 Professional Office;
- 4.2.1.14 Restaurant; and
- 4.2.1.15 Retail, Wholesale, Office, Service, Printing, or Repair Business (see criteria for Automotive Repair Business in Article 9).

4.2.2 Conditional Uses (criteria found in Article 9)

- 4.2.2.1 Cluster Development;
- 4.2.2.2 Dwelling, Multiple Family;
- 4.2.2.3 Dwelling, Townhouse;
- 4.2.2.4 Family Based Group Home;
- 4.2.2.5 Funeral Home;
- 4.2.2.6 Group Care Facility;
- 4.2.2.7 Nursing Home or Retirement Village;
- 4.2.2.8 Parking Lot/Parking Garage - as principal use (see supplemental regulations found in Article 7 for Off-Street Parking and Loading); and
- 4.2.2.9 Public or Semi-Public Use, Public Service Facility.

4.3 Height and Coverage Regulations

4.3.1 Maximum Building Coverage

Residential:	30%
Non-Residential:	50%

4.3.2 Maximum Impervious Surface (Including Buildings)

Residential:	50%
Non-Residential:	70%

4.3.3 Maximum Building Height: 35 ft.

4.4 Density, Area and Dimension Standards

4.4.1 Single Family Detached Dwelling, Family Based Group Home, and Family Day Care Home

4.4.1.1 Minimum Lot Area

on-lot sewer and water:	43,560 sq. ft. (1 acre)
public sewer or public water:	30,000 sq. ft.
public sewer and public water:	12,000 sq. ft.

4.4.1.2 Minimum Lot Width

on-lot sewer and water:	150 ft.
public sewer or public water:	120 ft.
public sewer and public water:	80 ft.

4.4.1.3 Minimum Building Lines

front:	30 ft.
side:	10 ft.
rear - for lots 1 acre or larger in size	25 ft.
rear - for lots less than 1 acre in size	10 ft.

4.4.2 Two-Family Dwellings

4.4.2.1 Minimum Lot Area Per Family

public sewer or water:	1 acre (43,560 sq. ft.)
public sewer and public water:	24,000 sq. ft.

4.4.2.2 Minimum Lot Width

public sewer or water:	160 ft.
public sewer and public water:	100 ft.

4.4.2.3 Minimum Building Lines

front:	30 ft.
side:	10 ft.
rear:	25 ft.

4.4.3 Townhouses

4.4.3.1 Minimum Lot Area for Townhouse Development: 3 acre

4.4.3.2 Maximum Gross Density: 5 dwelling units per acre

4.4.3.3 Minimum Lot Width for Townhouse Development: 300 ft.

4.4.3.4 Minimum Building Lines

front:	30 ft.
side - to property line	20 ft.
side - between units:	zero
side - between buildings:	100 ft.
rear:	25 ft.

4.4.3.5 Minimum Lot Area and Width per Townhouse Unit

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

4.4.3.6 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

4.4.4 Multiple Family Dwellings or Nursing Home or Retirement Village

4.4.4.1 Minimum Lot Area: 3 acres

4.4.4.2 Maximum Gross Density: 5 dwelling units per acre

4.4.4.3 Minimum Lot Width: 300 ft.

4.4.4.4 Minimum Building Lines:

front:	50 ft.
side:	20 ft.
rear:	30 ft.

- 4.4.4.5 **Minimum Building Separation:** 100 ft.
- 4.4.4.6 **Water and Sewage Facilities:** The development must be served by public water and public sewage facilities.
- 4.4.5 Cluster Development**
- 4.4.5.1 **Minimum Lot Area for Cluster Development Project:** 100 acres
- 4.4.5.2 **Minimum Areas and Dimensions:**
- See the Cluster Development regulations in Article 9 for permitted deviations from areas and dimensions for individual lots within the Cluster Development.
- 4.4.5.3 **Water and Sewage Facilities:** The development must be served by public water and public sewage facilities.
- 4.4.6 Bed & Breakfast Inn; Day Care Center; Funeral Home; Group Care Facility; Parking Lot (as a principal use); Professional Office; Public or Semi-Public Use or Public Service Facility; Restaurant; Retail, Wholesale, Office, Service, Printing, or Repair Business.**
- 4.4.6.1 **Minimum Lot Area:**
- On lot sewer and water: 2 acres
Public sewer or water 30,000 sq ft
Public sewer and water: 12,000 sq.ft.
(single family residential only)
- 4.4.6.2 **Minimum Lot Width:**
- On lot sewer and water: 150 ft.
Public sewer and water: 80 ft.
—
- 4.4.6.3 **Minimum Building Lines:**
- front: 50 ft.
side: 10 ft.
rear: 20 ft.

ARTICLE 5

Commercial Manufacturing District

5.1 Purpose of the Commercial Manufacturing District

The purpose of the Commercial Manufacturing District is to permit the development of commercial and industrial uses on individual lots or within commercial or industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and stormwater management facilities. Such uses shall ideally be planned as an unified development with individual buildings and lots integrated into an overall harmonious design. The Commercial Manufacturing District shall also protect commercial and industrial development against intrusive uses, which are incompatible with it.

Limited agricultural operations may be considered for this district as an accessory use to a commercial or industrial facility to maintain undeveloped or buffer areas. A determination shall be made that the proposed agricultural use shall have minimal impacts upon the existing development within close proximity to the proposed use.

5.2 Use Regulations for the Commercial Manufacturing District

5.2.1 Permitted Uses

- 5.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 9);
- 5.2.1.2** Agricultural Business;
- 5.2.1.3** Automotive Repair Facility
- 5.2.1.4** Communications Antennae;
- 5.2.1.5** Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 9);
- 5.2.1.6** Cultivation of Crops (no permit required);
- 5.2.1.7** Essential Service (no permit required);
- 5.2.1.8** Family Day Care Home (see supplemental regulations under Home Occupation in Article 9);
- 5.2.1.9** Forestry Activities (no permit required);

- 5.2.1.10 Home Occupation (see supplemental regulations in Article 9);
- 5.2.1.11 Indoor Recreation/Entertainment Facility;
- 5.2.1.12 Manufacturing, Warehousing, or Laboratory;
- 5.2.1.13 Motel;
- 5.2.1.14 Parking Lot or Parking Garage (see supplemental regulations in Article 7 for Off-Street Parking and Loading);
- 5.2.1.15 Professional Office;
- 5.2.1.16 Restaurant;
- 5.2.1.17 Retail, Wholesale, Office, Printing, or Repair Business (see supplemental regulations for Automotive Repair Business in Article 9);
- 5.2.1.18 Truck & Auto Plaza; and
- 5.2.1.19 Trucking Terminal.

5.2.2 Conditional Uses (criteria found in Article 9)

- 5.2.2.1 Adult Entertainment;
- 5.2.2.2 Agricultural Operation;
- 5.2.2.3 Animal Hospital;
- 5.2.2.4 Communication Tower (Height Greater than 100 ft.);
- 5.2.2.5 Corrective/Penal Facility;
- 5.2.2.6 Day Care Center;
- 5.2.2.7 Funeral Home;
- 5.2.2.8 Home Business;
- 5.2.2.9 Industrial Park;
- 5.2.2.10 Junkyard or Salvage Yard;
- 5.2.2.11 Public or Quasi-Public Use, Public Service Facility;

- 5.2.2.12 Shopping Center; and
- 5.2.2.13 Waste Storage or Processing Facility.

5.3 Height and Coverage Requirements

- 5.3.1 Maximum Building Coverage: 40%
- 5.3.2 Maximum Impervious Surface (Including Buildings): 60%
- 5.3.3 Minimum Open Space: 40%
- 5.3.4 Maximum Building Height: 45 ft.

5.4 Minimum Areas and Dimensions

5.4.1 Animal Hospital; Day Care Center; Funeral Home; Indoor Recreation Facility; or Professional Office

- 5.4.1.1.1 Minimum Lot Area: 1 acre
- 5.4.1.2 Minimum Lot Width: 150 ft.
- 5.4.1.3 Minimum Building Lines
 - front: 40 ft.
 - side: 20 ft.
 - rear: 20 ft.

5.4.2 Adult Entertainment; Agricultural Business; Automotive Repair Facility; Parking Lot or Parking Garage (as a principal use); Public or Quasi-Public Use or Public Service Facility; Manufacturing, Warehousing, or Laboratory Use; Motel; Restaurant; Retail, Wholesale, Office, Service, Printing, or Repair Business; Shopping Center; or Trucking Terminal.

- 5.4.2.1 Minimum Lot Area: 3 acres
- 5.4.2.2 Minimum Lot Width: 250 ft.

5.4.2.3 Minimum Building Lines:

front:	40 ft.
side:	20 ft.
rear:	20 ft.

5.4.3 Industrial Park; Junkyard or Salvage Yard; or Truck & Auto Plaza.

5.4.3.1 Minimum Lot Area: 10 acres

5.4.3.2 Minimum Lot Width: 400 ft.

5.4.3.3 Minimum Building Lines:

front:	100 ft.
side:	50 ft.
rear:	50 ft.

5.4.4 Agricultural Operation

5.4.4.1 Minimum Lot Area: 50 acres

5.4.4.2 Minimum Lot Width: 400 ft.

5.4.4.3 Minimum Building Lines:

front:	100 ft.
side:	50 ft.
rear:	50 ft.

5.4.5 Corrective/Penal Facility or Waste Storage or Processing Facility

5.4.5.1 Minimum Lot Area:

200 acres (exclusive of floodplain areas, jurisdictional wetlands, SCS designated Class I & II prime agricultural soils, or steep slopes (in excess of 15% grade).

5.4.5.2 Minimum Lot Width: 1000 ft.

5.4.5.3 Minimum Building Lines: 250 ft.

ARTICLE 6

Forest Preservation District

6.1 Purpose of the Forest Preservation District

The purpose of the Forest Preservation District is to encourage the conservation of land in those areas where the topography and land features do not readily support most types of development due to environmental constraints and lack of community infrastructure. Therefore, uses that are provided for include seasonal, recreational, forestry, and similar rural resource area uses that will not significantly change the character of the natural environment.

6.2 Use Regulations for the Forest Preservation District

6.2.1 Permitted Uses

- 6.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 9);
- 6.2.1.2** Agricultural Operation;
- 6.2.1.3** Communications Antennae and Equipment Buildings (see supplemental regulations in Article 9);
- 6.2.1.4** Communication Tower with Height less than 100 ft. (see supplemental regulations in Article 9);
- 6.2.1.5** Cultivation of Crops (no permit required);
- 6.2.1.6** Dwelling, Single Family Detached (see Planning Requirements below);
- 6.2.1.7** Essential Service (no permit required);
- 6.2.1.8** Forestry Activities (no permit required);
- 6.2.1.9** Home Occupation (see supplemental regulations in Article 9); and
- 6.2.1.10** Hunting Camp or Seasonal Dwelling (see Planning Requirements below).

6.2.2 Conditional Uses (criteria found in Article 9)

- 6.2.2.1** Communications Tower (Height greater than 100 ft.)
- 6.2.2.2** Outdoor Recreation Use or Facility

6.3 Height and Coverage Requirements

6.3.1 Maximum Building Coverage: 5%

6.3.2 Maximum Impervious Surface (including buildings): 5%

6.3.3 Minimum Open Space: 95%

6.3.4 Maximum Building Height: 35 ft.

6.4 Minimum Areas and Dimensions

6.4.1 Agricultural Operation

6.4.1.1 Minimum Lot Area: 20 acres

6.4.1.2 Minimum Lot Width: 400 ft.

6.4.1.3 Minimum Building Lines:

front: 100 ft.

side: 50 ft.

rear: 50 ft.

6.4.2 Single Family Detach Dwelling, Hunting Camp or Seasonal Dwelling and Outdoor Recreation Use or Facility

6.4.2.1 Minimum Lot Area: 2 acres

6.4.2.2 Minimum Lot Width: 150 ft.

6.4.2.3 Minimum Yards:

front: 30 ft.

side: 10 ft.

rear: 20 ft.

6.5 Planning Requirements for Single Family Detached Dwelling, Hunting Camp or Seasonal Dwelling in the Forest Preservation District

Zoning permit applications for Single Family Detached Dwelling, Hunting Camp or Seasonal Dwelling in the Forest District shall include copy of required deed restrictions in the form of covenants and the deed, which references the covenants. The approved covenants and deed shall be recorded by the applicant at the Centre County Recorder's Office and verification provided to the zoning officer prior to issuance of a zoning permit.

6.5.1 Deed Covenants

Deed covenants shall address the following:

- 6.5.1.1** Any required permits and their conditions;
 - 6.5.1.2** Statement that the owner/applicant will be responsible for the private maintenance of driveways, access roads, sewage disposal facilities, water supply, storm drainage facilities, and any other utilities;
 - 6.5.1.3** Statement that the lot owners shall be responsible for any greater level of service or maintenance than currently exists on the public roads which for purposes of this Ordinance shall only include snow/ice removal, clearing of fallen trees and power lines, stabilization of a mud condition, and repair of drainage washouts.
 - 6.5.1.4** Statement that the lot owners recognize the risks involved in developing in a remote area and that the Township, the Commonwealth of Pennsylvania, and emergency organizations such as fire, medical, and police services shall not be liable or provide the same level of services what would otherwise be expected in a more accessible region.
- 6.5.2** All camps and seasonal dwellings shall at a minimum comply with the Township Privy Ordinance which includes soil testing and approval by the Township Sewage Enforcement Officer.

ARTICLE 7

Supplemental Lot Regulations

7.1 Access To Structures

- 7.1.1 Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved by the Board of Supervisors in accord with the applicable Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 7.1.2 Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner that will minimize concentration of traffic.
- 7.1.3 Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

7.2 Conversion or Replacement of Buildings

- 7.2.1 The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.
- 7.2.2 A mobile home that has been replaced or discontinued as a residential dwelling shall be removed from the lot within sixty (60) days of the termination of the residential use.
- 7.2.3 A mobile home that is no longer suitable for residential purposes shall not be converted to an accessory structure and shall be removed from the lot within sixty (60) days of the termination of the residential use..

7.3 Design Guidelines for Driveways and Access Drives To Street

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways.

- 7.3.1 Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road or arterial highway. Compliance shall be required with permit requirements of Penn DOT (Highway Occupancy Permit) and any driveway, culvert, drainage, or access requirements of Boggs Township.
- 7.3.2 Where a driveway is to be installed in conjunction with a proposed use, the Zoning Permit application for that use shall include a scaled drawing showing the location, construction materials and the sight distance proposed for the driveway.
- 7.3.3 The general layout for driveways shall be such that there will be no need for motorists to back over or into the public street right-of-way. Single and two family dwelling uses shall be exempt from this requirement.
- 7.3.4 Driveways shall be constructed of durable, all-weather material and shall be maintained in good condition. The number of driveways shall not exceed two (2) per lot on any one (1) street frontage. Residential lots with less than 200 feet of street frontage shall be limited to one driveway.
- 7.3.5 Driveways should be located where street alignment and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions.
- 7.3.6 Driveways shall be designed and constructed in such a manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by a Township official, a drainage pipe shall be installed under the driveway by the property owner. The appropriate Township Official shall determine the size or diameter of such pipes, but shall not be less than 15 inches in diameter. The pipe shall be maintained and cleaned by the property owner.
- 7.3.7 All driveways shall provide a stopping or leveling area that extends 20 feet beyond the edge of the road cartway. This leveling area shall not exceed a maximum grade of 4% nor intersect the shoulder of the road so as to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60° and preferably 90°.
- 7.3.8 **Minimum Dimensional Requirements for Driveways**

Driveways shall not cross a street right-of-way line within:

- 7.3.8.1 40 feet of the right-of-way line of the intersection of a local street, nor within 100 feet of the right-of-way line of the intersection of a collector road or arterial highway;
- 7.3.8.2 twenty (20) feet of a fire hydrant, catch basin or drainage inlet;

7.3.8.3 ten (10) feet of a property line for a driveway serving a non-residential use.

7.3.8.4 If a new right-of-way or easement is required for driveway access across an adjoining property owner's ground, the right-of-way shall be a minimum of 50 feet in width, unless the new right-of-way or easement is connecting to an existing right-of-way or easement, in which case the new right-of-way or easement shall be such width as to match the right-of-way or easement to which it is connecting, but shall not be less than twenty feet (20') in width.

7.4 Exceptions to Height Regulations

The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (i.e. silos, grain bins, elevator legs etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, nor to chimneys, ventilators, skylights, water tanks, storage silos, utility poles, standards, and necessary mechanical appurtenances usually carried above roof level. The height exceptions shall not apply to any Communications Antennae and Communication Towers.

7.5 Mobile Home Placement

All mobile homes erected or replaced in the Township after the effective date of this Ordinance shall comply with the following criteria in order to protect the health, safety, and welfare of the Township residents. The criteria shall apply both to mobile homes placed in mobile home parks and to individual lot installations.

7.5.1 Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized.

7.5.1.1 Permanent Foundation: Shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as flood proofing. The mobile home shall be securely attached to such a foundation.

7.5.1.2 Stand or pad: Shall consist of a properly graded, placed and compacted material equal to the length and width of the mobile home. The pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. At a minimum, each pad shall be provided with one frost-proof footer at least 16 inches in width, extending the full width of the pad, for every ten (10) feet of mobile home length.

7.5.2 The mobile home shall be anchored to prevent floatation, collapse, or lateral movement in accordance with the manufacturer's instructions.

7.5.3 Each mobile home shall have a continuous wall around its entire perimeter. The continuous wall may be of concrete or masonry constructed to below the frost line (e.g. permanent foundation) or skirting. Skirting shall be designed to compliment the appearance of the mobile home including material which has been fabricated for the specific purpose of providing a pervious moisture resistant skirting material, and shall not include bales of straw, hay, interior plywood, unfinished wood, or like material.

7.5.4 Access to a crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.

7.6 Nonconforming Lots, Structures, Buildings, and Uses

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

7.6.1 Non-conforming Lots, Uses and Structures

7.6.1.1 Non Conforming Lots

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including building lines and setbacks shall apply. The variance of building lines and setbacks requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots with common ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this Ordinance, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Ordinance.

7.6.1.2 Non Conforming Uses

A use legally existing at the time of adoption of this Ordinance which becomes a non-conforming use in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as

it exists upon adoption or future amendment of this ordinance. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became nonconforming. The use shall not be permitted to change to any use that is different from the nonconforming use and not in compliance with the use regulations for the district where the use is located.

7.6.1.3 Non Conforming Structures

A structure legally existing at the time of adoption of this Ordinance which becomes a non-conforming structure in the district where it is existing upon adoption of this Ordinance or amendments hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the structure shall only be modified minimally in accordance with the provisions of this Ordinance. The structure shall not be permitted to change in such a fashion as to make the nonconforming structure a greater non-conformity so as to adversely affect the character of the neighborhood or district in which it is located.

7.6.2 Abandonment

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

In the event of destruction or total casualty loss to a nonconforming building or structure, a one (1) year extension may be granted by the zoning officer provided that the owner shall, prior to the expiration of the initial one (1) year period provided for in the foregoing paragraph, file a notice of intent to reconstruct prior to the expiration of the initial one year period.

7.6.3 Repairs and Reconstruction

7.6.3.1 Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

7.6.3.2 A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

7.6.3.2.1 The reconstruction starts within one (1) year of the damage;

- 7.6.3.2.2 The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
- 7.6.3.2.3 The location of the reconstruction does not create a safety hazard;
- 7.6.3.2.4 The reconstruction of a nonconformity located in the 100 year floodplain shall comply with Section 8.7 of this Ordinance.

7.6.4 Extension or Enlargement

7.6.4.1 A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension however, a Zoning Permit shall be obtained from the Township Zoning Officer.

7.6.4.2 Structural alteration proposed to extend a nonconforming use may be authorized as follows:

7.6.4.2.1 By the Zoning Officer, provided that:

- (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the zoning district in which the use or structure is located.
- (b) The proposed extension or enlargement of the nonconforming use shall not exceed 50 percent of the gross floor area of the structure or use, with such gross floor area to be measured at such time that the use became nonconforming.

7.6.4.2.2 By the Zoning Hearing Board upon application for a variance, provided that:

- (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage and other requirements of the Zoning District in which the use or structure is located; and
- (b) The proposed extension or enlargement of the nonconformity which exceeds fifty percent (50%) of the gross floor area of the structure or use is approved by a variance issued by the Zoning Hearing Board.

7.6.4.3 For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), an expansion not exceeding 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance may be authorized by the Zoning Hearing Board.

7.6.4.4 A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

7.6.4.5 Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

7.6.5 Change of Use

7.6.5.1 By the Zoning Hearing Board upon application for variance provided that:

(a) Any non-conforming use, lot or structure may be changed to another non-conforming use, lot or structure by Special Exception provided that the Zoning Hearing Board shall find the proposed use, lot or structure to be equally appropriate or more appropriate to the Zoning District in which it is located.

7.6.5.2 A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use, lot or structure.

7.6.6 Registration of Non-conforming Uses, Structures and Lots

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

7.7 Off-Street Parking and Loading

Off-street parking shall be provided in accord with the requirements of this section at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

7.7.1 Development and Maintenance of Parking Facilities

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

- 7.7.1.1** Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent lot owned or controlled by the applicant, or that shared parking facilities are provided in accord with Section 7.8.1.9;
- 7.7.1.2** Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so there will be no need for motorists to back over public walkways or right-of-ways, except that single family and double dwellings need not comply with this requirement;
- 7.7.1.3** Parking areas shall be a minimum of ten (10) feet from a dwelling and five (5) feet from a public or private street right-of-way. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any intersection (see Section 7.5);
- 7.7.1.4** The parking area shall be constructed of a stabilized base with a suitable all weather surface, be graded for proper drainage, and maintained in good repair. If more than five (5) spaces are to be provided in a parking area, the surface of the parking area shall be considered as impervious for the purposes of preparing a storm water management plan for the site.
- 7.7.1.5** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'), parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21'). Parking lots of ten (10) spaces or more may designate up to 10 percent of the total maximum number of parking spaces for compact cars (8feet by 16 feet).

- 7.7.1.6** In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
- 7.7.1.7** Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways.
- 7.7.1.8** The required parking spaces for two or more uses may be shared provided that the Zoning Officer shall determine that the uses have distinct and different peak hour requirements; for example a use with evening or Sunday hours may share parking with a use that has daytime hours.

7.7.2 Number of Off-Street Parking Spaces Required

In all districts, the required number of off-street parking spaces shall be provided as set forth in the following table. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Board of Supervisors, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

SCHEDULE FOR OFF-STREET PARKING SPACES (a)

TYPE OF USE	REQUIRED SPACES - MINIMUM
Residential Uses	
Single Family, Two Family, Townhouse including Family Based Group Home	2 per dwelling unit
Multiple Family Dwelling	2 per dwelling unit; 1 for each dwelling unit for elderly housing
Cluster Subdivision	2 per dwelling unit
Mobile Home Parks	2 for mobile home lot
Institutional Uses	
Corrective/Penal Institution	1 for each 3 persons with the total number of persons to be determined by the maximum occupancy limit authorized by

	the PA Department of Labor and Industry for the building and/or PA Uniform Construction Code as administered by the Township
Day Care Center	1 for each 5 students/clients + 1 for each employee
Family Day Care Home	2 for dwelling unit + 2 customer spaces
Group Care Facility	1 for each 2 residents + 1 for each employee on the maximum work shift
Nursing Home or Retirement Home	1 for each 2 beds + 1 for each employee on the maximum work shift
Elementary Schools	5 for each classroom + 1 for each employee
Middle or High School, Post Secondary Facility	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
Churches, Social Halls, and similar places of public or private assembly; government, municipal or community buildings	1 for each 3 persons with the total number of persons to be determined by the maximum occupancy limit authorized by the PA Department of Labor and Industry for the building and/or PA Uniform Construction Code as administered by the Township
Libraries, museums or other cultural facilities; fire or police stations	1 for each 200 sq. ft. of gross floor area
Hospitals or health care facilities	1 for each 2 beds + 1 for each employee in the maximum work shift
Commercial/Retail Uses	—
Retail stores or service or repair business, including agricultural business and shopping centers	1 for each 200 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant	1 for each 100 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Animal Hospital or kennel	1 for each 300 sq. ft. of gross floor area + 1 for each employee on the maximum work shift

Business or professional office & financial institutions	1 for each 250 sq. ft. of gross floor area + 1 for each employee
Medical, dental or veterinary office	5 for each doctor + 1 for each employee
Home Occupation, Home Based Business	2 for dwelling unit + 2 customer spaces
Bed & Breakfast	1 for each guest room + 2 for dwelling unit
Motel or other similar lodging establishment	1 for each guest room + 1 for each employee on the maximum work shift
Funeral Home	1 for each 50 sq. ft. of assembly area + 1 for each employee with a minimum of 20 spaces
Clubs, fraternal organizations or similar use	1 for each 150 sq. ft. of gross floor area
Industrial Uses	
Manufacturing, warehousing, industrial surface mining operation, waste storage or processing facility	1 for each employee in the maximum work shift
Distribution Center	1 for each 500 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Lumber Yard, saw mill, junk yard salvage yard, contractor shop or yard	1 for each employee + 6 customer spaces
Recreational Use	
Parks & Playgrounds	1 for each 5 persons of total facility capacity
Commercial or Institutional Recreational Developments	1 for each 3 persons of total facility capacity + 1 for each 2 employees
Campgrounds or RV parks	2 for each camping space + 1 additional space for every 5 camping spaces.

7.7.3 Handicapped Parking

The parking lot design shall provide handicapped accessible parking spaces in accord with the following:

7.7.3.1 Spaces shall be a minimum of 14' x 20' in size;

7.7.3.2	Total Parking	Required Minimum Number In Lot
	1 to 25	1
	26 to 50	2
	51 to 75	3
	76 to 100	4
	101 to 150	5
	151 to 200	6
	201 to 300	7
	301 to 400	8
	401 to 500	9
	501 to 1000	2% of total

7.7.3.3 Such spaces shall be clearly marked on the pavement in standard blue marking, with a sign heading the space using the international wheelchair profile symbol; and

7.7.3.4 Such spaces shall be located as close as possible to public entrances, drop curbs, and building ramps.

7.7.4 Off-Street Loading

Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Gross Floor Area	Number of Berths
0 – 10,000 sq. ft.	1
10,001 – 50,000 sq. ft.	2
over 50,000 sq. ft.	2 + 1 for each additional 50,000 sq. ft. of floor area

7.8 Projections Into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of minimum building lines or lot coverage:

- 7.8.1 Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than three (3) feet into any required yard nor closer than five (5) feet to any adjacent property line.
- 7.8.2 Uncovered stairs.
- 7.8.3 Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

7.9 Screening and Landscaping

Screen planting as may be required elsewhere in this Ordinance, or where determined to be necessary by the Board of Supervisors or Zoning Hearing Board in a Conditional Use or Special Exception application shall serve as a barrier to visibility, glare, and noise between adjacent properties.

7.9.1 Screening

- 7.9.1.1 Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such size and species as will produce, in two (2) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purpose.
- 7.9.1.2 Screen planting shall be maintained permanently by the lot owner, and any plant material that did not survive shall be replaced within one (1) year.

- 7.9.1.3 Screen planting when mature shall not encroach into any road right-of-way nor into a driveway or intersection clear sight triangle.

7.9.2 Landscaping

Non-paved and non-built areas of each site shall be fully landscaped according to a plan which integrates the land use, traffic movement and parking, natural features and surroundings.

7.9.3 Residential and Non-residential Joint Boundary Requirements

- 7.9.3.1 Screen planting, walls, berms or fences shall be provided where a commercial or industrial use, commenced after the effective date of this Ordinance, abuts a residential district or use.
- 7.9.3.2 An additional landscaped buffer strip of not less than fifty feet (50') shall be provided in the form of increased residential lot width within a residential district, where adjacent to an existing non-residential activity.

7.10 Signs

7.10.1 Sign Policies

- 7.10.1.1 It is the purpose of these provisions to place strict limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.
- 7.10.1.2 The regulations of this Ordinance relating to signs shall be strictly construed, and signs not specifically permitted by the provision of this Ordinance shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.
- 7.10.1.3 It is the intent of these provisions that the signs listed in Section 7.11.2 shall be exempt from permitting requirements. Such signs are generally for public service purposes or are temporary or minor in nature.
- 7.10.1.4 Regulated signs, which are not exempt from permitting requirements, shall comply with the standards of Sections 7.11.3.

7.10.2 Exempt Signs - No Permit Required

The following sign types do not require a permit or license and shall not be counted toward the maximum sign area.

- 7.10.2.1** Any sign which is less than four(4) square feet in area qualify as an exempt sign. In the Village Commercial or Commercial Manufacturing Districts, a property owner may have as many signs as desired. However, in the Residential District, Rural Heritage District and Forest Preservation District, a property owner may have no more than one exempt sign per tax parcel.
- 7.10.2.2** Public Service Sign - is a sign located for the purpose of providing traffic safety, a public service message or directions towards or indication of a use not readily visible from a public street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, no trespassing, no fishing etc.). Such signs may bear no commercial advertising and shall not exceed four (4) square feet. Civic organization sponsored public service signs shall not be considered commercial advertising.
- 7.10.2.3** "For Sale" or "For Rent" Signs - A sign advertising a property being sold or rented which shall not exceed six (6) square feet in size and shall be removed within 10 days of the sale or rental of the premises. A maximum of two (2) such signs may be maintained for the property being sold or rented.
- 7.10.2.4** Community Directory Sign - an accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility which shall not exceed twenty-five (25) square feet in total area if single faced or fifty (50) square feet if double faced. One such sign, not located upon a public right-of-way, is allowed for each property street frontage.
- 7.10.2.5** Memorial signs or tablets and signs denoting the date of erection of buildings.
- 7.10.2.6** The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.
- 7.10.2.7** Temporary signs advertising the sale of farm products produced on the premises or advertising actions or events of charitable, political or public service groups. Such signs shall not exceed five (5) square feet of sign area nor be erected for more than 30 days in a calendar year.
- 7.10.2.8** Temporary signs for yard sales, which may be displayed for no more than twice per calendar year per property. Each sign display may last up to three days.
- 7.10.2.9 Temporary Business Signs**
- 7.10.2.9.1** Such signs shall not be used for a single period within a calendar year of more than sixty (60) days, except balloons

containing advertisement, hot-air balloons or other inflatable objects used as temporary signs which are limited to a maximum of seven calendar days per year.

7.10.2.9.2 A-frame signs and movable signs are permitted as long as the sign is secured to the ground so as to not become a hazard during wind conditions.

7.10.2.9.3 No temporary sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

7.10.2.9.4 No business shall exceed a maximum of 50 square feet of temporary sign area at any time.

7.10.2.10 Construction Signs - which shall not exceed thirty-two (32) square feet, may identify those involved in design, development, construction, demolition or financing, when displayed during the activity described. The sign shall be removed when the project activity has ceased. Only one such sign per property is allowed.

7.10.2.11 Political Signs - a sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate for nomination or election to public office. Such signs shall be removed within seven (7) days after election day and shall not be located in the right-of-way or attached to public utility poles or trees.

7.10.2.12 Clocks, time and temperature signs and barber poles, provided that they are not larger than twenty-five (25) square feet. Any commercial advertisements attached to such structure must be permitted or licensed.

7.10.2.13 Interior signs.

7.10.3 Regulated Signs - Zoning (Sign) Permit Required

7.10.3.1 Maximum Sign Area for Regulated Signs

A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of $1\frac{1}{2}$ (4 in CM) square feet for each lineal foot of building face parallel or substantial parallel to a street line. See Article 1 for definition of Sign Area.

- 7.10.3.1.1 Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.
- 7.10.3.1.2 A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft..
- 7.10.3.1.3 There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found below shall be met.

7.10.3.2 Standards for Regulated Signs

- 7.10.3.2.1 **Business Directory Sign** - is a sign stating the name(s) of a business located off premises.

- 7.10.3.2.1.1. The maximum sign area regardless of the number of business listed on the sign shall be sixteen (16) square feet.
- 7.10.3.2.1.2. Such signs are not included in computing total sign area allowed.
- 7.10.3.2.1.3. Such signs shall not be located upon a public right-of-way.

- 7.10.3.2.2 **“Interstate” Free Standing Sign - CM District** - is a self-supporting sign in a fixed location and not attached to any building or structure.

- 7.10.3.2.2.1. Such sign shall have no more than two (2) faces.
- 7.10.3.2.2.2. The maximum setback for such sign from the right-of-way line of Interstate 80 shall be 2,500 feet.
- 7.10.3.2.2.3. The area of each face shall not exceed three hundred (300) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed five hundred (500) square feet.
- 7.10.3.2.2.4. The top of such sign may not exceed a height of one hundred (100) feet above grade.
- 7.10.3.2.2.5. A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.

7.10.3.2.2.6. Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

7.10.3.2.2.7. There must be no exposed connecting wires.

7.10.3.2.3 **Free Standing Sign VC/CM Districts** - is a self-supporting sign in a fixed location and not attached to any building or structure.

7.10.3.2.3.1. Such sign shall have no more than two (2) faces.

7.10.3.2.3.2. In Commercial Manufacturing Districts, the area of each face shall not exceed two hundred and fifty (250) square feet per tax parcel/lot. In Village Commercial Districts, the area of each face shall not exceed thirty two (32) square feet per tax parcel/lot.

7.10.3.2.3.3. The top of such sign may not exceed a height of twenty (20) feet above grade.

7.10.3.2.3.4. The total signage on a single tax parcel in the Commercial Manufacturing District shall not exceed 2,500 square feet. The total signage on a single tax parcel in the Village Commercial District shall not exceed 500 square feet.

7.10.3.2.3.5. Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

7.10.3.2.3.6. There must be no exposed connecting wires.

7.10.3.2.4 **Free Standing Sign - RH/R/FP Districts** - is a self-supporting sign in a fixed location and not attached to any building or structure.

7.10.3.2.4.1. Such sign shall have no more than two (2) faces.

7.10.3.2.4.2. The area of each sign face shall not exceed thirty-two (32) square feet or a total not to exceed 64 square feet.

7.10.3.2.4.3. The top of such sign may not exceed nine (9) feet above grade.

7.10.3.2.4.4. Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

7.10.3.2.4.5. There must be no exposed connecting wires, and shall not be located in the public right-of-way.

7.10.3.2.5 **Projecting Sign** - a permanent sign that is hung at a 90 degree angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

7.10.3.2.5.1. If flat, each face shall not exceed nine (9) square feet.

7.10.3.2.5.2. The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.

7.10.3.2.5.3. Such sign must be hung at right angles, and shall not project beyond four (4) feet of the building face.

7.10.3.2.5.4. The bottom of said sign shall have an eight (8) foot pedestrian clearance from sidewalk level.

7.10.3.2.6 **Wall Sign** - is a sign which is attached parallel on the exterior surface of a building or structure. Canopy signs, awning signs, and marquee signs shall be classified as wall signs for the purposes of this ordinance.

7.10.3.2.6.1. A wall sign shall not project more than fifteen (15) inches from the building surface.

7.10.3.2.6.2. The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.

7.10.3.2.6.3. Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

7.10.3.2.7 **Interstate Billboard Sign** - is a sign that directs motorists to a business establishment or calls the attention of a motorist to

a product, place, or activity that exists or occurs at a location other than the parcel upon which the board is erected. For the purposes of this ordinance, billboards shall be free standing structures and shall not include wall signs.

7.10.3.2.7.1. Such sign shall be located only in the Rural Heritage, Forest Preservation or Commercial Manufacturing Districts and shall be visible from Interstate Route 80.

7.10.3.2.7.2. The maximum setback from the right-of-way of Interstate Route 80 shall be 2,500 ft.

7.10.3.2.7.3. No more than one (1) such sign may be erected and maintained on a lot.

7.10.3.2.7.4. Such a sign shall not exceed 300 square feet in area. The size criteria specified in Section 7.11.3.1 shall not apply.

7.10.3.2.7.5. The sign shall be located no closer than 750 feet from another Interstate Billboard sign.

7.10.3.2.7.6. All applicable provisions of the Pennsylvania Outdoor Advertising Control Act of 1971, Act 160 as amended, shall be adhered to. Any individual desiring to erect such a sign shall contact the PA DOT District Office Highway Beautification Manager.

7.10.3.3 Sign Application and Permit

A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Board of Supervisors and by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

7.10.3.4 Illumination of Signs - a sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

7.10.3.4.1 All electricity illuminated signs shall conform to the requirements of the BOCA National Building Code/1999 as amended.

7.10.3.4.2 Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property.

7.10.3.4.3 No forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

7.10.3.4.4 There must be no exposed connecting wires.

7.10.3.5 Setback Requirements - unless otherwise specified in this Ordinance, signs are exempt from setback requirements.

7.10.3.6 Supports and Brackets - for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

7.10.3.7 Licenses Required for Regulated Signs

In order to insure ongoing compliance with these sign regulations a sign license shall be required. Prior to expiration of two years from when a sign permit is issued and every two years thereafter, the owner of a parcel upon which signs are displayed, shall make application to license or renew license for the display of sign(s).

7.10.3.7.1 The license shall not be required for exempt signs.

7.10.3.7.2 Only one license shall be required per parcel, more than one sign may be covered under a license. License fees, based upon the number, type and size of signs, shall be established by resolution of the Board of Supervisors.

7.10.3.7.3 Application for the license shall be made on a form provided by the Zoning Officer. Licenses must be kept on the premises where the sign(s) are displayed and shown to the Zoning Officer at his or her request. A license for an off-premise sign (Section 7.11.3.2.1) shall be kept on file at the location of the advertised business or businesses.

7.10.3.7.4 Signs without permit or not covered by prior license shall be regarded as a violation of this Ordinance.

7.10.4 Prohibited Signs

Prohibited Signs shall include:

7.10.4.1 Any sign which flashes, rotates, or has a motorized part that is visible from a public street.

- 7.10.4.2 Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.
- 7.10.4.3 Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.
- 7.10.4.4 Any sign or sign structure which:
 - 7.10.4.4.1 Is structurally unsafe;
 - 7.10.4.4.2 Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
 - 7.10.4.4.3 Is not kept in good repair, or;
 - 7.10.4.4.4 Is capable of causing electrical shocks to persons likely to come in contact with it.
- 7.10.4.5 Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- 7.10.4.6 String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
- 7.10.4.7 Spinners and streamers.
- 7.10.4.8 Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.
- 7.10.4.9 Any sign affixed to a fence, utility pole or utility structure, or tree, shrub, rock or other natural objects.
- 7.10.4.10 Off premise signs unless a Business Directory Sign (see Section 7.11.3.2.1 or Billboard (Section 7.11.3.2.7).
- 7.10.4.11 Portable or moveable signs other than as temporary signs. (See Section 7.11.2.9.2.).
- 7.10.4.12 Signs which depict nudity or sexual conduct (See also Section 9.3 for Adult Entertainment uses).

7.10.5 Variance

An application for variance to any sign regulation may be filed with the Zoning Hearing Board as allowed in Article 10 of this Ordinance.

7.10.6 Maintenance

Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning Officer may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the cost of removal.

7.10.7 Non Conforming Signs

In regard to nonconforming signs, the Zoning Officer shall be permitted to allow the nonconforming signs to remain, provided the owner of the property upon which the nonconforming sign is located makes application for the sign license required by this Ordinance and continues to renew the license for the non-conforming sign in accordance with this Ordinance.

7.11 Storage of Junk and Certain Vehicles

7.11.1 Residential or Village Commercial District

Junk, including automotive vehicles or trailers of any kind without current license plates or inspection, shall not be stored on a lot in the Village Commercial or Residential District except in a completely enclosed structure.

7.11.2 Storage of Junk as an Accessory Use In All Other District

The outdoor storage of any junk as an accessory use including automotive vehicles or trailers of any kind (except operable farm trailers) without current license plates or inspection, or other inoperative machinery (including farm machinery) shall be:

7.11.2.1 Screened from view from any street right-of-way or property line using vegetative screening (see Section 7.10), fencing or topographic or natural features of the lot. The screening proposed shall be evaluated by the Zoning Officer to determine its effectiveness and shall be maintained in good order and appearance.

7.11.2.2 Limited to the occupancy of no more than 1,000 sq. ft. of lot area.

7.11.3 Junkyard/Salvage Yard

See the Conditional Use criteria for this use

7.12 Unique Lots and Building Locations

7.12.1 Two or More Buildings on a Lot - Land Development

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance that would normally apply to each building if each were on a separate lot. Where a lot or parcel of ground contains any principal building or use (other than vacant ground or cultivation of crops), in order to place an additional principal building or use on the lot or parcel the owner shall be required to provide to the Zoning Officer sufficient information regarding the size, shape and topographic features of the lot or parcel as well as any natural and/or manmade features. The second (or additional) principal building or use shall only be permitted in the event it can be constructed and/or placed on the lot or parcel in such a fashion that would allow the additional principal building and/or use to be separated from the original lot or parcel in such a manner that would comply with all requirements of this Ordinance. In order to determine compliance with this requirement, the Zoning Officer may request such information as may be required to provide sufficient information in order to make the determination, including but not limited to, the following information:

(a) A site plan which may include the following information:

- 7.13.1.1 title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 7.13.1.2 tract boundaries showing bearings and distances;
- 7.13.1.3 existing significant natural or man-made features of the site;
- 7.13.1.4 existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 7.13.1.5 existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 7.13.1.6 existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 7.13.1.7 proposed grading and drainage plan;
- 7.13.1.8 proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control

measures;

7.13.1.9 plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and

7.13.1.10 location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

(b) Proof of compliance with any applicable Subdivision or Land Development Ordinance.

(c) Identification of the existing principal use. In the event the owner or applicant fails to inform the Zoning Officer of the existing principal buildings or uses on the lot or parcel, the Zoning Officer shall make a determination of the existing principal buildings and/or uses on the parcel. In making such determination, the Zoning Officer shall consider the nature and character of the activities carried on in the principal buildings and/or uses, and fit them as nearly as possible into the category specified on the Schedule of Uses contained in this Ordinance. Such determination shall be made giving due consideration to patterns of usage, traffic, density of development, types of structures, public or private access, volume of vehicular and/or pedestrian traffic, and other similar land use factors consistent with the items listed on the Schedule of Uses.

7.13.2 Side Yard of a Corner Lot

The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

ARTICLE 8

Floodplain Management Provisions

8.1 Identification of Floodplain

The identified floodplain area shall be those areas of Boggs Township, which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated August 15, 1989 or the most recent revision thereof.

8.2 Description of Floodplain Area

The identified floodplain area shall consist of the following specific areas:

8.2.1 FW (Floodway Area)

The areas identified as "Floodway" in the AE Zone in the Floodplain Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

For the purposes of this Ordinance, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

8.2.2 FF (Flood-Fringe Area)

The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

8.2.3 FE (Special Floodplain Area)

The areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

8.2.4 FA (General Floodplain Area)

The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

8.3 Changes in Designation of Area(s)

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

8.4 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Agency, and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

8.5 Technical Requirements

8.5.1 General

- 8.5.1.1** In the identified flood-prone area(s), the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the municipality.

8.5.1.2 Within any FW (Floodway Area), the following provisions apply:

8.5.1.2.1 Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.

8.5.1.2.2 No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

8.5.1.3 Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the elevation of the one (100) year flood more than one (1) foot at any point.

8.5.1.4 Within any FE (Special Floodplain Area) or FA (General Floodplain Area), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams, Waterways, and Wetlands.

8.5.2 Elevation and Floodproofing Requirements

8.5.2.1 Residential Structures

Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at or above the regulatory flood elevation.

8.5.2.2 Non-Residential Structures

Within any identified floodplain area, the elevation (including basement) of any new or substantially improved nonresidential structure shall be at or above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to or above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication titled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specification for such floodproofing shall be accompanied by a statement certified by a

registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

8.5.2.3 Space Below the Lowest Floor

Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- 8.5.2.3.1 a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- 8.5.2.3.2 the bottom of all openings shall be no higher than one (1) foot above grade.
- 8.5.2.3.3 openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

8.5.2.4 Elevation and Floodproofing Requirements for Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- 8.5.2.4.1 the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- 8.5.2.4.2 floor area shall not exceed 600 square feet.
- 8.5.2.4.3 the structure will have a low damage potential.
- 8.5.2.4.4 the structure will be located on the site so as to cause the least obstruction to the flow of floodwater.

- 8.5.2.4.5 power lines, wiring, and outlets will be at least one and one-half (1½) feet above the one hundred (100) year flood elevation.
- 8.5.2.4.6 permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- 8.5.2.4.7 sanitary facilities are prohibited.
- 8.5.2.4.8 the structure should be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:
 - 8.5.2.4.8.1. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - 8.5.2.4.8.2. the bottom of all openings shall be no higher than one (1) foot above grade.
 - 8.5.2.4.8.3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

8.5.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

8.5.3.1 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

8.5.3.2 Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping station and collection systems) shall be located, designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

8.5.3.3 Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

8.5.3.4 Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

8.5.3.5 Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

8.5.3.6 Fill

If fill is used, it shall:

- 8.5.3.6.1** extend laterally at least fifteen (15) feet beyond the building line from all points;
- 8.5.3.6.2** consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- 8.5.3.6.3** be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- 8.5.3.6.4** be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and

8.5.3.6.5 be used to the extent to which it does not adversely affect adjacent properties.

8.5.3.7 Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8.5.3.8 Anchoring

8.5.3.8.1 All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.

8.5.3.8.2 All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent floatation.

8.5.3.9 Floors, Walls and Ceiling

8.5.3.9.1 Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

8.5.3.9.2 Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

8.5.3.9.3 Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

8.5.3.9.4 Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

8.5.3.10 Electrical Systems and Components

8.5.3.10.1 Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

8.5.3.10.2 Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

8.5.3.10.3 Separate electrical circuits shall serve lower levels and shall be dropped from above.

8.5.3.11 Plumbing

8.5.3.11.1 Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

8.5.3.11.2 On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum all systems shall meet the requirements of Act 537, The Pennsylvania Sewage Facilities Act, as amended.

8.5.3.11.3 Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

8.5.3.12 Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

8.5.3.13 Paints and Adhesives

Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

8.5.3.13.1 Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

8.5.3.13.2 All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

8.5.3.14 Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 8.5.6, Development Which May Endanger Human Life, shall be stored at least one and one-half ($1\frac{1}{2}$) feet above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

8.5.4 Special Requirements for Manufactured (Mobile) Homes

8.5.4.1 Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be:

8.5.4.1.1 placed on a permanent foundation.

8.5.4.1.2 elevated so that the lowest floor of the mobile home is at or above the elevation of the one hundred (100) year flood.

8.5.4.1.3 anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to the ground anchors:

8.5.4.1.3.1. over-the-top ties shall be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and mobile homes less than fifty (50) feet long requiring one additional tie per side, all over-the-top ties shall be attached to ground anchors;

8.5.4.1.3.2. frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;

8.5.4.1.3.3. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds;

8.5.4.1.3.4. any additions to the mobile home shall be similarly anchored.

8.5.4.2 An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks and mobile home subdivisions where appropriate.

8.5.5 Special Requirements for Campgrounds and Recreational Vehicles in

Floodplain Areas

- 8.5.5.1** Where campgrounds and recreational vehicles are located within a designated floodway, Zoning Permits will only be valid from April 1 through November 1 of each year. All camping units, recreation vehicles, and associated accessory structures or facilities must be removed from the Floodway during the remainder of the year.
- 8.5.5.2** Where campground and recreational vehicles are located within any designated floodplain area, a workable evacuation plan must be submitted by the owner as part of his application for a Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.
- 8.5.5.3** Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and must be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

8.5.6 Development Which May Endanger Human Life

- 8.5.6.1** In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

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

8.5.6.2 Where permitted within an identified flood prone area, any structure of the kind described in Subsection 8.5.6.1, above, shall be:

8.5.6.2.1 elevated or designed and constructed to remain completely dry up to at least one and one half ($1\frac{1}{2}$) feet above the one hundred (100) year flood and,

8.5.6.2.2 designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

8.5.6.3 Within any identified flood-prone area, any structure of the kind described in Subsection 8.5.6.1 above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

8.6 Activities Prohibited Within Floodplain Areas

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

8.6.1 The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

8.6.1.1 hospitals

8.6.1.2 nursing homes

8.6.1.3 jails or prisons

8.6.2 The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

8.7 Existing Structures in Identified Floodplain Areas

8.7.1 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 8.7.2 shall apply.

8.7.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

8.7.2.1 No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

8.7.2.2 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

8.7.2.3 Any modification, alteration, construction, reconstruction, or

improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.

8.8 Variance of Floodplain Management Provisions

8.8.1 General

If compliance with any of the floodplain management provisions of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

8.8.2 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 10.2.4 and the following:

8.8.2.1 No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

8.8.2.2 Except for a possible modification of the one and one half (1½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Activities Prohibited Within Floodplain Areas (Section 8.6) or Development Which May Endanger Human Life (Section 8.5.6).

8.8.2.3 Whenever a variance is granted, the Township shall notify the applicant in writing that:

8.8.2.3.1 The granting of the variance may result in increased premium rates for flood insurance.

8.8.2.3.2 Such variances may increase the risks to life and property. –

8.8.2.4 In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

8.8.3 A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the

year shall be included in the annual report to the Federal Insurance Administration.

- 8.8.4** Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE 9

Supplemental Use Criteria

9.1 General Special Exception or Conditional Use Criteria

In addition to the specific supplemental use criteria identified for uses within this article, the following general criteria shall apply to all Special Exception and Conditional Use applications under this Ordinance.

- 9.1.1 Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 7 for supplemental regulations which may apply;
- 9.1.2 The proposed use shall maintain or enhance the character of the area in which it is proposed to locate;
- 9.1.3 A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development;
- 9.1.4 A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations;
- 9.1.5 It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location;
- 9.1.6 Conditional Uses proposed for the Village Commercial and Residential Districts are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such use are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character;
- 9.1.7 The use or adaptation of a structure or lot in the Village Commercial or Residential Districts for a Conditional Use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board;
- 9.1.8 In the event sewer and water facilities are required for the proposed use, public systems shall be provided; except that DEP approved on-lot facilities may be acceptable for the following uses: Junkyard or Salvage Yard; Outdoor Recreation Use (other than Recreation Vehicle Park, Marina, or Campground

Uses); Professional Office; Public or Quasi-Public Use; or Retail, Wholesale, Office, Printing, or Repair Business;

- 9.1.9 Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge area; evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners;
- 9.1.10 Compliance with the floodplain regulations of the Township and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval;
- 9.1.11 Permanent screening and landscaping shall be provided in accord with Article 7 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 9.1.12 Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 9.1.13 Sites shall be designed and constructed in accord with the Applicable Subdivision and Land Development Ordinance.
- 9.1.14 Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 9.1.15 Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated; and
- 9.1.16 All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

9.2 Accessory Uses and Structures

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

- 9.2.1 Fences, walls or planting may be constructed in required yards provided that:

- 9.2.1.1 The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Article 7).
- 9.2.1.2 Fences shall be setback a minimum of two (2) feet from any lot line so that maintenance can be performed on both sides of the fence without trespassing on the adjoining property owner's land. An exception allowing a fence to be erected on the property line or within two (2) feet of the property line shall be recognized in the event the following criteria are met:
- 9.2.1.2.1 (a) The boundary line between the adjoining properties is clearly marked and visible by pins, or, (b) if the boundary line is not clearly marked and visible by pins the applicant employs a registered surveyor or other appropriate professional to survey, locate, and clearly mark the boundary line, or (c) the owners of the properties adjoining at the subject boundary line enter into a written agreement regarding the location of the boundary line and approved placement of the fence, and
- 9.2.1.2.2 The applicant demonstrates to the satisfaction of the Zoning Officer that the intended fence is easily maintained to the point where any such maintenance will not require the applicant or his successors to trespass upon the adjoining property owner's ground to maintain, repair, or replace the fence.
- 9.2.1.3 The maximum height for residential fences shall be four (4) ft. if located in front yards and six (6) ft. if located in side or rear yards.
- 9.2.1.4 If applicable, compliance with township floodplain regulations (see Article 8) shall be maintained.
- 9.2.2 A detached garage, greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed the Maximum Building Height allowed for the District and shall not be located in front of the principal building. The door opening for a garage or storage building shall not exceed 15 ft. in height. Accessory structures shall be separated a minimum of ten (10) feet from any structure and shall be located no closer than eight (8) feet from any side or rear property line. A single storage building 100 sq. ft. or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks.

Accessory structures such as fences, swing sets, play gyms, playhouses, and doghouses shall comply with the above standards and shall be exempt from the

zoning permit requirement provided that they do not occupy more than 100 sq. ft. of area.

9.2.3 Swimming Pools:

9.2.3.1 Swimming pools are a structure and require a zoning permit and Final Zoning Compliance Permit, but will otherwise be regulated by the Pennsylvania Uniform Construction Code.

9.2.4 Private Tennis Courts

9.2.4.1 Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.

9.2.5 Sidewalks and Driveways

9.2.5.1 Sidewalks and driveways shall be permitted within front, rear, and side yards.

9.2.6 Gas Station and Convenience Marts Pump Island Canopies

9.2.6.1 Canopies used to protect pump islands at gas stations or convenience marts shall be permitted in any yard provided that a 10 ft. minimum building setback line is maintained and the height of the canopy shall not exceed 24 ft.

9.2.7 Vehicle Hobby Shops

A Vehicle Hobby Shop may be considered as an Accessory Use which is run from the Owner's household garage. Such use involves the repair or restoration of either licensed or unlicensed or Junk Motor Vehicles as a hobby for the personal use or interest of the Owner, such as classic or antique automobiles, and not for money, payment, employment or compensation from others. A Vehicle Hobby Shop shall comply with Section 7.12 Storage of Junk and Certain Vehicles at all times.

9.2.8 Hobby Farm

A Hobby Farm may be established on a lot or on contiguous lots at least three (3) acres in size in the RH or FP Districts on which poultry or livestock secured within the premises may be raised for personal use either on pasture or within animal housing. A Hobby Farm shall not be operated as an Agricultural Operation engaged in commercial raising of livestock for market. A Hobby Farm shall not exceed 1 animal equivalent unit (A.E.U.) per acre based on the following schedule.

Slaughter or feeder cattle:	1= 1.0 A.E.U.
Mature dairy cow:	1= 1.3 A.E.U.
Swine:	1= 0.5 A.E.U.
Sheep/Goats:	1= 0.5 A.E.U.
Horse:	1= 1.5 A.E.U.
Poultry, ducks, geese etc.: maximum of 25 birds regardless of lot size	

For an animal species not listed above, the hobby farm shall not exceed 1000 lbs. of animal weight per acre based on the typical live weight of mature animals of the species.

9.3 Adult Entertainment

9.3.1 Adult entertainment uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.

9.3.1.1 No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.

9.3.1.2 In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.

9.3.1.3 An adult entertainment use shall be limited to a wall mounted sign located on the premises, which shall not exceed 20 ft² in size.

9.3.1.4 An adult entertainment use shall not be permitted in a shopping center.

9.4 Animal Hospital or Kennel

Animal Hospitals or Kennels, including treatment, breeding, boarding and grooming facilities, are to be conditioned upon, but not limited to, the following criteria:

9.4.1 Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.

- 9.4.2 Demonstration that all animals will be confined to the property.
- 9.4.3 Demonstration of adequate methods for sanitation and sewage disposal.
- 9.4.4 Outdoor runs shall be located at least 100 feet from any lot line and shall not extend into the setback area.
- 9.4.5 Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences. If deemed necessary by the Board of Supervisors, fencing to attenuate sound shall be provided.
- 9.4.6 A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

9.5 Automotive Repair Facility, Sales Facility or Service Station

An automotive repair facility, sales facility or service station may be permitted use in the Commercial Manufacturing District and a Conditional use in the Village Commercial District and shall comply with the provisions outlined below, as well as other municipal regulations existing or which may hereafter be enacted.

- 9.5.1 No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of the property line of any school, playground, church, or public place of assembly.
- 9.5.2 Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.
- 9.5.3 All fuel, oil, propane gas, or other similar substances shall be stored at least 30 feet from any street right-of-way or property line. Additional permits may be necessary to meet State requirements regarding storage tanks.
- 9.5.4 All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.
- 9.5.5 Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain all noise, vibrations, dust, and odor generated by the activity.
- 9.5.6 Automatic car wash facilities may be permitted in conjunction with such uses

provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.

9.5.7 No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.

9.5.8 Screening or landscaping shall be provided in accord with Section 7.10 when this use is adjacent to residences, churches or similar uses.

9.6 Bed and Breakfast Inn

9.6.1 Intent

A Bed and Breakfast Inn shall provide temporary travelers' accommodations and breakfast in a single-family residence for a fee, on a daily or weekly room rental basis.

9.6.2 Standards

9.6.2.1 Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

9.6.2.2 Off-street parking shall be provided in accord with this article. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

9.6.2.3 The number of guests shall generally be limited to 6 persons at any one time, except where sanitation facilities would otherwise allow more.

9.6.2.4 All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

9.6.2.5 Room rentals to families or individuals shall not exceed 14 consecutive days.

9.6.2.6 Compliance with the sign regulations of Article 7 shall be maintained.

9.7 Cluster Development

9.7.1 Statement of Purpose

Cluster development is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller

than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

A cluster development shall be designed in accord with the regulations contained in this section except that the maximum gross density of 5 dwelling units per acre for the Residential and Village Commercial Districts shall not be exceeded.

All proposed cluster development projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the applicable Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of the Municipalities Planning Code. The approval by the Board of Supervisors for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, State, or Federal Government.

9.7.2 Applications for Cluster Development

Any developer who desires to initiate a Cluster Development shall submit an application to the Board of Supervisors through the Zoning Officer in accord with Conditional Use procedure. The application shall be accompanied by:

- 9.7.2.1** Location map showing the project in relation to the surrounding area;
- 9.7.2.2** Sketch plan showing:
 - 9.7.2.2.1** Property lines and easements with dimensions and area;
 - 9.7.2.2.2** Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
 - 9.7.2.2.3** The building types, sections, floor plan, and site sections to clearly define the character of the project; the Board of Supervisors may require a model if deemed necessary;
 - 9.7.2.2.4** Topographic information showing existing features, conditions, and proposed grading;
 - 9.7.2.2.5** Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
 - 9.7.2.2.6** Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
- 9.7.2.3** Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and

estimated selling price of units and density calculations; and

9.7.2.4 Written information regarding the following:

9.7.2.4.1 The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;

9.7.2.4.2 Whenever applicable, documents indicating compliance and approval of mandated State statutes or other laws shall be obtained and submitted as part of the application.

9.7.3 **Criteria for Granting Conditional Use Approval for Cluster Development**

A conditional use on approval for a cluster development shall only be granted if evidence is presented that:

9.7.3.1 The proposed cluster development shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this section and the applicable Subdivision and Land Development regulations;

9.7.3.2 The proposed cluster development shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

9.7.3.3 The proposed cluster development shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;

9.7.3.4 The proposed cluster development shall not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

9.7.4 **General Qualifications**

9.7.4.1 **Tract Size**

Minimum development tract size shall be one hundred (100) contiguous acres. Excluded from the determination of development tract size are all

lands situated in the floodway portion of the 100 year floodplain as defined by this Ordinance and as shown on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency for Boggs Township.

9.7.4.2 Density

The gross density of a cluster development shall not exceed five (5) dwelling units per acre. Determination of the number of units allowable on a tract for cluster subdivision is as follows:

Gross acreage of parcel, minus the acreage in floodway portion of the 100 year floodplain, times 5 units/acre, equals total number of dwelling units permitted.

9.7.4.3 Types of Dwelling Units

Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster development pursuant to the requirements of this article. All units proposed shall be for sale only.

9.7.4.4 Permitted Lot Area Reductions

For cluster development single family detached may be reduced up to 50% from the minimum established in Section 3.4.1 for public sewage and public water. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit. Double dwellings may be reduced up to 20% from the minimum established in Section 3.4.2. The equivalent acreage resulting from lot area reductions shall be permanently preserved as open space in accord with Section 9.7.10.

9.7.4.5 Yard Dimensions

9.7.4.5.1 Minimum Yards for Single Family Detached and Double Dwellings:

Front:	30 ft.
Side:	0 ft.
Rear:	10 ft.

9.7.4.5.2 Townhouses and Multi-Family Dwellings: All townhouse units shall be a minimum of 20 ft. from driveways and parking lots.

9.7.4.5.3 The cluster development shall have a setback of 50 feet from the site perimeter for all buildings.

9.7.4.6 Landscaped Buffer Areas

Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Board of Supervisors. Also, refer to the Screening and Landscaping regulations found in Article 7.

9.7.5 Special Housing Qualifications

9.7.5.1 Townhouse Group

Not more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

9.7.5.2 Spacing Of Structures

Minimum distances between structures shall be:

Single Family Detached:	10 feet
Double Dwelling:	20 feet
Townhouse:	Forty (40) feet between buildings
Multi-Family Dwelling:	Forty (40) feet between buildings

9.7.6 Garages and Accessory Buildings

Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principle structure and that a minimum front building line of 30 ft. is maintained.

9.7.7 Impervious Coverage

The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

9.7.8 Maximum Building Height: Thirty-five (35) feet

9.7.9 Miscellaneous Regulations

9.7.9.1 Utilities

Public sewer and public water facilities shall be provided.

9.7.9.2 Off-Street Parking

See Off-Street Parking and Loading regulations in Article 7.

9.7.9.3 Sign Regulations

See the regulations for Signs in Article 7.

9.7.9.4 Fence Regulations

See the regulations for Accessory Structures in Article 7.

9.7.9.5 Automobile Trailers and Mobile Homes

Shall not be permitted in a Cluster Development.

9.7.10 Open Space Requirements

9.7.10.1 Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

9.7.10.2 Common open space may only be dedicated to public use as approved by the Township Supervisors. The Township Supervisors reserve the right to deny dedication of open space.

9.7.10.3 Private Ownership - When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

-Obligate purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

-Obligate such an association to maintain the open areas and private streets and utilities.

-Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

-Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

-Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.

9.8 Communications Antennas, Communication Equipment Buildings, and Communications Towers (Height of 100 feet or less)

- 9.8.1 Building mounted Communications Antennas shall not be permitted on any single-family dwelling or two family dwelling.
- 9.8.2 Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- 9.8.3 Omni-directional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 9.8.4 Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 9.8.5 Any applicant proposing Communications Antennas to be mounted on a Building or other Structure 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.

- 9.8.6 Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 9.8.7 Any applicant proposing Communication Antennas to be mounted on a Building or other Structure 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 antennas and Communication Equipment Building can be accomplished.
- 9.8.8 Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Township.
- 9.8.9 A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- 9.8.10 The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
- 9.8.11 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.
- 9.8.12 Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 9.8.13 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 that all owners of potentially suitable Structures within a one (1) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
- 9.8.13.1 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.
- 9.8.13.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.

- 9.8.13.3 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.
- 9.8.13.4 Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 9.8.13.5 A commercially reasonable agreement could not be reached with the owners of such Structures.
- 9.8.14 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 width of twenty (20) feet.
- 9.8.15 A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 9.8.16 Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 9.8.17 Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 9.8.18 The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- 9.8.19 The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining or located in any Residential District or the Village Commercial District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least thirty (30) feet.
- 9.8.20 The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

9.8.21 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 any applicable Building Code.

9.8.22 The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and 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.

9.8.23 All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.

9.8.24 The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.

9.8.25 No signs or 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. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.

9.8.26 Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.

9.8.27 If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.

9.8.28 One off street parking space shall be provided within the fenced area.

9.9 Communications Towers (Height Greater Than 100 ft.)

9.9.1 The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

- 9.9.2 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.
- 9.9.3 Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 9.9.4 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 that all owners of potentially suitable Structures within a one (1) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
- 9.9.4.1 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.
- 9.9.4.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.
- 9.9.4.3 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.
- 9.9.4.4 Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 9.9.4.5 A commercially reasonable agreement could not be reached with the owners of such Structures.
- 9.9.5 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 width of twenty (20) feet.
- 9.9.6 A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

- 9.9.7 Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 9.9.8 Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 9.9.9 The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- 9.9.10 The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining any Residential District or the Village District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least fifty (50) feet.
- 9.9.11 The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 9.9.12 The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
- 9.9.13 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 any applicable Building Code.
- 9.9.14 The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and 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.
- 9.9.15 All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.
- 9.9.16 The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.

- 9.9.17 No signs or 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 that has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.
- 9.9.18 Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 9.9.19 If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.
- 9.9.20 One off street parking space shall be provided within the fenced area.

9.10 Corrective or Penal Facility

In addition to the use regulations of this Ordinance, a Corrective or Penal Facility shall comply with the provisions of the applicable Subdivision and Land Development Ordinance and the criteria enumerated below:

- 9.10.1 A site plan shall be provided showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings and structures to be used as part of the facility.
- 9.10.2 A explanation of the traffic, sanitary and environmental safety measures to be utilized and made operational before commencing operations.
- 9.10.3 An indication as to how the light fixtures to be used for security and night operations are to be designed and positioned to avoid directing glare onto adjacent roadways and neighboring properties thereby preventing nuisance effects associated with the lighting.
- 9.10.4 A written commitment shall be presented, signed by the highest responsible official, indicating what operational policies, practices (including the size of the inmate population) and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety of nearby resident.
- 9.10.5 An Emergency Response plan shall be provided which guarantees that the facility owner will either provide directly or provide to the Township whatever supplemental equipment, personnel, and financial resources are deemed

necessary by the Township to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or other potential incident.

- 9.10.6 A Communications Plan shall be provided which defines in detail the manner in which Township officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Township to the owner.
- 9.10.7 A Manpower Chart which identifies the on-site or parent organization chain-of command by position and name.
- 9.10.8 A Maintenance Plan which assures that the physical appearance of the facility will be kept in a sanitary and secure condition and will not adversely effect neighboring properties.
- 9.10.9 All permits, licenses and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Township as part of the application for the Corrective or Penal Facility. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Township Zoning Permit.
- 9.10.10 Nothing in this Section is intended nor shall be interpreted to attempt to regulate those aspects of Corrective or Penal Facilities which are specifically regulated by the Pennsylvania Department of Corrections or the U.S. Department of Justice, provided that the essential precautions are defined by such regulations in as much detail as required herein.

9.11 Day Care Center

A center, which provides daytime care or instruction for 7 or more persons and operates on a regular basis, including nursery schools and preschools, shall comply with the following provisions:

- 9.11.1 A day care center shall be located in an area that is free from conditions dangerous to the physical and moral welfare of the children.
- 9.11.2 At least 100 square feet per child of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.
- 9.11.3 At least 35 square feet per child of soundly constructed inside play area, not including bathroom, hallways, and other areas unsuited for play shall be provided.

- 9.11.4 The applicant shall provide such certification or documentation as necessary to show that the plans for the proposed day care center meet, where applicable, the licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare, Education, and Environmental Protection.
- 9.11.5 A building floor plan shall be provided, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.
- 9.11.6 A site plan shall also be provided, drawn to scale, and clearly showing the following:
 - 9.11.6.1 The dimensions and acreage of the site and its relationship to surrounding properties.
 - 9.11.6.2 The layout of the entire project including the proposed use and location of all buildings.
 - 9.11.6.3 The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
 - 9.11.6.4 The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
 - 9.11.6.5 The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
 - 9.11.6.6 The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
 - 9.11.6.7 The location of existing and proposed utility lines, water courses and drainage lines and easements.
 - 9.11.6.8 Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

9.12 Family Based Group Home

- 9.12.1 The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 9.12.2 No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.
- 9.12.3 The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.
- 9.12.4 The Family Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

9.12.5 The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

9.12.6 Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant caregivers, and visitors.

9.13 Funeral Home

9.13.1 Off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. This area shall be in addition to the off-street parking spaces required for this use as stipulated in Section 7.8.2.

9.14 Group Care Facility

9.14.1 The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

9.14.2 The Group Care Facility shall maintain a residential neighborhood character.

9.14.3 The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

9.14.4 The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

9.14.5 Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant caregivers, and visitors.

9.15 Home Based Business

A Home Based Business may be operated on a lot in the applicable zoning districts in conjunction with a residential dwelling unit. Such uses include lawn mower or appliance repair shops; beauty shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. Any person wishing to operate a Home Based Business must obtain a permit from the Zoning Officer for the Home Based Business, and such permit may only be issued if the following conditions are met:

9.15.1 The Home Based Business shall be compatible with the residential character of the dwelling or the immediate vicinity. The Home Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio

or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

- 9.15.2 A Home Based Business may be conducted inside the dwelling or within an accessory building or garage, but shall not occupy an area exceeding 60 percent of the total floor area of the dwelling.
- 9.15.3 The business shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.
- 9.15.4 All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.
- 9.15.5 The Home Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Based Business.
- 9.15.6 No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

9.16 Home Occupations (including Family Day Care Home)

A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

- 9.16.1 The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 4 sq. ft. (see Address Sign - Section 7.11).
- 9.16.2 Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.
- 9.16.3 The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1000) square feet. The floor area standards shall not apply to family day care homes. There shall be no exterior alterations, additions, or changes to the structure in order to accommodate the home occupation.

- 9.16.4 All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.
- 9.16.5 The majority of the goods or products sold on the premises must be produced on the premises.
- 9.16.6 Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

9.17 Industrial Park and Industrial or Manufacturing Uses

- 9.17.1 Industrial operations shall abut or provide direct access to a highway, which is capable of accommodating heavy trucks and industrial employee and related traffic.
- 9.17.2 At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.
- 9.17.3 Manufacturing uses generating noises, vibration, radioactivity, toxic or noxious materials, glare, heat, dust, fly ash, smoke or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.

9.18 Junk Yard or Salvage Yard

Junk Yard or Salvage Yard operations created after the effective date of this Ordinance may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing or which may hereafter be enacted. Zoning Permits for such uses shall be renewed annually by the owner. Such renewal shall be preceded by an inspection of the premises by the Township Zoning Officer who shall determine compliance with the following criteria prior to permit renewal.

- 9.18.1 Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a buffer yard and/or landscaping as set forth in Section 7.10 of this Ordinance may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.
- 9.18.2 Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for

the breeding of rodents and vermin.

- 9.18.3 No garbage or other organic waste shall be stored in such premises.
- 9.18.4 All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility, and shall not exceed a maximum height of eight (8) feet.
- 9.18.5 No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.
- 9.18.6 No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. Where determined appropriate by the Township, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan for his facility.

9.19 Surface Mining

The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

- 9.19.1 The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.
- 9.19.2 This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.
- 9.19.3 This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any stream.
- 9.19.4 The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

9.20 Waste Storage or Processing Facility

- 9.20.1 No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency,

and such other federal or state agencies as required under the applicable enabling statutes.

9.20.2 All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Waste Storage or Processing Facility):

9.20.2.1 Within 2 mile of a well or spring used for a community water supply;

9.20.2.2 Within 2 mile of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;

9.20.2.3 Within any 100 year floodplain or a larger area that the flood of record has inundated;

9.20.2.4 Within any wetland area;

9.20.2.5 Over any active or inactive oil or gas wells or storage areas;

9.20.2.6 Over any formations of carbonate bedrock;

9.20.2.7 Within 2 mile of any National Landmark or historic site as listed on the National Register of Historic Places;

9.20.2.8 Within any Agricultural Security Area;

9.20.2.9 In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;

9.20.2.10 Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;

9.20.2.11 Within 2 mile of any designated Aquifer Protection Area or Well-head Protection Area; or

9.20.2.12 Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

9.20.3 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;

9.20.3.1 Hydrologic analysis and information;

- 9.20.3.2 Information concerning geologic conditions;
- 9.20.3.3 SCS soils classification information;
- 9.20.3.4 Information on mineral bearing areas;
- 9.20.3.5 Land use analysis;
- 9.20.3.6 Information regarding transportation impacts;
- 9.20.3.7 Information regarding emergency and safety services;
- 9.20.3.8 Economic impact analysis; and
- 9.20.3.9 Air quality impact analysis.

9.20.4 Application Requirements

The Applicant shall submit the following information pertaining to the site or project:

- 9.20.4.1 A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- 9.20.4.2 A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 9.20.4.3 A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 9.20.4.4 A statement of qualifications to operate a waste disposal facility;
- 9.20.4.5 A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
 - Facility construction and maintenance procedures;
 - Operating procedures and practices, the design of the facility and its associated activities;
 - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
 - The services to be offered by the applicant to the community;

-The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;

-Provisions for renegotiations of any term, condition or provision of the siting agreement;

-Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;

-Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;

-Provision for direct monetary payments to the township and special services to be provided for demonstrated adverse impacts;

-Provision to assure the health, safety, comfort, convenience and social and economic security of the township;

-Provision to assure the protection of environmental and natural resources;

-Provisions to compensate the township, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes.

ARTICLE 10

Zoning Hearing Board Proceedings

10.1 Organization and Procedure

10.1.1 Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for Boggs Township.

10.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of Boggs Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township's intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

10.1.3 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

10.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

10.2.1 To Hear and Decide Requests for Special Exceptions

Where the Governing Body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria of this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance.

10.2.2 To Hear and Decide Appeals

- 10.2.2.1** The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, 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.
- 10.2.2.2** The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.
- 10.2.2.3** The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- 10.2.2.4** The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer, any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

10.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance

10.2.3.1 The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.

10.2.3.2 The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

10.2.4 To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally, irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. See Section 8.8 for additional information regarding variances in the Floodplain Districts.

No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

10.2.4.1 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;

10.2.4.2 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;

- 10.2.4.3 That such unnecessary hardship has not been created by the applicant;
- 10.2.4.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- 10.2.4.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

10.3 Hearing Procedures

10.3.1 Parties Appellant Before the Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

10.3.2 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

10.3.3 Application Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

- 10.3.3.1 the name and address of the applicant or appellant;

- 10.3.3.2 the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 10.3.3.3 a brief description and location of the parcel to be affected by such proposed change or appeal;
- 10.3.3.4 a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 10.3.3.5 a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

10.3.4 Procedure for Zoning Officer

- 10.3.4.1 The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 10.3.4.2 It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

10.3.5 Hearing Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

- 10.3.5.1 Public notice in accordance with the definition of *Public Notice* in Section 1.3 of this Ordinance;

- 10.3.5.2 Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 10.3.5.3 Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the applicable Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the applicable Planning Agency shall be given notice at least 30 days prior to the hearing); and
- 10.3.5.4 In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

10.3.6 Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

10.3.7 Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be

deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

10.3.8 Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

10.3.9 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

10.3.10 Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 day and/or 45 day time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

10.3.11 Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

10.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Centre County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 11

Amendments and Conditional Uses - Board of Supervisors

11.1 Amendments to Zoning Ordinance or Map

The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

11.1.1 Review by Planning Agency

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

11.1.2 Public Hearing

The Township Board of Supervisors shall, at a public meeting, establish a date, time and place for a Public Hearing on the proposed amendment. Notice of such Hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the local area. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the perimeter of the affected tract at least seven (7) days prior to the date of the hearing.

11.1.3 Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

11.1.4 Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

11.1.5 Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

11.2 Conditional Uses

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Articles 2 through 6 of this Ordinance, District Regulations, pursuant to the express standards and criteria for the specified uses outlined in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

11.2.1 Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Supervisors.

11.2.2 Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

- 11.2.2.1** the location of the tract of land;
- 11.2.2.2** the present use of the tract for which the conditional use is requested;
- 11.2.2.3** the present use of adjoining tracts;
- 11.2.2.4** the type of conditional use for which the application is made;
- 11.2.2.5** a brief description of the type and extent of the proposed activities;

- 11.2.2.6 an estimate of the total development cost of the conditional use; and
- 11.2.2.7 the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

11.2.3 Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 11.2.3.1 title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 11.2.3.2 tract boundaries showing bearings and distances;
- 11.2.3.3 existing significant natural or man-made features of the site;
- 11.2.3.4 existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 11.2.3.5 existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 11.2.3.6 existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 11.2.3.7 proposed grading and drainage plan;
- 11.2.3.8 proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 11.2.3.9 plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 11.2.3.10 location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may waive the requirement for

submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

11.2.4 Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

11.2.5 Criteria for Review and Approval of Conditional Use

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

- 11.2.5.1 the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
- 11.2.5.2 whether the specific site is an appropriate location for the use, structure or condition;
- 11.2.5.3 whether the use developed will adversely affect the neighborhood;
- 11.2.5.4 whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
- 11.2.5.5 whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
- 11.2.5.6 the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
- 11.2.5.7 whether satisfactory provision and arrangement has been made concerning the following:
 - ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - off-street parking and loading areas;
 - waste collection, storage or disposal;
 - utilities, with reference to location, availability and compatibility;
 - screening and buffering with reference to type, dimensions and

character;

-signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and

-required yards and open spaces.

11.2.6 Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

11.2.7 Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 11.2.4 and 11.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision with ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

11.2.8 Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

11.2.9 Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

ARTICLE 12

Administration and Enforcement

12.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of Act 247. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 12.2 herein.

12.2 Powers and Duties of the Zoning Officer

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 the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 12.2.1** Receive and evaluate applications for permits, certificates, variances, conditional uses, appeals and other applications within the terms of this Ordinance;
- 12.2.2** Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 12.2.3** Issue permits for the construction, alteration or erection of all buildings or structures, which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Board of Supervisors, as appropriate;
- 12.2.4** Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 12.2.5** Examine land, buildings, and structures to determine their consistency with the Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials.

12.2.6 Issue or deny requests for Final Zoning Compliance Permit within ten (10) days after final inspection. A denial shall be in writing and shall state the reasons for such action;

12.2.7 Issue written enforcement notices as specified in Section 12.7 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;

12.2.8 Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344, No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

12.2.9 Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;

12.2.10 Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;

12.2.11 Be responsible for maintaining and updating the Official Zoning Map with

respect to any amendments thereto; and

12.2.12 Identify and register nonconforming premises in accord with the Nonconforming regulations of Article 7.

12.2.13 Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

12.3 General Procedure: Zoning Permit Required

Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Certificate of Zoning Compliance allowing the premises to be occupied and used.

12.4 Zoning Permits and Certificates

12.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

12.4.1.1 Permitted Use - Issued by the Zoning Officer on the authority granted herein;

12.4.1.2 Special Exception Use - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;

12.4.1.3 Conditional Use - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;

12.4.1.4 Permit On Appeal or Variance - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

12.4.2 Requirement for Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 7; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 12.4.2.1 interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 12.4.2.2 exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 12.4.2.3 cultivation of crops;
- 12.4.2.4 landscaping including the erection of land terraces, steps or other similar features;
- 12.4.2.5 placement or location of utility distribution lines; or
- 12.4.2.6 razing of buildings or structures.

12.4.3 Application

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application. The Zoning Officer shall request a Workmen's Compensation Insurance Affidavit be provided in circumstances where such is required by the building code. The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

12.4.4 Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate, the proposed use and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

12.4.5 Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

12.4.6 Changes

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

12.4.7 Permit and Permit Placard

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

12.4.8 Time Limitations

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

12.4.9 Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

12.4.10 Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

12.4.11 Revocation of Permit

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Board of Supervisors.

12.4.12 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed six (6) months, and under the conditions that will enhance the public health, safety and welfare. More than one extension can be granted.

12.4.13 Certificates of Zoning Compliance

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Certificate of Zoning Compliance shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Certificates of Zoning Compliance shall be in writing.

12.5 Application Requirements for Proposed Construction Within the 100 Year Flood Boundary

12.5.1 If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

12.5.1.1 all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

12.5.1.2 all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

12.5.1.3 adequate drainage is provided so as to reduce exposure to flood hazards.

12.5.2 In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all of the technical information contained in Section 8.5) as may be required by the Zoning Officer to make the above determination:

12.5.2.1 A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

12.5.2.1.1 north arrow, scale, and date;

12.5.2.1.2 topographic contour lines, if applicable;

- 12.5.2.1.3 all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 12.5.2.1.4 the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
 - 12.5.2.1.5 the location of all existing streets, drives, and other access ways; and
 - 12.5.2.1.6 the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- 12.5.2.2 Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- 12.5.2.2.1 the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - 12.5.2.2.2 the elevation of the one hundred (100) year flood;
 - 12.5.2.2.3 if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - 12.5.2.2.4 detailed information concerning any proposed floodproofing measures.
- 12.5.2.3 The following data and documentation:
- 12.5.2.3.1 a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.
 - 12.5.2.3.2 Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

12.5.2.3.3 detailed information needed to determine compliance with Section 8.5.3.14 Storage, and Section 8.5.6, Development Which May Endanger Human Life, including:

12.5.2.3.3.1 the amount, location and purpose of any materials or substances referred to in Sections 8.5.3.14 and 8.5.6 which are intended to be used, produced, stored or otherwise maintained on site.

12.5.2.3.3.2 a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 8.5.6 during a one hundred (100) year flood.

12.5.2.3.4 the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".

12.5.2.3.5 where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

12.5.3 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

12.5.4 Additional Compliance

Any applications must be processed and comply with the provisions of the Boggs Township Spring Creek Watershed Ordinance.

12.6 Violations

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Zoning Compliance, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

12.7 Enforcement Notice

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

- 12.7.1 The name of the owner of record and any other person against whom the municipality intends to take action.
- 12.7.2 The location of the property in violation.
- 12.7.3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 12.7.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 12.7.5 That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- 12.7.6 That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

12.8 Cause of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

12.9 Enforcement Remedies

- 12.9.1 District justices shall have initial jurisdiction over proceedings brought under Section 12.9.2.
- 12.9.2 Any person, partnership or corporation who or which has violated or permitted

the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement 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 judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

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 judgement.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Boggs Township the right to commence any action for enforcement pursuant to this section.

12.10 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.

Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.