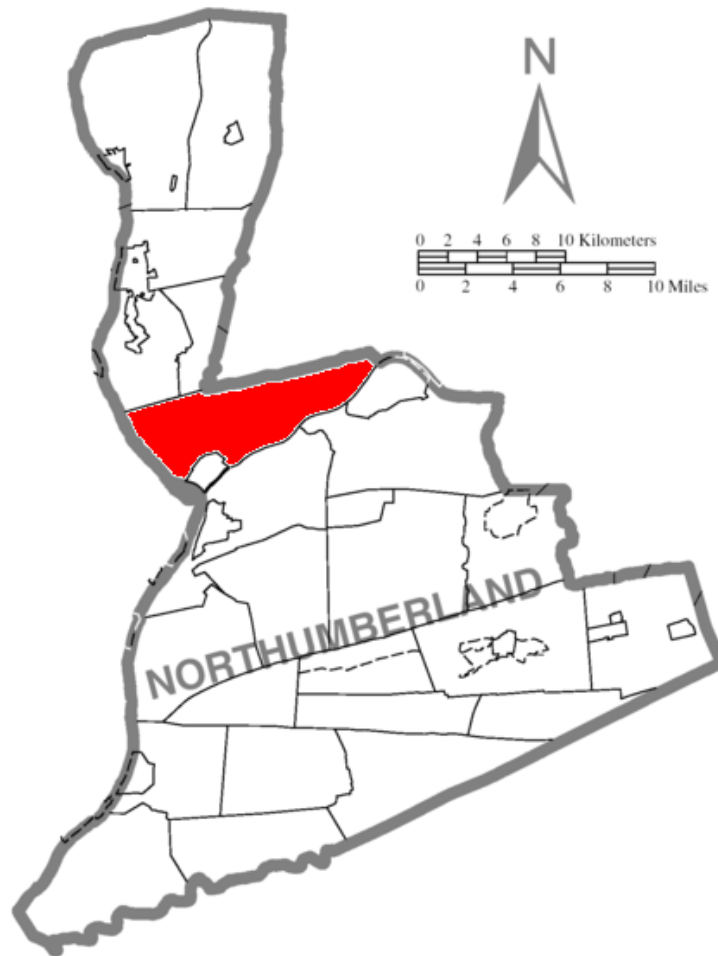


# **POINT TOWNSHIP ZONING ORDINANCE**



**4th DRAFT DECEMBER, 2021**

**ZONING ORDINANCE  
for  
POINT TOWNSHIP  
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

DRAFT – December 2021

Point Township Supervisors

Randall Yoxheimer - Chairman  
Montie Peters - Vice-Chairman  
James Neitz Sr. - Supervisor  
Joseph Stender - Supervisor  
George Geise – Supervisor, Roadmaster  
Amanda McClain, Secretary/Secretary  
Richard J Shoch, Solicitor  
Gene Powlus, Zoning and Sewage Enforcement Officer

Point Township Planning Commission

, Chairman

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In Conjunction with the Point Township Planning Commission and the Point Township Supervisors

Zoning Map Prepared by the Northumberland County  
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Key: P - Permitted Use  
CU - Conditional Use

Point Township Schedule of Uses		Zoning Districts								
Uses	<i>See Article:</i>	COS 4	A 5	R-1 6	R-2K 7	R-2N 8	HC 9	I 10	SFHA 11	
Accessory Uses/Structures (see §14.2 & 14.3)		P	P	P	P	P	P	P	CU	
Adult Uses (see §15.2)									CU	
Agricultural Business			P				P	P		
Agricultural Operation (see §15.3)			CU							
Agriculture (see §15.3)		P	P	CU					CU	
Animal Hospital (see §15.4)							P	P		
Auto. Car Wash, Repair, Sales or Service Facility, Convenience Market (see §15.5)							P	P		
Bed & Breakfast (see §15.6)		P	P	P	P	P	P	P		
Child Care and Adult Day Care Center (see §15.7)				P	P	P	P	P		
Clubs & Lodges							P			
Cluster Subdivision (see §15.8)		CU	CU	CU						
Community Home (see §15.9)		P	P	P	P	P	P	P		
Contractor Yard (see §15.10)			CU				P	P		
Correctional Facility									CU	
Cultivation of Crops (no zoning permit req'd.)		P	P	P	P	P	P	P	P	
Essential Services (no zoning permit req'd)		P	P	P	P	P	P	P	P	
Forestry Activities (no zoning permit req'd)		P	P	P	P	P	P	P	P	
Funeral Home				CU	CU	CU	P			
Group & Family Child Care Home (see definitions)		P	P	P	P	P	P	P		
Group Home (see §15.11)				CU	CU	CU	CU			
Home Based Business (see §15.12)		CU	CU	CU	CU	CU	CU	CU		
Home Occupation (see §15.13)		P	P	P	P	P	P	P		
Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center							CU	CU		
Industrial Park (see §15.14)									CU	
Institutional Residence				CU	CU	CU	CU	CU		
Junkyard (see §15.15)									CU	
Kennel (see §15.4)			CU				CU	CU		
Manufacturing, Research and Testing Laboratories (see §15.14)									P	
Medical Offices, Clinic, Surgery Center						CU	P	P		
Mobile Home Park							CU			
Multiple Family Dwelling					CU	CU				
No Impact Home Based Business (see §15.16)		P	P	P	P	P	P	P		
Principal Solar Energy System (see §15.17)		CU	CU				CU	CU		
Professional Office				CU	CU	CU	P	P		
Professional Office Group				CU	CU	CU	P	P		
Public and Quasi –Public Use		CU	CU	CU	CU	CU	CU	CU		
Public Service Facility		CU	CU	CU	CU	CU	P	P		
Recreation, Indoor (see definition)		CU					P	P		
Recreation, Outdoor, Campgrounds (see definition)		CU	CU				CU	CU	CU	
Residential Based Contractor’s Yard (see §15.10)			CU	CU			P	P		
Restaurant, Hotel or Motel							P	P		
Retail, Banks, Wholesale, Printing or Non-Automotive Service or Repair Business							P	P		
Self Storage Facility (see §15.18)		CU	CU	CU			P	P		
Shopping Center							P	P		
Short Term Rental (see §5.19)		CU	CU	CU	CU	CU	CU	CU	CU	
Single Family Dwelling, Seasonal Dwelling		P	P	P	P	P				
Surface Mining (see §15.20)		CU	CU				CU	CU	CU	
Trucking or Rail Terminal/Intermodal Freight Facility(see §15.14)							CU	P		
Two-Family Dwelling, Duplex			P	P	P	P				
Townhouses			CU	CU	CU	CU				
Warehousing, Distribution Center (see §15.14)							CU	P		
Waste Facility or Waste Transfer Facility (see §15.22)								CU		
Yard Waste Recycling/Processing		CU	CU	CU		CU				

Zoning Districts: COS – Conservation/Open Space A – Agriculture  
R-1 – Residential - Countryside R-2K – Residential – Kapp Heights  
R-2N – Residential – Nottingham HC – Highway Commercial  
I – Industrial SFHA – Special Flood Hazard Area

**POINT TOWNSHIP ZONING ORDINANCE**

**Table of Contents**

**Schedule of Uses ..... iii**

**Table of Contents ..... iv**

**ARTICLE 1 - General Provisions**

**1.1 Authority ..... 1-1**  
**1.2 Short Title ..... 1-1**  
**1.3 Effective Date ..... 1-1**  
**1.4 Purpose..... 1-1**  
**1.5 Community Development Objectives..... 1-2**  
**1.6 Interpretation ..... 1-2**  
**1.7 Establishment of Controls ..... 1-2**

- 1.7.1 Minimum and Uniform Regulations**
- 1.7.2 For New Uses and Structures**
- 1.7.3 For Existing Uses and Structures**
- 1.7.4 Types of Controls**

**1.8 Application of Regulations ..... 1-3**  
**1-9 Severability ..... 1-3**  
**1.10 Conflicts ..... 1-4**

- 1.11.1 Repeal**
- 1.11.2 Relation To State Law**

**1.11 Disclaimer of Liability ..... 1-4**  
**1.12 Amendment to Prior Ordinance..... 1-4**  
**1.13 Effective Date ..... 1-5**

**ARTICLE 2 - Definitions**

**2.1 Applicability and Interpretation ..... 2-1**  
**2.2 Definition of Terms ..... 2-1**

**ARTICLE 3 – Establishment of Zoning Districts and Zoning Map**

**3.1 Names and Purposes of Zoning Districts ..... 3-1**  
**3.2 Zoning District Maps ..... 3-3**

- 3.2.1 Adoption of Official Zoning Maps
- 3.2.2 Copies of Zoning Map
- 3.2.3 Zoning District Boundary Lines
- 3.2.4 Interpretation of Boundaries

**ARTICLE 4 – Conservation Open Space District**

- 4.1 Purpose of the Conservation Open Space District..... 4-1
- 4.2 Use Regulations for the Conservation Open Space District..... 4-1
  - 4.2.1 Permitted Uses
  - 4.2.2 Conditional Uses
- 4.3 Height and Coverage Requirements ..... 4-2
- 4.4 Minimum Areas and Dimensions ..... 4-2

**ARTICLE 5 – Agriculture District**

- 5.1 Purpose of the Agriculture District..... 5-1
- 5.2 Use Regulations for the Agriculture District..... 5-1
  - 5.2.1 Permitted Uses
  - 5.2.2 Conditional Uses
- 5.3 Height and Coverage Requirements ..... 5-2
- 5.4 Agriculture District Areas and Dimensions ..... 5-2

**ARTICLE 6 – R-1 Residential Countryside District**

- 6.1 Purpose of the Residential Countryside District..... 6-1
- 6.2 Use Regulations for the Residential Countryside District..... 6-1
  - 6.2.1 Permitted Uses
  - 6.2.2 Conditional Uses
- 6.3 Density, Height and Coverage Requirements ..... 6-2
- 6.4 Minimum Areas and Dimensions ..... 6-2

**ARTICLE 7 – R-2K Residential Kapp Heights District**

- 7.1 Purpose of the Residential Kapp Heights District ..... 7-1
- 7.2 Use Regulations for the Residential Kapp Heights District ..... 7-1
  - 7.2.1 Permitted Uses
  - 7.2.2 Conditional Uses

<b>7.3</b>	<b>Height and Coverage Requirements .....</b>	<b>7-2</b>
<b>7.4</b>	<b>Minimum Areas and Dimensions .....</b>	<b>7-2</b>

**ARTICLE 8 – R-2N Residential Nottingham District**

<b>8.1</b>	<b>Purpose of the Residential Nottingham District .....</b>	<b>8-1</b>
<b>8.2</b>	<b>Use Regulations for the Residential Nottingham District .....</b>	<b>8-1</b>
	<b>8.2.1 Permitted Uses</b>	
	<b>8.2.2 Conditional Uses</b>	
<b>8.3</b>	<b>Height and Coverage Requirements .....</b>	<b>8-2</b>
<b>8.4</b>	<b>Minimum Areas and Dimensions .....</b>	<b>8-3</b>

**ARTICLE 9 – Highway Commercial District**

<b>9.1</b>	<b>Purpose of the Highway Commercial District.....</b>	<b>9-1</b>
<b>9.2</b>	<b>Use Regulations for the Highway Commercial District .....</b>	<b>9-1</b>
	<b>9.2.1 Permitted Uses</b>	
	<b>9.2.2 Conditional Uses</b>	
<b>9.3</b>	<b>Height and Coverage Requirements .....</b>	<b>9-3</b>
<b>9.4</b>	<b>Minimum Areas and Dimensions .....</b>	<b>9-3</b>

**ARTICLE 10 – Industrial District**

<b>10.1</b>	<b>Purpose of the Industrial District.....</b>	<b>10-1</b>
<b>10.2</b>	<b>Use Regulations for the Industrial District.....</b>	<b>10-1</b>
	<b>10.2.1 Permitted Uses</b>	
	<b>10.2.2 Conditional Uses</b>	
<b>10.3</b>	<b>Height and Coverage Requirements .....</b>	<b>10-3</b>
<b>10.4</b>	<b>Minimum Areas and Dimensions .....</b>	<b>10-3</b>

**ARTICLE 11 – Special Flood Hazard Area Overlay District**

<b>11.1</b>	<b>Purpose of the Special Flood Hazard Area Overlay District.....</b>	<b>11-1</b>
<b>11.2</b>	<b>Overlay Concept.....</b>	<b>11-1</b>
<b>11.3</b>	<b>Use Regulations for the Special Flood Hazard Area Overlay District.....</b>	<b>11-1</b>
	<b>11.3.1 Permitted Uses</b>	
	<b>11.3.2 Conditional Uses</b>	

<b>11.4</b>	<b>Height and Coverage Requirements .....</b>	<b>11-1</b>
<b>11.5</b>	<b>Minimum Areas and Dimensions .....</b>	<b>11-2</b>

**ARTICLE 12 - Reserved for Future Use**

**ARTICLE 13 - Reserved for Future Use**

**ARTICLE 14 - Supplemental Lot Regulations**

<b>14.1</b>	<b>Access To Structures.....</b>	<b>14-1</b>
<b>14.2</b>	<b>Accessory Uses and Structures – Zoning Permit Required .....</b>	<b>14-1</b>
<b>14.2.1</b>	<b>Fences or Walls</b>	
<b>14.2.2</b>	<b>Accessory Storage or Utility Buildings and Detached Garages</b>	
<b>14.2.3</b>	<b>Swimming Pools</b>	
<b>14.2.4</b>	<b>Pump Island Canopies</b>	
<b>14.2.5</b>	<b>Accessory Apartment</b>	
<b>14.2.6</b>	<b>Temporary Roadside Stands</b>	
<b>14.2.7</b>	<b>Accessory Solar Energy System</b>	
<b>14.2.8</b>	<b>Family Care Unit</b>	
<b>14.3</b>	<b>Accessory Uses and Structures – Exempt from Permit Requirement – Conformance with the Following Specifications Shall Be Maintained .....</b>	<b>14-10</b>
<b>14.4</b>	<b>Conversion or Replacement of Buildings .....</b>	<b>14-10</b>
<b>14.5</b>	<b>Design Standards for Driveways and Access Drives To Streets .....</b>	<b>14-11</b>
<b>14.6</b>	<b>Exceptions to Height Regulations.....</b>	<b>14-11</b>
<b>14.7</b>	<b>Intersection Visibility.....</b>	<b>14-11</b>
<b>14.8</b>	<b>Nonconforming Lots, Structures, Buildings, and Uses.....</b>	<b>14-12</b>
<b>14.8.1</b>	<b>Non-conforming Lots, Uses, and Structures</b>	
<b>14.8.2</b>	<b>Abandonment</b>	
<b>14.8.3</b>	<b>Repairs and Reconstruction</b>	
<b>14.8.4</b>	<b>Extension or Enlargement</b>	
<b>14.8.5</b>	<b>Change of Use</b>	
<b>14.8.6</b>	<b>Registration of Non-conforming Uses, Structures and Lots</b>	
<b>14.9</b>	<b>Nuisance Standards .....</b>	<b>14-16</b>
<b>14.9.1</b>	<b>Requirements for All Uses</b>	
<b>14.9.3</b>	<b>Odor Protection Levels</b>	
<b>14.9.4</b>	<b>Excessive Noise</b>	
<b>14.9.5</b>	<b>Vibration Protection Levels</b>	
<b>14.10</b>	<b>Off-Street Parking and Loading.....</b>	<b>14-18</b>

14.10.1	Development and Maintenance of Parking Facilities	
14.10.2	Number of Off-Street Parking Spaces Required	
14.10.3	Handicapped Parking	
14.10.4	Off-Street Loading	
14.11	Outdoor Lighting on Private Property .....	14-24
14.12	Projections Into Required Yards.....	14-24
14.13	Public Utilities Exempt.....	14-24
14.14	Screening and Landscaping .....	14-25
14.14.1	Screening	
14.14.2	Substitution of a Landscaping Plan for Screening	
14.15	Small Wind Energy System.....	14-25
14.15.1	Definition	
14.15.2	Controls	
14.15.3	Discontinuance of Use	
14.16	Unique Lots and Building Locations.....	14-26
14.16.1	Two or More Buildings on a Lot – Land Development	
14.16.2	Side Yard of a Corner Lot in the R-2K District	
14.16.3	Side Yard of a Corner Lot in all Other Districts	
14.16.4	Ratio of Lot Width to Length	
14.17	Water Supply and Sewerage Facilities Required.....	14-26
14.18	Yard and Garage Sales.....	14-27

**ARTICLE 15 – Supplemental Use Criteria**

15.1	General Use Criteria.....	15-1
15.2	Adult Uses .....	15-2
15.3	Agriculture and Agricultural Operations.....	15-3
15.3.1	Manure Storage Facilities	
15.3.2	Requirement for Agricultural Buildings Exceeding 5,000 ft <sup>2</sup> In Area	
15.4	Animal Hospitals & Kennels.....	15-3
15.5	Automotive Car Wash, Repair Facility, Sales Facility, Service Facility or Convenience Market .....	15-4
15.6	Bed and Breakfast.....	15-5
15.6.1	Intent	
15.6.2	Standards	



<b>15.7</b>	<b>Child Care and Adult Day Care Centers.....</b>	<b>15-5</b>
<b>15.8</b>	<b>Cluster Subdivision.....</b>	<b>15-6</b>
	<b>15.8.1 Statement of Purpose</b>	
	<b>15.8.2 Applications For Cluster Subdivision Development</b>	
	<b>15.8.3 Criteria For Granting Conditional Use Approval For Cluster Subdivision</b>	
	<b>15.8.4 General Qualifications</b>	
	<b>15.8.5 Special Housing Qualifications</b>	
	<b>15.8.6 Garage and Accessory Buildings</b>	
	<b>15.8.7 Impervious Coverage</b>	
	<b>15.8.8 Maximum Building Height</b>	
	<b>15.8.9 Miscellaneous Regulations</b>	
	<b>15.8.10 Open Space Requirements</b>	
<b>15.9</b>	<b>Community Home.....</b>	<b>15-12</b>
<b>15.10</b>	<b>Contractor’s Yard (Including Residential Based Contractor’s Yard) .....</b>	<b>15-12</b>
<b>15.11</b>	<b>Group Home .....</b>	<b>15-13</b>
<b>15.12</b>	<b>Home Based Business .....</b>	<b>15-13</b>
<b>15.13</b>	<b>Home Occupations .....</b>	<b>15-14</b>
<b>15.14</b>	<b>Distribution Center, Industrial Park, Laboratory Facility, Manufacturing, Trucking or Rail Terminal/Intermodal Freight Facility, and Warehouse Uses .....</b>	<b>15-15</b>
<b>15.15</b>	<b>Junk Yard or Salvage Yard .....</b>	<b>15-16</b>
<b>15.16</b>	<b>No Impact Home Based Business .....</b>	<b>15-17</b>
<b>15.17</b>	<b>Principal Solar Energy System .....</b>	<b>15-18</b>
<b>15.18</b>	<b>Self-Storage Facility.....</b>	<b>15-23</b>
<b>15.19</b>	<b>Short Term Rental .....</b>	<b>15-23</b>
<b>15.20</b>	<b>Surface Mining.....</b>	<b>15-25</b>
<b>15.21</b>	<b>Uses Not Provided For.....</b>	<b>15-27</b>
<b>15.22</b>	<b>Waste Facility or Waste Transfer Facility.....</b>	<b>15-27</b>

**ARTICLE 16 – Exterior Lighting Standards**

<b>16.1</b>	<b>Purpose .....</b>	<b>16-1</b>
<b>16.2</b>	<b>Applicability .....</b>	<b>16-1</b>
<b>16.3</b>	<b>General Requirements .....</b>	<b>16-2</b>
<b>16.4</b>	<b>Lighting Standards for Uses within 50 feet of Residential Uses or Zones .</b>	<b>16-3</b>
<b>16.5</b>	<b>Open-Air Parking Lot Lighting .....</b>	<b>16-4</b>
<b>16.6</b>	<b>Canopy Lighting and Lighting of Service Stations .....</b>	<b>16-5</b>
<b>16.7</b>	<b>Lighting of Outdoor Performances, Sport and Recreation Facilities and Playfields .....</b>	<b>16-6</b>
<b>16.8</b>	<b>Architectural Accent Lighting .....</b>	<b>16-7</b>
<b>16.9</b>	<b>Lighting of Landscaping .....</b>	<b>16-7</b>
<b>16.10</b>	<b>Temporary Lighting .....</b>	<b>16-7</b>

**ARTICLE 17 – Sign Regulations**

<b>17.1</b>	<b>Sign Policies .....</b>	<b>17-1</b>
<b>17.2</b>	<b>General Regulations.....</b>	<b>17-1</b>
	<b>17.2.3 Maximum Sign Area for Regulated Signs</b>	
	<b>17.2.4 Sign Application and Permit</b>	
	<b>17.2.5 Illumination of Signs</b>	
	<b>17.2.6 Setback Requirements</b>	
	<b>17.2.7 Supports and Brackets</b>	
	<b>17.2.8 Table of Allowed Sign Uses By Zoning District</b>	
<b>17.3</b>	<b>Regulation By Sign Types .....</b>	<b>17-4</b>
	<b>17.3.1 Address Sign</b>	
	<b>17.3.2 Awning Sign</b>	
	<b>17.3.3 Community Directory Sign</b>	
	<b>17.3.4 Contractor Sign</b>	
	<b>17.3.5 For Sale or For Rent Signs</b>	
	<b>17.3.6 Free Standing Sign A, HC &amp; I Districts (Large Size)</b>	
	<b>17.3.7 Free Standing Sign – All Districts (Small Size)</b>	
	<b>17.3.8 Signs Comprised of Individual Letters or Symbols</b>	
	<b>17.3.9 Off Premises Direction Sign</b>	
	<b>17.3.10 Off Premises Advertising Sign (Highway Billboard Sign)</b>	
	<b>17.3.11 Political Signs</b>	
	<b>17.3.12 Projecting Sign</b>	
	<b>17.3.13 Public Service Sign</b>	
	<b>17.3.14 Religious, Governmental, Charitable or Fraternal Organization Signs</b>	
	<b>17.3.15 Temporary Business Signs</b>	
	<b>17.3.16 Temporary Signs for Special Events</b>	
	<b>17.3.17 Time or Temperature Sign</b>	
	<b>17.3.18 Vehicle Sign</b>	
	<b>17.3.19 Wall Sign</b>	
	<b>17.3.20 Window Sign</b>	
	<b>17.3.21 Yard Sale Sign</b>	
<b>17.4</b>	<b>Prohibited Signs .....</b>	<b>17-11</b>
<b>17.5</b>	<b>Maintenance .....</b>	<b>17-13</b>

**ARTICLE 18 - Reserved for Future Use**

**ARTICLE 19 - Reserved for Future Use**

**ARTICLE 20- Zoning Hearing Board Proceedings**

**20.1 Organization and Procedure..... 20-1**

- 20.1.1 Establishment**
- 20.1.2 Appointment and Membership**
- 20.1.3 Appointment to Fill Vacancies**

**20.2 Powers and Duties..... 20-1**

- 20.2.1 To Hear and Decide Requests for Special Exceptions**
- 20.2.2 To Hear and Decide Appeals**
- 20.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance**
- 20.2.4 To Hear and Decide Requests for Variances**

**20.3 Hearing Procedures ..... 20-4**

- 20.3.1 Parties Appellant Before the Board**
- 20.3.2 Time Limitations**
- 20.3.3 Application Required**
- 20.3.4 Procedure for Zoning Officer**
- 20.3.5 Hearing Required and Notice of Hearings**
- 20.3.6 Rules of Conduct**
- 20.3.7 Decisions**
- 20.3.8 Expiration of Appeal Decision**
- 20.3.9 Required Interval for Hearings on Applications and Appeals After Denial**
- 20.3.10 Failure to Hold Required Hearing or Render Decision**
- 20.3.11 Stay of Proceedings**
- 20.3.12 Appeals**

**ARTICLE 21 - Amendments and Conditional Uses – Board of Supervisors**

**21.1 Amendments to Zoning Ordinance or Map ..... 21-1**

- 21.1.1 Review by Planning Agency**
- 21.1.2 Public Hearing**
- 21.1.3 Opportunity to be Heard**
- 21.1.4 Notice of Enactment**
- 21.1.5 Enactment of Amendment**
- 21.1.6 Land Owner Curative Amendment**
- 21.1.7 Municipal Curative Amendment**

<b>21.2</b>	<b>Conditional Uses.....</b>	<b>21-2</b>
	<b>21.2.1 Application Procedure</b>	
	<b>21.2.2 Written Statement</b>	
	<b>21.2.3 Site Plan</b>	
	<b>21.2.4 Hearing Requirements</b>	
	<b>21.2.5 Criteria for Review and Approval of Conditional Use</b>	
	<b>21.2.6 Decisions</b>	
	<b>21.2.7 Failure to Hold Required Hearing or Render Decision</b>	
	<b>21.2.8 Expiration of Decision</b>	
	<b>21.2.9 Appeals</b>	

**Article 22 - Administration and Enforcement**

<b>22.1</b>	<b>Generally: Appointment of Zoning Officer .....</b>	<b>22-1</b>
<b>22.2</b>	<b>Powers and Duties of the Zoning Officer.....</b>	<b>22-1</b>
<b>22.3</b>	<b>General Procedure: Zoning Permit Required.....</b>	<b>22-3</b>
<b>22.4</b>	<b>Zoning Permits and Certificates.....</b>	<b>22-3</b>
	<b>22.4.1 Classes of Zoning Permits</b>	
	<b>22.4.2 Requirements for Zoning Permits</b>	
	<b>22.4.3 Application</b>	
	<b>22.4.4 Plan Requirements</b>	
	<b>22.4.5 Proof of Compliance</b>	
	<b>22.4.6 Changes</b>	
	<b>22.4.7 Permit and Permit Placard</b>	
	<b>22.4.8 Time Limitations</b>	
	<b>22.4.9 Expiration of Permit</b>	
	<b>22.4.10 Inspections</b>	
	<b>22.4.11 Revocation of Permit</b>	
	<b>22.4.12 Temporary Use Permits</b>	
	<b>22.4.13 Occupancy Permits</b>	
<b>22.5</b>	<b>Violations .....</b>	<b>22-7</b>
<b>22.6</b>	<b>Enforcement Notice .....</b>	<b>22-7</b>
<b>22.7</b>	<b>Cause of Action .....</b>	<b>22-7</b>
<b>22.8</b>	<b>Enforcement Remedies .....</b>	<b>22-8</b>
<b>22.9</b>	<b>Filing Fees .....</b>	<b>22-8</b>

# ARTICLE 1

## General Provisions

### 1.1 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).

### 1.2 Short Title

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

### 1.3 Effective Date

This Ordinance is effective immediately upon enactment.

### 1.4 Purpose

This Ordinance is designed, adopted, and enacted:

- 1.4.1 In consideration of the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
- 1.4.2 To promote the public's health, safety, morals, and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property; provide adequate open spaces for light and air, prevent undue concentration of population, and lessen congestion on streets and highways.
- 1.4.3 To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- 1.4.4 To minimize danger to public health by protecting water supply and natural drainage.
- 1.4.5 To reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

## **1.5 Community Development Objectives**

The Community Development Objectives of this zoning ordinance are the community goals and objectives identified in Chapter 3 of the **Northumberland Borough-Point Township Joint Comprehensive Plan And Joint Parks, Recreation and Open Space Plan** adopted July 14, 2009 by the Board of Supervisors of Point Township, as amended.

## **1.6 Interpretation**

In the interpretation and the application of the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. Any reference to this ordinance, or any effective date of this ordinance shall, in all cases, refer to and include the most recent amendments to this ordinance.

## **1.7 Establishment of Controls**

### **1.7.1 Minimum and Uniform Regulations**

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

### **1.7.2 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.

### **1.7.3 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 14.8**.

### **1.7.4 Types of Controls**

The following minimum and uniform regulations 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;
- Criteria for the evaluation of Special Exception or Conditional Uses.

## **1.8 Application of Regulations**

Except as provided for elsewhere within the Ordinance:

- 1.8.1** No building, structure, or land shall be used or occupied and no building or structure shall hereafter be located, converted or structurally altered except in conformity with all regulations herein specified for the district in which it is located;
- 1.8.2** No part of a yard, or other space, or off-street parking or loading space required with any building for the purpose of complying with the Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building;
- 1.8.3** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established by this Ordinance;
- 1.8.4** When a specific use is neither permitted nor prohibited in the schedule of district regulations, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. See **Sections 15.19 and 21.2** for further information regarding this procedure.
- 1.8.5** In cases of “Mixed Occupancy” the regulations for each use applies to the portion of the building or land so used.
- 1.8.6** In all cases where a lot or portion of a lot is located in the Flood Hazard Area Overlay District the regulations of that district shall govern over the regulations of the underlying district. See also **Section 10.2**.

## **1.9 Severability**

The provisions of this Ordinance are severable, and if any of these provisions are held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

## **1.10 Conflicts**

### **1.10.1 Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

### **1.10.2 Relation to State Law**

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

## **1.11 Disclaimer of Liability**

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

**1.11.2** Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, can not be guaranteed by the Municipality. The conditions and terms of access where available are set by the receiving authority or utility company.

## **1.12 Amendment to Prior Ordinance**

This Ordinance serves to amend under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, re-enacted and amended December 21, 1988, P.L. 1329, No.170, the prior Point Township Zoning Ordinance, enacted and ordained by the Supervisors of Point Township, Northumberland County, Pennsylvania, on December 30, 1986 (Ordinance 158) and any amendments to that Ordinance predating the date of adoption of this Ordinance, including but not limited to:

Ordinance 165-87 (August 11, 1987)  
Ordinance 169-87 (October 13, 1987)  
Ordinance 170-87 (October 13, 1987)  
Ordinance 184-91 (August 13, 1991)  
Ordinance 185-91 (November 12, 1991)  
Ordinance 189-92 (December 8, 1992)  
Ordinance 198-95 (August 8, 1995)  
Ordinance 216-02 (May 14, 2002)  
Ordinance 2002-217 (December 12, 2002)  
Ordinance 2004-04 (December 14, 2004)  
Ordinance 2004-05 (December 14, 2004)  
Ordinance 2006-02 (September 21, 2006)  
Ordinance 2006-03 (November 14, 2006)



This provision is not to conflict with **Section 1.10.1** and the repeal of inconsistent prior Ordinance and amendments. This amendment shall be effective immediately upon adoption.

**1.13 Effective Date**

This Ordinance, as amended, shall be effective on \_\_\_\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Board of Supervisors

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Randall Yoxheimer - Chairman

\_\_\_\_\_  
Montie Peters - Vice-Chairman

\_\_\_\_\_  
James Neitz Sr.

\_\_\_\_\_  
Joseph Stender

\_\_\_\_\_  
George Geise

## ARTICLE 2

### Definitions

#### 2.1 Applicability and Interpretation

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

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “occupied” or “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used”; and the word “shall” is intended to be mandatory; the word “abut” shall include the words “directly across from”.

#### 2.2 Definition of Terms

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

**Abutting:** Having a common border with, or being separated from such common border by, an alley or easement.

**Access:** A means of vehicular approach or entry to or exit from property.

**Accessory Apartment:** A single apartment unit built within the exterior walls of a single family detached dwelling existing prior to adoption of this Ordinance. See [Section 14.2.5](#).

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

**Accessory Use or Structure:** A use or structure subordinate to, and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building. See [Sections 14.2 and 14.3](#).

**Adult Entertainment:** Adult book stores, topless or bottomless bars, 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.

**Agricultural Business:** A business which offers at least twenty-five percent (25%) of its services to the agricultural sector including the processing and sale of agricultural products/supplies or 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 aquacultural crops and commodities. The term includes Concentrated Animal Operations (CAO) and Concentrated Animal Feeding Operations (CAFO) and enterprises that implement 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. For the purpose of this Ordinance, the word Agriculture Operation shall not include “Kennels” nor “Agricultural Business”.

**Agriculture:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. For the purpose of this Ordinance, the word Agriculture shall not include Concentrated Animal Operations (CAO), Concentrated Animal Feeding Operations (CAFO), “Kennels” nor “Agricultural Business”.

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

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

**Amendment:** A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Township Board of Supervisors.

**Animal Hospital:** A facility operated by a Doctor of Veterinary Medicine for the care and treatment of animals where the indoor boarding of animals is limited to short-term care incidental to the hospital use.

**Animal Kennel:** A facility involved in the boarding, breeding, grooming, sale or training of four or more dogs over six months of age and for which a fee is charged.

**Appeal:** A means for obtaining review of, a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of **Articles 20 and 21**.

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

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

**Automotive Repair Facility:** A building or structure 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.

**Automotive Sales Facility:** Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work.

**Automotive Service Station:** A building or structure 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.

**Basement:** A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. 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, as qualified persons. It must be owner-occupied, 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.

**Billboard:** See **Sign, Off Premises Advertising**.

**Board:** The Board of Supervisors for Point Township, Northumberland County, Pennsylvania.

**Boarding House:** Any dwelling in which no more than four (4) persons are housed or lodged for hire with or without meals. A lodging house or a furnished-room house shall be deemed a boarding house. This use shall not include Family Based Group Home and Group Care Facility.

**Building:** A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers used for human occupation.

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

**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:** The vertical distance measured from the average elevation of the proposed finished grade along the wall of the building (or adjacent to the side of a non-building use), to the highest point of the roof or parapet for flat roofs, and to the mean height between eaves and ridge for gable, hip, or gambrel roofs.

**Building – Principal:** A building housing the main or principal use of the lot on which the building is situated.

**Campground:** A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, recreational vehicles, 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 an Outdoor Recreation Area.

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

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

**Central Water or Sewer:** A water or sewer distribution system, which serves facilities on a community, area wide or regional basis. The facility company must be approved by and (or) licensed by the appropriate State or Federal agencies.

**Child Care or Adult Day Care Center:** A facility which provided daytime care and/or instruction to seven (7) or more children or adults not related to the facility operator and is not located in a residence. A license and inspection is required by the Pennsylvania Department of Human Services in order to operate a Child Care facility. A Child Care or Adult Day Care Center does not include facilities (1) in which medical services are provided by a licensed physician or nurse; (2) that provide education for persons age six or

higher, or (3) that qualify as Group or Family Child Care Homes, Community Homes, Group Homes or Institutional Residences.

**Certificate of Occupancy:** A statement signed by the Zoning Officer setting forth that a building complies with the provisions of the Ordinance, or that a building, structure, or a parcel of land is lawfully employed for a specified use and suitable for occupancy for purposes consistent with this Ordinance.

**Clear Sight 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 street and/or driveway lines.

**Club:** The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

**Cluster Subdivision:** A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements is permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The overall dwelling unit density of the underlying district cannot be exceeded in this type of development.

**Commercial:** Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

**Commission:** The Planning Commission of Point Township, Northumberland County, Pennsylvania.

**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 or 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 Home:** A building or separate dwelling unit in which residential care is provided to no more than three (3) individuals with an intellectual disability.

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

**Comprehensive Plan:** A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Township. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

**Concentrated Animal Feeding Operations:** An Agricultural Operation with more than 1,000 animal equivalent units (AEUs), or operations with 301 to 1,000 AEU's, which have the potential to discharge to surface waters of the Commonwealth. An AEU is defined as 1,000 lbs. of live animal weight.

**Concentrated Animal Operations:** An Agricultural Operation where the animal density exceeds two animal equivalent units (AEUs) per acre on an annualized basis. An AEU is defined as 1,000 lbs. of live animal weight.

**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 Commission.

**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.

**Contractor:** A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.

**Contractor's Yard:** Land that is used for the storage and maintenance of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business. A single vehicle and trailer stored at a residence shall not be considered a contractor's yard. Also see the **Residential Based Contactor's Yard** definition.

**Convenience Market:** A small retail store, which may be franchised, offering a limited selection of food and household products and staying open for longer hours at a convenient location. This use may also include the sale of motor vehicle fuels but does not offer motor vehicle repairs.

**Correctional Facility:** An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, honor camps, houses of correction, jails, prisons, prison farms, juvenile detention centers, penitentiaries, reformatories, training schools for delinquent offenders and other adjudicated individuals, and halfway homes for delinquents, offenders, and other adjudicated individuals.

**County Comprehensive Plan:** A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

**Cultivation of Crops:** The use of land for the raising of crops and excluding the keeping of animals.

**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.

**Decision:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

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

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

**Density, Gross Residential:** The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.



**Determination:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) the governing body.
- (2) the zoning hearing board.
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (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.

**District or Zone:** A portion of the area of Point Township, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

**Drug and Alcohol Treatment Facility:** The physical location in which ongoing, structured and systematic drug and alcohol services are provided, including residential or non-residential facilities.

**Dwelling:** “Dwelling” means any building or portion thereof which is designed or used for residential purposes. The term “dwelling” shall not be deemed to include motel, rooming house, tourist home, hotel, hospital, or nursing home.

**Dwelling, Duplex:** “Duplex Dwelling” means two dwelling units, each of which is attached side by side sharing only one common wall with the other. Each unit shall have individual access to the outside.

**Dwelling, Farm:** A dwelling unit located on a farm and used for the residence of the proprietor of a farm or persons necessary for the operations of the farm, in same ownership as the farm on which the dwelling is constructed.

**Dwelling, Manufactured (Mobile) Home:** A single-family detached factory manufactured dwelling built on a chassis, subject to the Manufactured Home Construction and Safety Standards (HUD) Code, 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.

**Dwelling, Manufactured (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. The placement of such dwelling unit (s) on a site shall meet all the requirements herein addressed to a conventionally-built dwelling.

**Dwelling, Multiple Family:** “Multiple family dwelling” means a building designed for or containing more than two dwelling units, sharing access from a common hall, stair, or balcony.

**Dwelling, Seasonal:** A part-time dwelling utilized in conjunction with recreational pursuits and for the enjoyment of the outdoors.

**Dwelling, Single-Family Detached:** “Single-family detached dwelling” means 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, 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.

**Dwelling, Two-Family:** “Two-Family Dwelling” means two dwelling units, each of which is attached one above the other. Each unit shall have individual access to the outside.

**Dwelling Unit:** “Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons 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.

**Essential Services:** Municipal utility 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, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

**Facility Boundary:** The property lines of the lot, parcel, tract or group of lots, parcels of tracts upon which any non-residential structure or use is proposed.

**Facility Site:** All contiguous land owned or under control of an owner or operator of a waste storage or processing facility.

**Family:** For purposes of this Ordinance, “family” and “single family” shall mean any of the following:

- (1) an individual residing alone in a dwelling; or
- (2) two or more persons related, by blood or marriage, or adoption (being hereinafter called “related persons”); or
- (3) no more than three unrelated persons.
- (4) In addition, up to six foster children residing with an individual or with two or more related persons shall be considered part of a “family” for purposes of this Ordinance.

Any other combination of persons shall not be a “family” or “single family” for purposes hereof.

**Family Child Care Home:** A residence offering baby-sitting services and childcare services to four, five or six children unrelated to the resident householder which is registered with but not inspected by the Pennsylvania Department of Human Services.

**Farm Owner Operator:** The owner of a lot where an agricultural operation is situated who 1) resides on the lot; 2) manages the agricultural operation; and 3) has submitted an IRS Schedule F for the agricultural operation.

**Fill:** Sand, gravel, earth or other material placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a regulated water of the Commonwealth of Pennsylvania.

**Floodplain Management Ordinance:** An ordinance adopted by Point Township to obtain participation in the National Flood Insurance Program (NFIP).

**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.

**Garage, Private:** Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having

no public shop or service in connection therewith.

**Garage, Public Parking:** Structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

**General consistency, generally consistent:** That which exhibits consistency.

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

**Governing Body:** The Board of Township Supervisors, Township of Point, County of Northumberland, Commonwealth of 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.

**Subgrade:** The elevation established to receive top surfacing or finishing materials.

**Group Child Care Home:** Is a Pennsylvania Department of Human Services licensed and inspected facility in a residential setting serving seven (7) to twelve (12) children not related to the resident householder.

**Group Home:** A residence occupied by ten or fewer persons unrelated by blood, marriage, adoption or guardianship that live together as a single housekeeping unit. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. This category does not include child care facilities, community homes, institutional residences or a correctional facility.

**Habitable Floor Area:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered habitable space.

**Hazardous Waste:** A waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

**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.

**Home Based Business:** A business conducted on a lot in conjunction with a residential dwelling unit. Such uses include baking and catering, lawn mower, or appliance repair shops; bike shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

**Home Based Business, No Impact:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of [Section 15.16](#).

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

**Home Occupation:** Any lawful, service-oriented occupation, profession or second occupation customarily conducted entirely within a dwelling or on a farm and carried on by the inhabitants thereof, which is clearly incidental, secondary, and consistent with the use of the premises for dwelling or agricultural purposes and does not change the character thereof. Home occupation is deemed to include: Barber, Hairdresser, Tailor, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Teacher, Realtor, Insurance Agency, Minister, Municipal Officials, Family Day Care Home, Craft Shop, Repair Shop, and other uses of the same general character.

**Homeowner's Association:** An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Planned

Residential 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.

**Hospital:** an institution providing medical, surgical, or psychiatric testing and treatment for people who are ill, injured, pregnant, etc. on an inpatient, outpatient, or emergency basis

**Hotel or Motel:** A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

**Identified Floodplain Area:** The area identified in the Point Township Floodplain Management Ordinance, in which the Township has selected to enforce floodplain regulations.

**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 gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.

**Institutional Residence:** Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self care, and where medical care at less than hospitalization is an element. These uses include, but are not limited to, group foster homes; nursing homes, retirement homes, personal care or assisted living facilities; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for disturbed individuals; homes for the deaf and blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for more than 10 residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category. Such facilities may also require licensing by the Pennsylvania Department of Health or the Pennsylvania Department of Human Services or other State agencies.

**Junk:** Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, wood, industrial waste and other salvageable materials, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal. Materials at a properly maintained recycling drop off site or center may not be considered junk.

**Junk Yard Or Salvage Yard:** Any place where any junk as hereinafter defined is stored or disposed of.

**Kennel:** see **Animal Kennel**.

**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) Except that the following shall be excluded from this definition:
  - (i) The conversion of an existing single-family detached dwelling or double dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - (iii) the addition or conversion of buildings or rides within the confines of an enterprise, which would be, considered an amusement park. For the purpose of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**Land Owner Curative Amendment:** A landowner challenge on substantive grounds to the validity of a zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest. See Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended.

**Light Manufacturing:** A manufacturing operation that produces a negligible amount of noise, smoke, odor, dust, vibration, or glare as a result of operation of the activity. All manufacturing activity shall be carried on below the EPA and Department of Environmental Protection permitting standards. However in all events any Light Manufacturing use that creates any radioactive material or by-product in any form or state shall not be permitted.

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

**Lot Area:** The computed area contained within the lot lines exclusive of any street right-of-ways.

**Lot, Corner:** A lot abutting the intersection of two streets.

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

**Lot Lines:** The property lines bounding the lot.

**Lot Line-Front:** The lot line separating the lot from the street right-of-way line.

**Front Lot Line of a Corner Lot:** In the case of a corner lot the front lot line shall be defined by the street address of the lot.

**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 between side lot lines at the front building lines as prescribed by the front yard regulations.

**Manufactured Housing:** see **Dwelling - Manufactured.**

**Mediation:** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**Medical Offices, Clinic, Surgery Center:** A place where outpatients are studied or treated by generalist or specialist physicians and assisting staff practicing as a group, excluding a Drug and Alcohol Treatment Facility as defined by this Ordinance.

**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.

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

**Mobile Home:** See **Dwelling.**

**Mobile 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 Hotel:** A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

**Multimunicipal plan:** A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

**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.

**Municipal Curative Amendment:** An amendment procedure that can be utilized if a municipality determines that its zoning ordinance or any portion thereof is substantially invalid.- See Section 609.2 of the Municipalities Planning Code.

**Municipal engineer:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**Municipality:** Shall mean the municipal corporation known as the Township of Point, Northumberland County, Pennsylvania.

**No Impact Home Based Business:** see **Home Based Business, No Impact.**

**Non-agricultural Development:** Land area converted from an agricultural operation to a development use including any lots, driveways, roadways, rights-of-way or easements that serve the development activity.

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

**Non-conforming Structure:** A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, nonconforming signs.

**Non-conforming Use:** A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto or

hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Non-profit:** Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

**Nursing or Retirement Home:** Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long-term nursing care.

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

**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).

**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).

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

**Outdoor Advertisement:** An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

**Parking Area – Private:** An open area for the same use as “private garage”.

**Parking Area – Public:** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

**Patio:** A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

**Permanent Foundation:** A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In

the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.

**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.

**Occupancy 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 Occupancy Permit.

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

**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.

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

**Planning Commission:** The Planning Commission of Point Township, Northumberland County, Pennsylvania.

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

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

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

**Principal Structure:** See **Building – Principal**.

**Principal Use:** The main use on a lot.

**Private:** Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

**Professional Office:** The office of a single member of a recognized profession. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

**Professional Office Group:** The offices of more than one professional including assisting staff.

**Public:** Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

**Public grounds:** Includes:

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

**Public Hearing:** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

**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 Uses:** 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. Post Offices, Churches, Cemeteries, Schools, Community Centers, Firehalls, Municipal building 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 Facility:** A place designed and equipped for the conduct of sports, fitness, leisure – time activities and enjoyment of the outdoors.

**Recreation Facility, Outdoor:** A profit or non-profit business or public facility in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Outdoor recreation shall include but not be limited to campgrounds, RV parks, golf courses, outdoor shooting ranges, country clubs, gamelands, commercial riding stable, nature preserves, parks and recreation areas and resorts.

**Recreation Facility, Indoor:** A profit or non-profit business or public facility in which amusement, education, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Indoor recreation shall include but not be limited to movie theatres, indoor skating rinks, indoor sports facilities, gymnasiums, indoor shooting ranges and museums.

**Recreational Vehicle:** a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-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.

**Rehabilitation Center:** an institution providing medical treatment and physical or psychological therapy to bring or restore people to a normal or optimal state of health, constructive activity, etc. on a inpatient, outpatient or emergency basis.

**Report:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any

appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**Residential Based Contractor Yard:** A contractor's yard located in conjunction with a single-family residential use.

**Resort:** A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including 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.

**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.

**Riding Stable, Commercial:** A building in which horses are kept for hire, remuneration or sale.

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

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

**Roadside Stand:** A temporary booth, stand or shelter located along a roadway, but off the right-of-way, from which farm, nursery or greenhouse products are offered for sale to the general public.

**Screen Planting:** A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**Self-Storage Facility:** A warehouse facility where separate storage spaces, of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or non-commercial sales conducted from such storage areas.

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

**Shopping Center:** A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one or two-story buildings.

**Short Term Rental:** Any dwelling unit owned or managed by a person, firm or corporation which is rented or leased for a period less than 30 days/person/year. This use shall only be considered for an approved residential dwelling structure built prior to the date of adoption of this zoning provision.

**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, Off Premises Advertising:** A sign with a fixed message or an electronic graphic display 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, 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, Gross Surface Area:** The entire area within a single continuous perimeter inclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

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

**Small Wind Energy System:** A single tower, or multiple towers, situated on a lot to provide energy from a wind source to an individual home, multi-family residential use, office or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

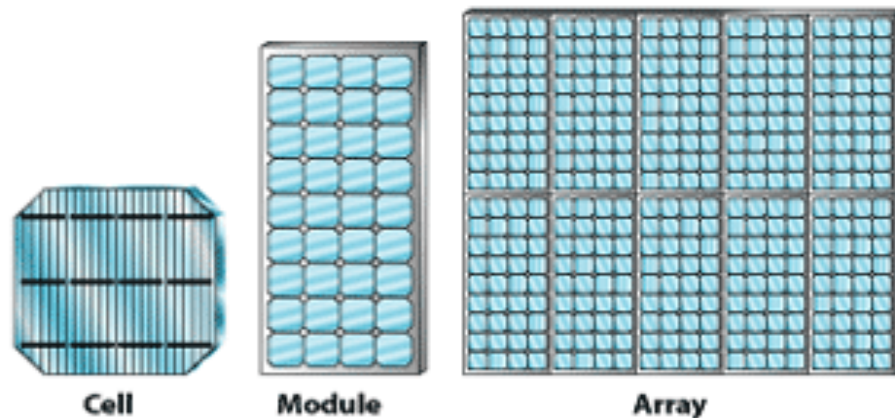
**Solar Easement:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**Solar Energy:** Radiant energy (direct, diffuse and/or reflective) received from the sun.  
**SOLAR PANEL:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**Solar Related Equipment:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting

brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **Solar Array:** A grouping of multiple solar modules with purpose of harvesting solar energy.
2. **Solar Cell:** The smallest basic solar electric device which generates electricity when exposed to light.
3. **Solar Module:** A grouping of solar cells with the purpose of harvesting solar energy.



**Solid Waste Transfer Facility:** A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

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

**Special Flood Hazard Area:** As determined by the Point Township Floodplain Management Ordinance, means an area in the floodplain subject to a one percent chance of flooding in any given year.

**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 of 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 thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

**Collector Street:** 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 Comprehensive Plan for the Township.

**Minor Street:** A street designed to afford primary access to abutting property.

**Street Right-of-Way Line:** The closest edge of the right-of-way as required by the municipal subdivision ordinance. (See also Lot Line-Front).

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

**Structure:** Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, tents other than for camping use storage bins, fences, and display signs.

**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. (See also **Land Development**.)

**Surface Mining:** Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or bands 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.

**Swimming Pool:** Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above and on-ground pools; hot tubs, spas and fixed in place wading pools.

**Temporary Use:** The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

**Tent:** A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

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

**Township:** The Township of Point, Northumberland County, 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. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

**Travel Trailer:** See **Recreational Vehicle**.

**Uniform Construction Code (UCC):** The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**Use:** The specific purpose for which land or a structure or 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 non-conforming use.

**Variance:** The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the

permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

**Vehicle Hobby Shops:** An Accessory Use which is housed in the Home 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 or antique farm tractors or machinery, and not for money, payment, employment or compensation from others.

**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, processing or beneficial use facility or as otherwise disposed of, processed or beneficially used. The term does not include source separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection (DEP) for beneficial use.

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

**Waste Processing:** any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste(s).

**Waste Transfer Facility:** A municipal or municipal authority owned and operated facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer to a waste facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

**Waste Treatment:** A method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize the hazardous substance or to render the hazardous substance nonhazardous, safer for transport, suitable for storage or reduced in volume. The term includes activity or processing designed to change the physical form or chemical composition of a hazardous substance so as to render it neutral or nonhazardous.

**Wind Energy Facility:** An electric generating complex of wind towers, whose main purpose is to supply electricity to the power grid, consisting of one (1) or more wind towers as the primary use and other accessory structures and buildings, including sub-stations,

meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities

**Wind Tower, or Tower:** The total structure for converting wind sources into electricity through a system using a wind generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.

**Yard:** An open space which on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

**Yard, Front:** An open space extending the full width of the lot between the principal building or structure and the street right – of – way line or front lot line, unoccupied and unobstructed from the ground upward.

**Yard, Rear:** An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

**Yard, Side:** An open space extending from the front yard to the rear yard between the principal building or structure and the nearest lot line, unoccupied and unobstructed from the ground upward.

**Yard, Minimum:** The minimum area or open space required by this Ordinance to be provided between and front, side or rear lot line and a principal or accessory building (s) or structure(s) on the lot.

**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.

**Yard Waste Recycling/Processing:** An activity involving the composting and processing of leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility.

**Zoning:** The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

**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 Point Township, Northumberland County, Pennsylvania.

**Zoning Map:** The officially adopted Zoning Map of Point Township, Northumberland County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

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

**Zoning Ordinance:** The Zoning Ordinance of Point Township, Northumberland County, Pennsylvania, as amended.

**Zoning Permit:** See Permit.

## ARTICLE 3

### Establishment of Zoning Districts and Zoning Map

#### 3.1 Names and Purposes of Zoning Districts

Point Township is hereby divided into the following districts:

(COS) Conservation Open Space.

The Conservation Open Space District is comprised of two distinctive landforms including the steep, predominately wooded south slope of Montour Ridge and the floodplain of the Main and West Branches of the Susquehanna River. This district creates a scenic backdrop as well as providing a natural border to frame the township. In many instances there are environmental constraints including flooding, severe slope, and poor soils that limit development. It is most suitable for low-density development, recreation, forestry and agriculture uses.

(A) Agriculture.

This district is composed of those areas in the Township whose predominate land use is agriculture. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, minimize conflicting land uses detrimental to farm enterprises and limit development which requires highways and other public facilities in excess of those required by agricultural uses.

(R-1) Residential – Countryside.

The purpose of this district is to provide for a variety of low density residential uses served primarily by on lot sewer and water facilities. Agricultural activities and office uses are acceptable in this district provided they do not conflict with residential uses.

(R-2K) Residential – Kapp Heights.

The purpose of this district is to provide for residential uses that are compatible with a historic development pattern resulting from the recorded development plans for Kapp Heights and Priestley Terrace. With the ready availability of public sewage and water facilities the district is ideally suited to single family, duplex and townhouse residential uses compatible with the historic block and lot pattern. Limited other uses supportive to

the residential character of the district are deemed appropriate if pertinent standards are met.

(R-2N) Residential – Nottingham.

The purpose of this district is to capitalize on the availability of public sewage and water facilities that have been constructed to serve this area. The district has the infrastructure needed to serve single family, duplex and townhouse residential uses. In addition it includes the various types institutional residential uses found at Nottingham Village.

(HC) Highway Commercial.

The purpose of this district is to provide for commercial activities for which convenient vehicular access is needed, including mobile home parks, retail, wholesale, restaurant, office, customer services, and recreational uses.

(I) Industrial.

The purpose of this district is to provide for the majority of uses designed for the Highway Commercial District in addition to industrial, manufacturing, and heavy commercial uses. Agriculture is also a viable use for this district.

In addition there is an overlay district provided that overlays the basic zones above.

(SFHA) Special Flood Hazard Area Overlay.

For Point Township the Special Flood Hazard Area Overlay is that area determined by the Federal Emergency Management Agency (FEMA) as an Identified Floodplain Area. It shall include the Floodway Area as determined by FEMA, Area AE with flood elevation data determined by the FEMA and Area A where flood elevations are not provided by FEMA. It is the intent of this overlay to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commercial and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief by allowing only those uses that will not increase the flood hazards.

For lots or portions of lots covered by this overlay the regulations of **Article 11** shall govern over those of the underlying district.

## **3.2 Zoning District Maps**

### **3.2.1 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 for the Township, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept at the Township office. If, and whenever, changes are made in boundaries or other matter included on an Official Zoning Map, such changes in the map shall be made after the amendment has been approved by the Point Township Supervisors.

### **3.2.2 Copies of Zoning Map**

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

### **3.2.3 Zoning District Boundary Lines**

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

### **3.2.4 Interpretation of Boundaries**

If uncertainty exists as to the boundary of any district shown on the official Zoning Map, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Board of Supervisors. The Board of Supervisors may request a recommendation from the Planning Commission prior to making such decision.



THIS PAGE RESERVED FOR ZONING MAP

## ARTICLE 4

### Conservation Open Space District

#### 4.1 Purpose of the Conservation Open Space District

The Conservation Open Space District is comprised of two distinctive landforms including the steep, predominately wooded south slope of Montour Ridge and the floodplain of the Main and West Branches of the Susquehanna River. This district creates a scenic backdrop as well as providing a natural border to frame the township. In many instances there are environmental constraints including flooding, severe slope, and poor soils that limit development. It is most suitable for low-density development, recreation, forestry and agriculture uses.

#### 4.2 Use Regulations for the Conservation Open Space District

##### 4.2.1 Permitted Uses

- 4.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 14);
- 4.2.1.2 Agriculture (see Section 15.3);
- 4.2.1.3 Bed & Breakfast (see Section 15.6);
- 4.2.1.4 Community Home (see Section 15.9);
- 4.2.1.5 Cultivation of Crops (no zoning permit req'd);
- 4.2.1.6 Essential Services (no zoning permit req'd);
- 4.2.1.7 Forestry Activities (no permit required);
- 4.2.1.8 Group and Family Child Care Homes (see Section 15.11);
- 4.2.1.9 Home Occupation (see Section 15.13);
- 4.2.1.10 No Impact Home Based Business (see Section 15.16); or
- 4.2.1.11 Single-Family Dwelling, Seasonal Dwelling.

##### 4.2.2 Conditional Uses (see Criteria in Article 15)

- 4.2.2.1 Cluster Subdivision;

- 4.2.2.2 Home Based Business;
- 4.2.2.3 Principal Solar Energy System;
- 4.2.2.4 Public or Quasi-Public Uses;
- 4.2.2.5 Public service Facility;
- 4.2.2.6 Recreation, Indoor;
- 4.2.2.7 Recreation, Outdoor, Campgrounds;
- 4.2.2.8 Self-Storage Facility;
- 4.2.2.9 Short Term Rental;
- 4.2.2.10 Surface Mining; or
- 4.2.2.11 Yard Waste Recycling/Processing

### **4.3 Height and Coverage Requirements**

- 4.3.1 **Maximum Building Height:** 45 ft. (note: See **Section 14.6** for exempt structures)
- 4.3.2 **Maximum Building Coverage:** 5%
- 4.3.3 **Maximum Impervious Coverage:** 10%

### **4.4 Minimum Areas and Dimensions**

#### **4.4.1 Cluster Subdivision**

- 4.4.1.1 **Minimum Tract Size:** 20 acres
- 4.4.1.2 See the Cluster Subdivision regulations in **Section 15.8** for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.
- 4.4.1.3 **Water and Sewage Facilities:** The development shall be served by community or central water and central sanitary sewage facilities.

#### **4.4.2 Self-Storage Facility**

- 4.4.2.1 **Minimum Lot Size:** 1 acre

**4.4.2.2 Minimum Lot Width:** 150 ft.

**4.4.2.3 Minimum Yards:**

front:40 ft.

side: 20 ft.

rear: 20 ft.

**4.4.3 All Other Uses**

**4.4.3.1 Minimum Lot Size:** 10 acres

**4.4.3.2 Minimum Lot Width:** 500 ft.

**4.4.3.3 Minimum Yards:**

front: 40 ft.

side: 40 ft.

rear: 40 ft.

## ARTICLE 5

### Agriculture District

#### 5.1 Purpose of the Agriculture District

This district is composed of those areas in the Township whose pre-dominate land use is agriculture. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, minimize conflicting land uses detrimental to farm enterprises and limit development which requires highways and other public facilities in excess of those required by agricultural uses.

#### 5.2 Use Regulations for the Agriculture District

##### 5.2.1 Permitted Uses

- 5.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 14);
- 5.2.1.2 Agricultural Business;
- 5.2.1.3 Agriculture (see Section 15.3);
- 5.2.1.4 Bed & Breakfast (see Section 15.6);
- 5.2.1.5 Community Home (see Section 15.9);
- 5.2.1.6 Cultivation of Crops (no zoning permit req'd);
- 5.2.1.7 Essential Services (no zoning permit req'd);
- 5.2.1.8 Forestry Activities (no permit required);
- 5.2.1.9 Group and Family Child Care Homes (see Section 15.11);
- 5.2.1.10 Home Occupation (see Section 15.13);
- 5.2.1.11 No Impact Home Based Business (see Section 15.16);
- 5.2.1.12 Single-Family Dwelling, Seasonal Dwelling; or
- 5.2.1.13 Two-Family Dwelling, Duplex Dwelling.

**5.2.2 Conditional Uses (see Criteria in Article 15)**

- 5.2.2.1 Agricultural Operation;
- 5.2.2.2 Cluster Subdivision;
- 5.2.2.3 Contractor Yard;
- 5.2.2.4 Home Based Business;
- 5.2.2.5 Kennel;
- 5.2.2.6 Principal Solar Energy System;
- 5.2.2.7 Public or Quasi-Public Uses;
- 5.2.2.8 Public Service Facility;
- 5.2.2.9 Recreation, Outdoor & Campgrounds;
- 5.2.2.10 Residential Based Contractor's Yard;
- 5.2.2.11 Self-Storage Facility;
- 5.2.2.12 Short Term Rental;
- 5.2.2.13 Surface Mining;
- 5.2.2.14 Townhouses; or
- 5.2.2.15 Yard Waste Recycling/Processing

**5.3 Height and Coverage Requirements**

- 5.3.1 **Maximum Building Height:** 45 ft. (note: certain agricultural structures are exempt, see Section 14.6)
- 5.3.2 **Maximum Building Coverage:** 20%
- 5.3.3 **Maximum Impervious Coverage:** 40%

**5.4 Agriculture District Areas and Dimensions**

- 5.4.1 **Agriculture; Kennel; Recreation, Outdoor Recreation, Campground; Principal Solar Energy System; Surface Mining; or Yard Waste Recycling/Processing**

**5.4.1.1 Minimum Lot Size:** 10 acres

**5.4.1.2 Minimum Lot Width:** 400 ft.

**5.4.1.3 Minimum Yards:**

front: 50 ft.

side: 50 ft.

rear: 50 ft.

## **5.4.2 Agricultural Operation**

**5.4.2.1 Minimum Lot Size:** 25 acres

**5.4.2.2 Minimum Lot Width:** 500 ft.

**5.4.2.3 Minimum Yards:**

front: 50 ft.

side: 50 ft.

rear: 50 ft.

## **5.4.3 Cluster Subdivision**

**5.4.3.1 Minimum Areas and Dimensions:**

See the Cluster Development regulations in [Section 15.8](#) for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

**5.4.3.2 Water and Sewage Facilities:** The development must be served by community or central water and central sanitary sewage facilities.

**5.4.3.3 Minimum Tract Size:** 3 acres

**5.4.4 Townhouses**

**5.4.4.1 Minimum Lot Area and Width**

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.

**5.4.4.2 Minimum tract size for a development:** 3 acres

**5.4.4.3 Maximum Gross Density:** 5 dwelling units per acre

**5.4.4.4 Minimum Building Lines**

front: 25 ft.  
side: zero (between units)  
40 ft. (between buildings)  
rear: 30 ft.

**5.4.4.5 Water and Sewage Facilities:** The development must be served by central water and central sewage facilities.

**5.4.5 Agricultural Business; Contractor Yard; Home Based Business; Municipal Uses; Public or Quasi-Public Use; or Public Service Facility;**

**5.4.5.1 Minimum Lot Size:** 2 acres

**5.4.5.2 Minimum Lot Width:** 200 ft.

**5.4.5.3 Minimum Yards:**

front: 25 ft.  
side: 10 ft.  
rear: 20 ft.

**5.4.6 Bed & Breakfast Inn; Community Homes; Group and Family Child Care Homes; Home Occupation; Single-Family Dwelling, Seasonal Dwelling; Self-Storage Facility; or Two-Family Dwelling, Duplex Dwelling**



**5.4.6.1 Minimum Lot Size:**

On-lot water and sewer:	1 acre
Central water and/or sewer:	20,000 sq. ft.
Central sewer, on-lot or central water duplex:	10,000 sq. ft.

**5.4.6.2 Minimum Lot Width:**

On-lot water and sewer:	120 ft.
Central sewer and/or water:	100 ft.
Central sewer, on-lot or central water duplex:	50 ft.

**5.4.6.3 Minimum Yards**

front:	25 ft.
side:	10 ft.
side – between duplex units	Zero
rear:	20 ft.

## ARTICLE 6

### R-1 Residential - Countryside District

#### 6.1 Purpose of the Residential - Countryside District

The purpose of this district is to provide for a variety of low density residential uses served primarily by on lot sewer and water facilities. Agricultural activities and office uses are acceptable in this district provided they do not conflict with residential uses.

#### 6.2 Use Regulations for the Residential - Countryside District

##### 6.2.1 Permitted Uses

- 6.2.1.1 Accessory Uses or Structure (see supplemental regulations in Article 14);
- 6.2.1.2 Bed & Breakfast (see Section 15.6);
- 6.2.1.3 Child and Adult Care Centers (see Section 15.7);
- 6.2.1.4 Community Homes (see Section 15.9);
- 6.2.1.5 Cultivation of Crops (no zoning permit req'd);
- 6.2.1.6 Essential Services (no zoning permit req'd);
- 6.2.1.7 Forestry Activities (no permit required);
- 6.2.1.8 Group and Family Child Care Home (see Section 5.11);
- 6.2.1.9 Home Occupation (see Section 15.13);
- 6.2.1.10 No Impact Home Based Business (see Section 15.16);
- 6.2.1.11 Single-Family Dwelling, Seasonal Dwelling; or
- 6.2.1.12 Two-Family Dwelling, Duplex.

##### 6.2.2 Conditional Uses (see Criteria in Article 15)

- 6.2.2.1 Agriculture;

- 6.2.2.2 Cluster Subdivision;
- 6.2.2.3 Funeral Home;
- 6.2.2.4 Group Home;
- 6.2.2.5 Home Based Business;
- 6.2.2.6 Institutional Residences;
- 6.2.2.7 Professional Office;
- 6.2.2.8 Professional Office Group;
- 6.2.2.9 Public or Quasi-Public Uses;
- 6.2.2.10 Public Service Facility;
- 6.2.2.11 Residential Based Contractor’s Yard
- 6.2.2.12 Self-Storage Facility;
- 6.2.2.13 Short Term Rental;
- 6.2.2.14 Townhouses; or
- 6.2.2.15 Yard Waste Processing/Recycling.

**6.3 Density, Height and Coverage Requirements**

**6.3.1 Maximum Building Height:**

- Agricultural Structures: 45 ft. (note: certain agricultural structures are exempt, see [Section 14.6](#))
- All Other Structures: 35 ft.

**6.3.2 Maximum Building Coverage: 20%**

**6.3.3 Maximum Impervious Coverage: 40%**

**6.4 Minimum Areas and Dimensions**

**6.4.1 Community Homes; Group and Family Child Care Homes; Home Occupation; No Impact Home Based Business; Single Family Dwelling, Seasonal Dwelling; Two-Family Dwelling, Duplex**

**6.4.1.1 Minimum Lot Size:**

On-lot sewer and on-lot water:	40,000 sq. ft.
On-lot sewer and public water:	40,000 sq. ft.
Public sewer and public water:	20,000 sq. ft.
Public sewer and on-lot water:	20,000 sq. ft.
Public sewer, on-lot or central water duplex:	10,000 sq. ft.

**6.4.1.2 Minimum Lot Width:**

On-lot sewer and on-lot water:	120 ft.
On-lot sewer and public water:	120 ft.
Public sewer and public water:	100 ft.
Public sewer and on-lot water:	100 ft.
Public sewer, on-lot or central water duplex:	50 ft.

**6.4.1.3 Minimum Yards:**

front:	30 ft.
side:	15 ft.
side – between duplex units	Zero
rear:	10 ft.

**6.4.2 Bed & Breakfast; Child and Adult Care Centers; Funeral Home; Home Based Business; Professional Office; Public or Quasi-Public Uses; Self-Storage Facility; Residential Based Contractor’s Yard**

**6.4.2.1 Minimum Lot Size:** 1 acre

**6.4.2.2 Minimum Lot Width:** 150 ft.

**6.4.2.3 Minimum Yards:**

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

**6.4.3 Group Home; Institutional Residence, Professional Office Group; Public or Quasi-Public Uses; or Public Service Facility**

**6.4.3.1 Minimum Lot Size:** 3 acres

**6.4.3.2 Minimum Lot Width:** 300 ft.

**6.4.3.3 Minimum Yards:**

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

**6.4.4 Townhouses**

**6.4.4.1 Minimum Lot Area and Width**

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.

**6.4.4.2 Minimum tract size for a development: 3 acres**

**6.4.4.3 Maximum Gross Density: 5 dwelling units per acre**

**6.4.4.4 Minimum Building Lines**

front: 25 ft.  
side: zero (between units)  
40 ft. (between buildings)  
rear: 30 ft.

**6.4.5 Cluster Subdivision**

**6.4.5.1 Minimum Areas and Dimensions:**

See the Cluster Development regulations in **Section 15.8** for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

**6.4.5.2 Water and Sewage Facilities:** The development must be served by community or central water and central sanitary sewage facilities.

**6.4.5.3 Minimum Tract Size: 3 acres**

**6.4.6 Agriculture**

**6.4.6.1 Minimum Lot Size:** 10 acres

**6.4.6.2 Minimum Lot Width:** 200 ft.

**6.4.6.3 Minimum Yards for Farm Dwelling:**

front: 25 ft.

side: 10 ft.

rear: 20 ft.

**6.4.6.4 Minimum Yards for All Other Structures:** 50 ft.

**6.4.7 Yard Waste Recycling/Processing**

**6.4.7.1 Minimum Lot Size:** 10 acres

**6.4.7.2 Minimum Lot Width:** 400 ft.

**6.4.7.3 Minimum Yards:**

front: 50 ft.

side: 50 ft.

rear: 50 ft.

## ARTICLE 7

### R-2K Residential Kapp Heights District

#### 7.1 Purpose of the Residential Kapp Heights District

The purpose of this district is to provide for residential uses that are compatible with a historic development pattern resulting from the recorded development plans for Kapp Heights and Priestley Terrace. With the ready availability of public sewage and water facilities the district is ideally suited to single family, duplex and townhouse residential uses compatible with the historic block and lot pattern. Limited other uses supportive to the residential character of the district are deemed appropriate if pertinent standards are met.

#### 7.2 Use Regulations for the Residential Kapp Heights District

##### 7.2.1 Permitted Uses

- 7.2.1.1 Accessory Use or Structure (see supplemental regulations in [Article 14](#));
- 7.2.1.2 Bed and Breakfast (see supplemental regulations in [Section 15.6](#));
- 7.2.1.3 Child and Adult Care Center (see [Section 15.7](#));
- 7.2.1.4 Community Home (see supplemental regulations in [Section 15.9](#));
- 7.2.1.5 Cultivation of Crops (no permit required);
- 7.2.1.6 Essential Service (no permit required);
- 7.2.1.7 Forestry (no permit required);
- 7.2.1.8 Group and Family Child Care Homes (see [Section 5.11](#));
- 7.2.1.9 Home Occupation (see supplemental regulations in [Section 15.13](#));
- 7.2.1.10 No Impact Home Based Business (see supplemental regulations in [Section 15.16](#));
- 7.2.1.11 Single-Family Dwelling, Seasonal Dwelling; and
- 7.2.1.12 Two-Family Dwelling, Duplex.

**7.2.2 Conditional Uses (criteria found in Article 15)**

- 7.2.2.1 Funeral Home;
- 7.2.2.2 Group Home;
- 7.2.2.3 Home Based Business;
- 7.2.2.4 Institutional Residence;
- 7.2.2.5 Multiple-Family Dwelling;
- 7.2.2.6 Professional Office;
- 7.2.2.7 Professional Office Group;
- 7.2.2.8 Public or Quasi-Public Uses;
- 7.2.2.9 Public Service Facility;
- 7.2.2.10 Short Term Rental; or
- 7.2.2.11 Townhouses.

**7.3 Height and Coverage Requirements**

- 7.3.1 **Maximum Building Coverage:** 30%
- 7.3.2 **Maximum Impervious Surface** (including buildings): 50%
- 7.3.3 **Maximum Building Height:** 35 ft.

**7.4 Minimum Areas and Dimensions**

**7.4.1 Community Home; Group and Family Child Care Home; Home Occupation; No Impact Home Based Business; Single-Family Dwelling, Seasonal Dwelling; and Two-Family Dwelling, Duplex**

**7.4.1.1 Minimum Lot Area**

- on-lot sewer and on-lot water: 40,000 sq. ft.
- central sewer **or** central water: 20,000 sq. ft.
- central sewer **and** central water: 8,800 sq. ft.
- public sewer and water duplex: 4,400 sq. ft.



**7.4.1.2 Minimum Lot Width:**

on-lot sewer and on-lot water:	120 ft.
central sewer <b>or</b> central water:	100 ft.
central sewer <b>and</b> central water:	80 ft.
central sewer and water duplex:	40 ft.

**7.4.1.3 Minimum Yards:**

front:	30 ft.
side:	10 ft.
side – between duplex units:	Zero
rear:	25 ft.

**7.4.2 Bed & Breakfast; Child and Adult Care Center; Funeral Home; Home Based Business; and Professional Office**

**7.4.2.1 Minimum Lot Area:** 40,000 sq. ft.

**7.4.2.2 Minimum Lot Width:** 150 ft.

**7.4.2.3 Minimum Yards:**

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

**7.4.3 Group Home; Multiple-Family Dwelling; Institutional Residence; Professional Office Group; Public or Quasi-Public Use; or Public Service Facility**

**7.4.3.1 Minimum Lot Area:** 3 acres

**7.4.3.2 Maximum Gross Density for Multi-family Dwelling:**

5 dwelling units per acre

**7.4.3.3 Minimum Lot Width:** 300 ft.

**7.4.3.4 Minimum Yards**

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

**7.4.3.5 Minimum Building Separation: 30 ft.**

**7.4.3.6 Water and Sewage Facilities:** The development must be served by central water and central sewage facilities.

**7.4.4 Townhouses**

**7.4.4.1 Minimum Lot Area and Width**

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.

**7.4.4.2 Minimum tract size for a development:** 3 acres

**7.4.4.3 Maximum Gross Density:** 5 dwelling units per acre

**7.4.4.4 Minimum Building Lines**

front: 25 ft.  
side: zero (between units)  
40 ft. (between buildings)  
rear: 30 ft.

**7.4.4.5 Water and Sewage Facilities:** The development must be served by central water and central sewage facilities.

## ARTICLE 8

### R-2N Residential Nottingham District

#### 8.1 Purpose of the Residential Nottingham District

The purpose of this district is to capitalize on the availability of public sewage and water facilities that have been constructed to serve this area. The district has the infrastructure needed to serve single family, duplex and townhouse residential uses. In addition it includes the various types institutional residential uses found at Nottingham Village.

#### 8.2 Use Regulations for the Residential Nottingham District

##### 8.2.1 Permitted Uses

- 8.2.1.1 Accessory Use or Structure (see supplemental regulations in [Article 14](#));
- 8.2.1.2 Bed and Breakfast (see supplemental regulations in [Section 15.6](#));
- 8.2.1.3 Child and Adult Care Center (see [Section 15.7](#));
- 8.2.1.4 Community Home (see supplemental regulations in [Section 15.9](#));
- 8.2.1.5 Cultivation of Crops (no permit required);
- 8.2.1.6 Essential Service (no permit required);
- 8.2.1.7 Forestry (no permit required);
- 8.2.1.8 Group and Family Child Care Homes (see [Section 15.11](#));
- 8.2.1.9 Home Occupation (see supplemental regulations in [Section 15.13](#));
- 8.2.1.10 No Impact Home Based Business (see supplemental regulations in [Section 15.16](#));
- 8.2.1.11 Single-Family Dwelling, Seasonal Dwelling; and
- 8.2.1.12 Two-Family Dwelling, Duplex.

**8.2.2 Conditional Uses (criteria found in Article 15)**

- 8.2.2.1 Funeral Home;
- 8.2.2.2 Group Home;
- 8.2.2.3 Home Based Business;
- 8.2.2.4 Institutional Residence;
- 8.2.2.5 Medical Offices, Clinic, Surgery Center;
- 8.2.2.6 Multiple-Family Dwelling;
- 8.2.2.7 Professional Office;
- 8.2.2.8 Professional Office Group;
- 8.2.2.9 Public or Quasi-Public Uses;
- 8.2.2.10 Public Service Facility;
- 8.2.2.11 Short Term Rental;
- 8.2.2.12 Townhouses; or
- 8.2.2.13 Yard Waste Recycling/Processing.

**8.3 Height and Coverage Requirements**

- 8.3.1 **Maximum Building Coverage:** 30%
- 8.3.2 **Maximum Impervious Surface (including buildings):** 50%
- 8.3.3 **Maximum Building Height:** 35 ft.

**8.4 Minimum Areas and Dimensions**

**8.4.1 Community Home; Group and Family Child Care Home; Home Occupation; No Impact Home Based Business; Single-Family Dwelling, Seasonal Dwelling; and Two-Family Dwelling, Duplex**

**8.4.1.1 Minimum Lot Area**

On-lot sewer and on-lot water:	40,000 sq. ft.
On-lot sewer and public water:	40,000 sq. ft.
Public sewer and public water:	14,000 sq. ft.
Public sewer and on-lot water:	14,000 sq. ft.
Public sewer and water duplex:	7,000 sq. ft.

**8.4.1.2 Minimum Lot Width:**

On-lot sewer and on-lot water:	120 ft.
On-lot sewer and public water:	120 ft.
Public sewer and public water:	100 ft.
Public sewer and on-lot water:	100 ft.
Public sewer and water duplex:	50 ft.

**8.4.1.3 Minimum Yards:**

front:	30 ft.
side:	10 ft.
side – between duplex units	Zero
rear:	25 ft.

**8.4.2 Bed & Breakfast; Child and Adult Care Center; Funeral Home; Home Based Business; and Professional Office**

**8.4.2.1 Minimum Lot Area:** 40,000 sq. ft.

**8.4.2.2 Minimum Lot Width:** 150 ft.

**8.4.2.3 Minimum Yards:**

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

**8.4.3 Group Home; Multiple-Family Dwelling; Institutional Residence; Medical Offices, Clinic, Surgery Center; Professional Office Group; Public or Quasi-Public Use; or Public Service Facility**

**8.4.3.1 Minimum Lot Area:** 3 acres

**8.4.3.2 Maximum Gross Density for Multi-family Dwelling:**

5 dwelling units per acre

**8.4.3.3 Minimum Lot Width:** 300 ft.

**8.4.3.4 Minimum Yards**

front: 50 ft.

side: 20 ft.

rear: 30 ft.

**8.4.3.5 Minimum Building Separation:** 30 ft.

**8.4.3.6 Water and Sewage Facilities:** The development must be served by central water and central sewage facilities.

#### **8.4.4 Townhouses**

**8.4.4.1 Minimum Lot Area and Width**

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.

**8.4.4.2 Minimum tract size for a development:** 3 acres

**8.4.4.3 Maximum Gross Density:** 5 dwelling units per acre

**8.4.4.4 Minimum Building Lines**

front: 25 ft.

side: zero (between units)

40 ft. (between buildings)

rear: 30 ft.

**8.4.4.5 Water and Sewage Facilities:** The development must be served by central water and central sewage facilities.

**8.4.5 Yard Waste Recycling/Processing**

**8.4.5.1 Minimum Lot Size:** 10 acres

**8.4.5.2 Minimum Lot Width:** 400 ft.

**8.4.5.3 Minimum Yards:**

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

## ARTICLE 9

### Highway Commercial District

#### 9.1 Purpose of the Highway Commercial District

The purpose of this district is to provide for commercial activities for which convenient vehicular access is needed, including mobile home park, retail, wholesale, restaurant, office, customer services, and recreational uses.

#### 9.2 Use Regulations for the Highway Commercial District

##### 9.2.1 Permitted Uses

- 9.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 14);
- 9.2.1.2 Agricultural Business;
- 9.2.1.3 Animal Hospital;
- 9.2.1.4 Automotive Car Wash, Repair, Sales or Service Facility, Convenience Market (see supplemental regulations in Section 15.5);
- 9.2.1.5 Bed & Breakfast Inn;
- 9.2.1.6 Child or Adult Care Center (see supplemental criteria in Section 15.7);
- 9.2.1.7 Clubs & Lodges;
- 9.2.1.8 Community Home (see supplemental regulations in Section 15.9);
- 9.2.1.9 Contractor Yard;
- 9.2.1.10 Cultivation of Crops (no zoning permit required);
- 9.2.1.11 Essential Service (no zoning permit required);
- 9.2.1.12 Forestry Activities (no zoning permit required);
- 9.2.1.13 Funeral Home;
- 9.2.1.14 Group and Family Child Care Home (see Section 15.11);
- 9.2.1.15 Home Occupation (see supplemental regulations in Section 15.13);

draft 12/08/2021



- 9.2.1.16 Medical Office, Clinic, Surgery Center;
- 9.2.1.17 No Impact Home Based Business (see supplemental regulations in **Section 5.16**);
- 9.2.1.18 Professional Office;
- 9.2.1.19 Professional Office Group;
- 9.2.1.20 Public Service Facility;
- 9.2.1.21 Recreation, Indoor;
- 9.2.1.22 Residential Based Contractor Yard (see **Section 15.10**);
- 9.2.1.23 Restaurant, Hotel or Motel;
- 9.2.1.24 Retail, Banks, Wholesale, Printing, or Non-Automotive Service or Repair Business;
- 9.2.1.25 Self-Storage Facility (see **Section 15.18**); or
- 9.2.1.26 Shopping Center.

**9.2.2 Conditional Uses (criteria found in **Article 15**)**

- 9.2.2.1 Group Home;
- 9.2.2.2 Home Based Business;
- 9.2.2.3 Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center;
- 9.2.2.4 Institutional Residence;
- 9.2.2.5 Kennels;
- 9.2.2.6 Mobile Home Park;
- 9.2.2.7 Public or Quasi-Public Use;
- 9.2.2.8 Principal Solar Energy System;
- 9.2.2.9 Recreation, Outdoor, Campgrounds;
- 9.2.2.10 Short Term Rental;

- 9.2.2.11 Surface Mining;
- 9.2.2.12 Trucking or Rail Terminal/Intermodal Freight Facility; and
- 9.2.2.13 Warehouse, Distribution Center.

**9.3 Height and Coverage Requirements**

- 9.3.1 **Maximum Building Height:** 35 ft.
- 9.3.2 **Maximum Impervious Coverage:** 60%
- 9.3.3 **Maximum Building Coverage:** 40%

**9.4 Minimum Areas and Dimensions**

**9.4.1 Permitted Uses; Contractor Yard; Group Home; Hospital, Drug and Alcohol Treatment Facility, Rehabilitation Center; Institutional Residence; Kennel; Medical Office, Clinic, Surgery Center; and Public and Quasi-Public Uses**

- 9.4.1.1 **Minimum Lot Area:** 1 acre
- 9.4.1.2 **Minimum Lot Width:** 200 ft.
- 9.4.1.3 **Minimum Yards**
  - front: 50 ft.
  - side: 20 ft.
  - (abutting a residential use) 40 ft.
  - rear: 20 ft.
  - (abutting a residential use) 40 ft.

**9.4.1.4 Performance Standard**

All lots shall be of sufficient size to adequately provide for the structure(s), parking and loading areas, stormwater management facilities, setbacks and other required service or open space areas.

**9.4.2 Recreation, Outdoor, Campgrounds; Shopping Center; Surface Mining; Trucking or Rail Terminal, Intermodal Freight Facility; or Warehouse, Distribution Center**

- 9.4.2.1 **Minimum Lot Area:** 10 acres
- 9.4.2.2 **Minimum Lot Width:** 400 ft.

**9.4.2.3 Minimum Yards**

front: 80 ft.  
side: 20 ft.  
(abutting a residential use) 40 ft.  
rear: 20 ft.  
(abutting a residential use) 40 ft.

**9.4.3 Principal Solar Energy System**

**9.4.3.1 Minimum Lot Size:** 10 acres

**9.4.3.2 Minimum Lot Width:** 400 ft.

**9.4.3.3 Minimum Yards:**

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

**9.4.4 Mobile Home Park**

**9.4.4.1 Minimum Park Area:** 5 acres

**9.4.4.2 Minimum Lot Width:** 400 ft.

**9.4.4.3 Maximum Gross Site Density:** 5 dwelling units per acre

**9.4.4.4 Minimum Building Separation:**

All mobile homes shall be separated a minimum of 50 ft. from auxiliary park buildings.

**9.4.4.5 Minimum Yards for Site Perimeter:**

front: 25 ft., but not less than 50 ft. from road centerline  
side: 50 ft.  
rear: 50 ft.

minimum side and rear yards may be reduced to 25 ft. when screening in accord with Article 15 is provided.

**9.4.3.6 Mobile Home Park – Individual Lots**

**8.4.3.6.1 Minimum Lot Area:** 6,000 sq. ft.

**8.4.3.6.2 Minimum Lot Width:** 50 ft.

**8.4.3.6.3 Minimum Yards:**

front:	20 ft.
side:	10 ft.
rear:	10 ft.

**9.4.3.7 Water and Sewage Facilities:** The development must be served by central water and central sewage facilities.

**9.4.3.8 Recreation Space Requirements:** A minimum of twenty (20) percent of the gross park area 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 10

### Industrial District

#### 10.1 Purpose of the Industrial District

The purpose of this district is to provide for the majority uses designed for the Highway Commercial District in addition to industrial, manufacturing, and heavy commercial uses. Agriculture is also a viable use for this district.

#### 10.2 Use Regulations for the Industrial District

##### 10.2.1 Permitted Uses

- 10.2.1.1 Accessory Use or Structure (see supplemental regulations in [Article 14](#));
- 10.2.1.2 Agricultural Business;
- 10.2.1.3 Animal Hospital (see [Section 15.4](#));
- 10.2.1.4 Automotive Car Wash, Repair, Sales or Service Facility, Convenience Market (see supplemental regulations in [Section 15.5](#));
- 10.2.1.5 Bed & Breakfast Inn (see supplemental regulations in [Section 15.6](#));
- 10.2.1.6 Child and Adult Care Center (see supplemental regulations in [Section 15.7](#));
- 10.2.1.7 Community Home; (see supplemental regulations in [Section 15.9](#))
- 10.2.1.8 Contractor Yard (see [Section 15.10](#));
- 10.2.1.9 Cultivation of Crops (no zoning permit required);
- 10.2.1.10 Essential Service (no zoning permit required);
- 10.2.1.11 Forestry Activities (no zoning permit required);
- 10.2.1.12 Group and Family Child Care Home (see [Section 15.11](#));
- 10.2.1.13 Home Occupation (see supplemental regulations in [Section 15.13](#));
- 10.2.1.14 Manufacturing, Research and Testing Laboratories (see supplemental regulations in [Section 15.14](#));

- 10.2.1.15 Medical Office, Clinic, Surgery Center;
- 10.2.1.16 No Impact Home Based Business (see supplemental regulations in **Section 15.16**);
- 10.2.1.17 Professional Office;
- 10.2.1.18 Professional Office Group;
- 10.2.1.19 Public Service Facility;
- 10.2.1.20 Recreation, Indoor;
- 10.2.1.21 Residential Based Contractor Yard (see **Section 15.10**);
- 10.2.1.22 Restaurant, Hotel or Motel;
- 10.2.1.23 Retail, Banks, Wholesale, Printing or Non-Automotive Service or Repair Business;
- 10.2.1.24 Self Storage Facility (see **Section 15.18**);
- 10.2.1.25 Shopping Center;
- 10.2.1.26 Trucking or Rail Terminal/Intermodal Freight Facility (see supplemental regulations in **Section 15.14**); and
- 10.2.1.27 Warehousing, Distribution Center (see supplemental regulations in **Section 15.14**).

**10.2.2 Conditional Uses (criteria found in **Article 15**)**

- 10.2.2.1 Adult Uses;
- 10.2.2.2 Agriculture;
- 10.2.2.3 Correctional Facility;
- 10.2.2.4 Home Based Business;
- 10.2.2.5 Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center;
- 10.2.2.6 Industrial Park;
- 10.2.2.7 Institutional Residence;

- 10.2.2.8 Junkyard;
- 10.2.2.9 Kennel;
- 10.2.2.10 Principal Solar Energy System;
- 10.2.2.11 Public or Quasi-Public Use;
- 10.2.2.12 Recreation, Outdoor, Campgrounds;
- 10.2.2.13 Short Term Rental;
- 10.2.2.14 Surface Mining; and
- 10.2.2.15 Waste Storage or Processing Facility

**10.3 Height and Coverage Requirements**

- 10.3.1 **Maximum Building Height:** 50 ft.
- 10.3.2 **Maximum Impervious Coverage:** 60%
- 10.3.3 **Maximum Building Coverage:** 40%

**10.4 Minimum Areas and Dimensions**

**10.4.1 Junkyard; Waste Facility or Waste Transfer Facility**

- 10.4.1.1 **Minimum Lot Area:** 100 acres
- 10.4.1.2 **Minimum Lot Width:** 500 ft.
- 10.4.1.3 **Minimum Yards**
  - front: 100 ft.
  - side: 100 ft.
  - rear: 100 ft.

**10.4.2 Agriculture; Correctional Facility; Industrial Park; Institutional Residence; Shopping Center; Surface Mining; Trucking or Rail Terminal/Intermodal Freight Facility; Recreation, Outdoor, Campgrounds; or Warehousing, Distribution Center**

- 10.4.2.1 **Minimum Lot Size:** 10 acres
- 10.4.2.2 **Minimum Lot Width:** 200 ft.

**10.4.2.3 Minimum Yards for Farm Dwelling:**

front: 25 ft.  
side: 10 ft.  
rear: 20 ft.

**10.4.2.4 Minimum Yards for All Other Structures: 40 ft.**

**10.4.3 Principal Solar Energy System**

**9.4.3.1 Minimum Lot Size: 10 acres**

**9.4.3.2 Minimum Lot Width: 400 ft.**

**9.4.3.3 Minimum Yards:**

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

**10.4.3 All Other Principal Uses**

**10.4.3.1 Minimum Lot Area: 2 acres**

**10.4.3.2 Minimum Lot Width: 200 ft.**

**10.4.3.3 Minimum Yards**

front: 80 ft.  
side: 40 ft.  
rear: 40 ft.



## ARTICLE 11

### Special Flood Hazard Area Overlay District

#### 11.1 Purpose of the Special Flood Hazard Area Overlay District

For Point Township the Special Flood Hazard Area Overlay is that area determined by the Federal Emergency Management Agency (FEMA) as an Identified Floodplain Area. It shall include the Floodway Area as determined by FEMA, Area AE with flood elevation data determined by the FEMA and Area A where flood elevations are not provided by FEMA. It is the intent of this overlay to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commercial and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief by allowing only those uses that will not increase the flood hazards.

#### 11.2 Overlay Concept

In the event that a lot or portion of a lot is situated within the Special Flood Hazard Area Overlay District the regulations of this article shall take precedence over the regulations of the underlying districts ([Article 4 – 10](#)) for that lot or lot portion.

#### 11.3 Use Regulations for the Special Flood Hazard Overlay District

##### 11.3.1 Permitted Uses

11.3.1.1 Cultivation of Crops (no zoning permit required);

11.3.1.2 Essential Service (no zoning permit required);

11.3.1.3 Forestry Activities (no zoning permit required);

##### 11.3.2 Conditional Uses

11.3.2.1 Accessory Use or Structure (see supplemental regulations in [Article 14](#));

11.3.2.2 Recreation, Outdoor, Campgrounds (criteria found in [Article 15](#));

11.3.2.3 Short Term Rental (see [Section 15.19](#)); and

11.3.2.4 Surface Mining (criteria found in [Article 15](#)).

#### 11.4 Height and Coverage Requirements

11.4.1 **Maximum Building Height:** 45 ft. (note: See [Section 14.6](#) for exempt structures)

**11.4.2 Maximum Building Coverage: 5%**

**11.4.3 Maximum Impervious Coverage: 10%**

**11.5 Minimum Areas and Dimensions – Recreation Outdoor, Campgrounds; Surface Mining**

**11.5.1.1 Minimum Lot Size: 10 acres**

**11.5.1.2 Minimum Lot Width: 500 ft.**

**11.5.1.3 Minimum Yards:**

front: 40 ft.

side: 40 ft.

rear: 40 ft. (primary structure)

20 ft. (accessory structure)

**Article 12-13**

**Reserved**

## ARTICLE 14

### Supplemental Lot Regulations

#### 14.1 Access To Structures

**14.1.1** Every dwelling or commercial structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved under 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.

**14.1.2** 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 which will minimize concentration of traffic.

**14.1.3** Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons and comply with the current editions of ADA standards and the PA Uniform Construction Code PA Act 45 of 1999.

#### 14.2 Accessory Uses and Structures – Zoning Permit Required

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:

**14.2.1 Fences or walls** - not exceeding six (6) feet may be constructed in required yards provided that:

**14.2.1.1** The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in **Section 14.7**).

**14.2.1.2** Fences and walls, except those designated for agricultural purposes, shall be setback a minimum of two (2) feet from any lot line to facilitate their maintenance. Fences can be located on the property line or at a distance of less than two (2) feet if the written permission of the neighbor is furnished to the Zoning Officer. The finished side of a fence shall face to the lot exterior.

**14.2.2 Accessory Storage or Utility Buildings and Detached Garages**

**14.2.2.1** An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building.

**14.2.2.2** Detached accessory buildings shall be located to the rear of the front building line of the principal building and, if located in a side yard area, shall conform to the side yard requirements with respect to the principal building.

**14.2.2.3** Accessory buildings shall have a minimum ten (10) ft. rear setback.

**14.2.2.4** Accessory buildings shall not exceed one and one-half (1 ½) stories or fifteen (15) feet in height and may not occupy more than thirty (30) percent of a required rear yard.

**14.2.3 Swimming Pools:** Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above and on-ground pools; hot tubs, spas and fixed in place wading pools.

**14.2.3.1** Locations: The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than fifteen (15) feet to the side or rear lot lines, and no closer than twenty-five (25) feet to the front lot line.

**14.2.3.2** Enclosure and Access Considerations: Swimming pool installations including required fencing shall be governed by the current adopted edition of the International Residential Code for One- and Two-Family Dwellings.

**14.2.4 Pump Island Canopies** - where 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.

**14.2.5 Accessory Apartment**

An accessory apartment may be constructed for a direct family member (parent, sibling or child) within an existing single-family detached dwelling pursuant to the following standards.

**14.2.5.1** The lot upon which an accessory apartment is located shall meet the minimum lot area requirements for a single-family detached dwelling set forth in the applicable zoning district.

- 14.2.5.2 Accessory apartments may only be authorized for structures which were erected prior to the adoption of this Ordinance. No more than one (1) accessory apartment shall be permitted on a lot.
- 14.2.5.3 The habitable floor area of the accessory apartment shall be a minimum of 400 ft<sup>2</sup> and a maximum of 800 ft<sup>2</sup>, except that the area of the accessory unit shall not exceed 25% of the habitable floor area of the original dwelling.
- 14.2.5.4 The architectural treatment of the structure shall be such as to portray the character of the single-family detached dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be at the side or in the rear.
- 14.2.5.5 One dwelling must be owner-occupied.
- 14.2.5.6 Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from both the accessory apartment and the existing dwelling. Where connection to a public sewage system can not be made, certification from the municipal Sewage Enforcement Officer, verifying the acceptability and /or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for an accessory apartment use.
- 14.2.5.7 One off-street parking space shall be provided for the accessory apartment in addition to the number required for the existing dwelling (see [Section 14.10](#)).

#### **14.2.6 Temporary Roadside Stands**

Temporary roadside stands or shelters may be permitted in all Zoning Districts. All application for such uses shall also meet the standards outlined below.

- 14.2.6.1 Temporary roadside stands shall not exceed 400 square feet in size and shall be removed from the site during the seasons(s) when they are not in use for the sale or display of products.
- 14.2.6.2 Where a temporary roadside stand is established, a minimum of three (3) off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided.

- 14.2.6.3 Temporary stands shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection.
- 14.2.6.4 A Zoning Permit shall be required for temporary roadside stands. The permit is valid for a period of six (6) months from the date of issuance; one permit is allowed per property each calendar year.
- 14.2.6.5 All signs used to advertise such facilities shall meet the requirements set forth in Article 20 of this Ordinance and shall be removed when the temporary stand is removed.
- 14.2.6.6 Temporary roadside stands shall be limited to the sale of farm, nursery, or greenhouse products.
- 14.2.6.7 A Highway Occupancy Permit may be required.

**14.2.7 Accessory Solar Energy Systems (ASES)**

**14.2.7.1 Regulations Applicable to All Accessory Solar Energy Systems:**

1. ASES shall be permitted as a use by right in all zoning districts.
2. **Exemptions** - ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township, and with all other applicable fire and life safety

requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances.

4. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
5. The owner of an ASES shall provide the Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
6. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
7. **Glare**
  - (a) All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - (b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.



## **9. Decommissioning**

- (a) Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- (b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- (c) The ASES owner shall, at the request of the township/borough, provide information concerning the amount of energy generated by the ASES in the last 12 months.

## **10. Permit Requirements**

- (a) Zoning permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- (b) The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- (c) The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

### **14.2.7.2 Roof Mounted and Wall Mounted Accessory Solar Energy Systems:**

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. Roof mounted solar panels may be located on front-facing roofs as viewed from any adjacent street when approved as a conditional use. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
6. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township/borough that the roof or wall is capable of holding the load imposed on the structure.

#### **14.2.7.3 Ground Mounted Accessory Solar Energy Systems:**

##### **1. Setbacks**

- (a) The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.
- (b) Ground mounted ASES are prohibited in front yards, between the principal building and the public street if located on a lot of one (1) acre or less in size.

##### **2. Height**

Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.

### **3. Coverage**

The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

- 4. Screening** Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. The design height of the planting shall be indicated in the application and the planting shall be maintained to that height. In lieu of a planting screen, a decorative fence meeting the requirements of the zoning ordinance may be used.
- 5.** Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- 6.** Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

#### **14.2.8 Family Care Unit**

A family care unit, as used herein, is intended to provide a place of residence only where some form of personal care or assistance in daily living is necessary, whether for reason of health, handicap or age limitation in daily living capacity. For purposes only of calculating the number of dwellings permitted on a tract, a family care unit is considered an accessory structure for a residence and not a separate dwelling unit.

**14.2.8.1** This use shall only be authorized on a lot currently in single family residential use.

**14.2.8.2** The lot upon which a family care unit is located shall meet the minimum lot area requirements for a single-family detached dwelling set forth in the applicable zoning district.

- 14.2.8.3** No more than one (1) family care unit shall be permitted on a lot.
- 14.2.8.4** The maximum habitable floor area of the family care unit shall be 800 ft<sup>2</sup>, except that the area of the family care shall not exceed 25% of the habitable floor area of the original dwelling.
- 14.2.8.5** The following types of structures may be considered for an family care unit:
- a.** The remodeling of an existing carriage barn or other existing structure located on the lot.
  - b.** A newly constructed detached dwelling unit.
  - c.** A temporary removable structure, including ECHO (Elder Care Housing Opportunity) or other equivalent factory manufactured dwelling unit.
- 14.2.8.6** Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from both the family care unit and the existing dwelling. A certification from the municipal Sewage Enforcement Officer or from the municipal authority, verifying the acceptability and /or suitability of sewage facilities for both the existing unit and the family care unit as part of an application for a family care use.
- 14.2.8.7** One off-street parking space shall be provided for the family care in addition to the number required for the existing dwelling (see Section 5.6).
- 14.2.8.8** The minimum building lines for an family care unit shall be the same as for other Accessory Structures for the zoning district.
- 14.2.8.9** The maximum building height for a new family care unit shall be twenty-five (25) feet.
- 14.2.8.10** Where applicable, the Zoning Permit shall be issued as a temporary permit only, with the duration of the permit, as approved by the Zoning Officer, specifically noted on the permit.
- 14.2.8.11** If the duration of the Zoning/Development Permit is limited to a specific use or family circumstance, when that circumstance no longer exists, the permit shall thereupon become null and void.

### **14.3 Accessory Uses and Structures – Exempt from Permit Requirement – Conformance with the Following Specifications Shall Be Maintained:**

Certain accessory uses and structures shall be exempt from obtaining a zoning permit provided that they comply with all requirements specified below:

- 14.3.1** Fences designated for agricultural purposes may be located on the property line.
- 14.3.2** Other accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs of the dimension 12 x 12 ft. or smaller shall comply with all **Section 14.2.2** requirements. Storage buildings are not included under this exemption.
- 14.3.3** Landscape plantings may be constructed in required yards provided that the vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in **Section 14.7**).
- 14.3.4** 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.
- 14.3.5** Sidewalks and driveways may be located within front, rear, and side yards and do not require zoning permits.

### **14.4 Conversion or Replacement of Buildings**

- 14.4.1** 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.
- 14.4.2** A mobile home which 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. A permit may be obtained from the Zoning Officer to defer removal of the mobile home pending its sale for a period not to exceed six months. The fee for said permit shall be established by resolution of the Board of Supervisors.
- 14.4.3** A mobile home which is no longer suitable for residential purposes shall not be converted to an accessory structure.

## **14.5 Design Standards for Driveways and Access Drives To Streets**

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 standards of **Ordinance 2017-01** shall apply to the construction or creation of all new driveways.

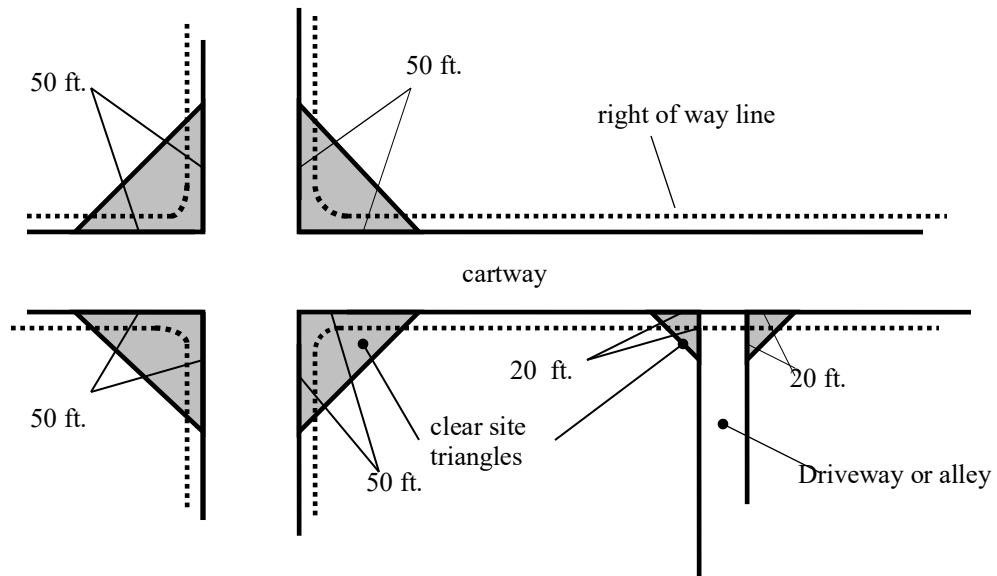
## **14.6 Exceptions to Height Regulations**

**14.6.1** The height limitations of this Ordinance shall not apply to church spires, farm structures (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 limitations of this Ordinance shall also not apply to any Communications Antennae, Communication Tower and wind energy facilities that may be governed under a separate Point Township ordinance.

## **14.7 Intersection Visibility**

**14.7.1** No obstruction to vision (other than an existing building, post, column, tree, or proposed or existing public utility pole) exceeding twenty-four (24) inches in height shall be erected, planted or maintained on any lot within a clear sight triangle within that part of the required front or side yard which is within a horizontal clear-sight triangle bounded by the two curb lines (paved street lines) and a straight line drawn between points on each such line fifty (50) feet from the intersection of said lines or extension thereof. All plant material shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

**14.7.2** At each point where an alley or a private driveway intersects a public street, a clear sight triangle of twenty (20) feet measured from the point of intersection of the street line and the edge of the driveway shall be maintained within which vegetation and other visual obstructions shall be limited to height of not more than twenty-four (24) inches above the street grade.



**Location of Clear Sight Triangles**

## **14.8 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 through 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.

### **14.8.1 Non-conforming Lots, Uses, and Structures**

#### **14.8.1.1 Nonconforming 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.

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.

#### **14.8.1.2 Nonconforming 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.

#### **14.8.1.3 Nonconforming 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 amendment 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.

#### **14.8.2 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 forgoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

### **14.8.3 Repairs and Reconstruction**

**14.8.3.1** 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.

**14.8.3.2** 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:

1. The reconstruction starts within one (1) year of the damage;
2. The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
3. The location of the reconstruction does not create a safety hazard;
4. The reconstruction of a nonconformity located in the 100 year floodplain shall comply with **Article VII** – Existing Structures in Identified Floodplain Areas of the Point Township Floodplain Ordinance.

### **14.8.4 Extension or Enlargement**

**14.8.4.1** 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 Zoning Officer.

**14.8.4.2** Structural alterations proposed to extend a nonconforming structure may be authorized as follows:

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; and
- (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.

**14.8.4.3** 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.

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

**14.8.4.5** 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.

#### **14.8.5 Change of Use**

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

**14.8.5.2** A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

#### **14.8.6 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.

## **14.9 Nuisance Standards**

### **14.9.1 Requirements for All Uses**

No use shall be permitted which is noxious or offensive in the immediate surrounding areas by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, toxicity, or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the following standards shall apply. The proposed operation shall not:

- 14.9.1.1** Constitute a nuisance beyond the boundary of a site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust.
- 14.9.1.2** Result in noise or vibration exceeding the average intensity of ambient noise or vibration occurring from other causes at the boundary line.
- 14.9.1.3** Endanger surrounding areas by reason of fire or explosion.
- 14.9.1.4** Produce objectionable heat, glare, or radiation beyond the property line.
- 14.9.1.5** Result in major electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located, when such equipment can be shown to be designed in accordance with relevant industry standards and in proper functional condition.
- 14.9.1.6** Discharge any untreated sewage or industrial waste into any stream, or otherwise contribute to the pollution of surface or underground waters in accordance with the statutes of the Commonwealth of Pennsylvania.
- 14.9.1.7** Create any other objectionable condition in an adjoining area which will endanger public health or safety or be detrimental to a permitted continuing use of the surrounding area.

**14.9.2** When required by the Zoning Administrator, an applicant for a proposed use shall demonstrate, as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous, or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and technical studies prepared by a qualified specialist. The Zoning Administrator may require the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary; the costs

of which shall be borne by the applicant.

### **14.9.3 Odor Protection Levels**

No use shall generate odor, odorous gas, or odorous material in such quantities as can be readily detectable at any point along lot lines without the use of instruments. Odor shall not exceed the odor limit beyond the lot line.

**14.9.3.1** Odor limit is defined as the lowest concentration of odorous matter that produces an olfactory response in human beings.

**14.9.3.2** The above requirements shall not apply to odors created by permitted agricultural uses, nor to odors normally coincident with permitted land uses so long as the odor characteristics are non-offensive as judged by the Zoning Administrator based on the odor, strength, characteristics, and duration.

**14.9.3.3** In an instance a proposed use in any category is to be a source of odor in accordance with **Section 14.9.3.1** above, the steps that follow are used to mitigate odor:

- 1.** The applicant shall prepare and show the ability to comply with an odor abatement plan for all buildings, structures and outdoor compounds. Recognition must be given that certain uses and activities produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. Odor plume movement data, with prevailing winds in seasonal, day/night effects on plumes, and odor chemical composition shall be provided with the study. The abatement plan shall show that steps will be taken as may be necessary to abate odors or to allow odors at times that there would be minimal interference with neighbors.
- 2.** The applicant shall dispose of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance.
- 3.** The applicant shall show that they can meet the standards and guidelines as may be set forth in treatises of best management practices of the use in the business and industry recognized by appropriate authorities or as the same may be produced by the PA Department of Agriculture, PA Department of Environmental Protection, Penn State University-College of Agricultural Sciences, or similar entities. Site suitability assessment as provided by the above shall be submitted with the application.

#### **14.9.4 Excessive Noise**

See Point Township Excessive Noise Ordinance 2018-01.

#### **14.9.5 Vibration Protection Levels**

No use shall generate vibration which is capable of causing damage to building structures, equipment alignment, or structural soundness.

### **14.10 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.

#### **14.10.1 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.

**14.10.1.1** 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 or nearby lot owned or controlled by the applicant (see [Section 14.10.1.9](#)), or that shared parking facilities are provided in accord with [Section 14.10.1.10](#);

**14.10.1.2** 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;

**14.10.1.3** Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet, except that single family and double dwellings need not comply with this requirement. 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 14.7](#));

- 14.10.1.4** All parking spaces and areas shall be graded for proper drainage and shall be surfaced so as to provide a durable dustless wearing surface, and shall be designed to provide for the orderly and safe parking or storage of vehicles. All such area shall be maintained in good condition.
- 14.10.1.5** 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');
- 14.10.1.6** Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a Residential District or use. Such screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in **Section 14.14** of this Ordinance;
- 14.10.1.7** 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;
- 14.10.1.8** 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. Lighting shall not be required for agriculture uses, single and duplex dwellings, for parking lots less than 5 spaces in size, or for other uses that do not have night-time hours. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan in accordance with **Article 16**, Exterior Lighting Standards, shall be submitted to the Zoning Administrator in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- 14.10.1.9** In accordance with conditional use procedures, the Board of Supervisors may authorize the use of an adjacent or nearby lot owned or controlled by the applicant.
- 14.10.1.10** The required parking spaces for two or more uses may be shared provided that the Board of Supervisors 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.

#### **14.10.2 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 Zoning Officer, 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

TYPE OF USE	REQUIRED SPACES - MINIMUM
<b>Residential Uses</b>	
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
Mobile Home Parks	2 for mobile home lot
<b>Institutional Uses</b>	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift
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 seats of total facility capacity
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



<b>Commercial/Retail Uses</b>	
Retail stores or service or repair business, including agricultural business and shopping centers	1 for each 300 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant	1 for each 2.5 seats of total facility capacity + 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
Automotive, truck or motorcycle sales or repair	1 for each employee + 2 for each service bay + 1 for each 200 ft <sup>2</sup> of interior sales & display area only and 1 for each 7,000 ft <sup>2</sup> of outdoor display area.
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
<b>Industrial Uses</b>	
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
<b>Recreational Use</b>	
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.

**14.10.3 Handicapped Parking**

The parking lot design shall provide handicapped accessible parking spaces and sidewalks in accord with current ADA or IBC standards.

**14.10.4 Off-Street Loading**

**14.10.4.1** 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	Minimum Number of Berths
0 – 25,000 sq. ft.	1
25,001 sq. ft. or greater.	2

**14.10.4.2** The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet except where semi-trailers are expected to be used and then the minimum area shall be seven hundred (700) square feet.

- 14.10.4.3** At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.

#### **14.11 Outdoor Lighting on Private Premises**

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets.

#### **14.12 Projections Into Required Yards**

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

- 14.12.1** Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than four (4) feet into any required yard nor closer than five (5) feet to any adjacent property line.
- 14.12.2** Patios, decks, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.
- 14.12.3** 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.
- 14.12.4** Covered porches shall be considered part of the main building and shall not project into any required yard.

#### **14.13 Public Utilities Exempt**

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of party to the proceedings. See Section 619 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

## **14.14 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.

### **14.14.1 Screening**

**14.14.1.1** Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth.

**14.14.1.2** Screen planting shall be maintained permanently by the lot owner, and any plant material which did not survive shall be replaced within one (1) year.

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

### **14.14.2 Substitution of a Landscaping Plan for Screening**

In lieu of a solid hedge, wall, or fence barrier the appropriate board may consider the substitution of an attractive and coordinated landscaping design. This design shall be detailed on the site plan or on a separate drawing. Emphasis shall be given to the integration of the parking into the landscape plan so as to minimize its visual impact upon adjacent lots and upon the neighborhood. Landscaping shall be maintained to achieve the desired effect. The Zoning Officer shall notify property owners in the event that required or approved screening or landscaping is not maintained.

## **14.15 Small Wind Energy System**

**14.15.1 Definition** – See **Article 2**.

### **14.15.2 Controls**

**14.15.2.1** Lot size shall not be less than one (1) acre inclusive of the permitted principal use.

**14.15.2.2** The tower height inclusive of blade tip shall not exceed one-hundred-twenty (120) feet measured from the ground level below the base of the tower.

**14.15.2.3** Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from locating in the front yard.

**14.15.2.4** Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.

**14.15.2.5** The small wind energy system is to operate on the same lot to serve the principal use.

**14.15.3 Discontinuance of Use**

If a Small Wind Energy System remains unused for a period of twelve (12) consecutive months, the property owner shall dismantle and remove the tower and related equipment within six (6) months of the expiration of such twelve (12) month period.

**14.16 Unique Lots and Building Locations**

**14.16.1 Two or More Buildings on a Lot - Land Development**

Two or more single family detached dwellings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional single family detached dwelling on a single parcel (see the applicable Subdivision and Land Development Ordinance).

**14.16.2 Side Yard of a Corner Lot in the R-2K District**

The side yard of a corner lot in the R-2 shall be a minimum of 15 feet.

**14.16.3 Side Yard of a Corner Lot in all Other Districts**

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

**14.16.4 Ratio of Lot Width to Length**

The ratio of lot width to length for newly created residential lots shall be a maximum of one to three (1:3) for lots of less than 10 acres and one to five (1:5) for lots 10 acres or greater in size.

**14.17 Water Supply and Sewerage Facilities Required**

In the interest of protecting the public health, safety and welfare, every building or structure hereafter, altered or moved upon any premises, or used in whole or in part

for dwelling, commercial or recreational business or industrial purpose shall be provided with safe and sanitary means of collection and treatment or disposal of sewage. Such facilities shall conform to minimum requirements set forth by the Pennsylvania Department of Environmental Protection, and any other applicable federal, state or local laws or regulations.

#### **14.18 Yard and Garage Sales**

For the purposes of this ordinance, yard and garage sales shall be considered as an accessory use to a residential dwelling and shall not require a zoning permit, provided that:

- 14.18.1** No more than 3 yard sales shall be conducted per year by a resident from the same lot; and
- 14.18.2** The duration of one yard sale shall not exceed 3 consecutive days.
- 14.18.3** Should a resident desire to conduct yard sales in excess of the frequency or duration stated above, a Conditional Use for a Home Occupation shall be required using the Home Occupation regulations of **Section 15.13** as the criteria for the granting of the Conditional Use.

## ARTICLE 15

### Supplemental Use Criteria

#### 15.1 General Use Criteria

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

- 15.1.1 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 14](#) for supplemental regulations that may apply.
- 15.1.2 The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.
- 15.1.3 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.
- 15.1.4 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.
- 15.1.5 Uses proposed for the [R-1, R-2K and R-2N 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 uses are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character.
- 15.1.6 The use or adaptation of a structure or lot 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.
- 15.1.7 In the event central sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. In the event that central sewer and water facilities are not required under this Ordinance, DEP approved on-lot facilities shall be provided.
- 15.1.8 Stormwater management facilities shall be provided which shall be designed to comply with the township's stormwater management regulations by

providing controlled release, infiltration 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.

- 15.1.9** Compliance with the floodplain regulations of the Municipality and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.
- 15.1.10** Permanent screening and landscaping shall be provided in accord with **Article 14** 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;
- 15.1.11** Lighting facilities shall be designed in accordance with **Article 16** and to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 15.1.12** Sites shall be designed and constructed in accord with the applicable Subdivision and Land Development Ordinance.
- 15.1.13** Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 15.1.14** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated.
- 15.1.15** All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

## **15.2 Adult Uses**

- 15.2.1** Adult 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.
  - 15.2.1.1** No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.
  - 15.2.1.2** 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.



- 15.2.1.3 An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft<sup>2</sup> in size.

### **15.3 Agriculture and Agricultural Operations**

When applicable the following criteria shall apply for the uses Agriculture and Agricultural Operations:

#### **15.3.1 Manure Storage Facilities**

New or expanded manure storage facilities shall be constructed in accord with 25 Pa. Code § 83.351 through § 83.491 (Subchapter D. Nutrient Management Act) and 25 Pa. Code § 91.36 (Pollution Control and Prevention at Agricultural Operations), and any other applicable federal or state laws relating to said facility including E&S and NPDES regulations. The applicant shall provide documentation to the Zoning Officer that demonstrates compliance with the above referenced regulations, and/or federal and state laws.

#### **15.3.2 Requirement for Agricultural Buildings Exceeding 5,000 ft<sup>2</sup> In Area**

Applicants for new agricultural buildings exceeding 5,000 square feet in area shall submit a site plan for approval in accord with the Point Township Subdivision and Land Development Ordinance. The plan must address storm water management and truck access to the building site.

### **15.4 Animal Hospitals & Kennels**

Animal Hospitals and Animal Kennels are to be conditioned upon, but not limited to, the following criteria:

- 15.4.1 The applicant shall provide evidence of a kennel license from the PA Department of Agriculture prior to issuance of a zoning permit for this use.
- 15.4.2 Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- 15.4.3 Demonstration that all animals will be confined to the property.
- 15.4.4 Demonstration of adequate methods for sanitation and sewage disposal.
- 15.4.5 Outdoor runs shall be located at least 300 feet from any dwelling not located on the premises, at least 400 feet from any public or quasi-public building, and at least 200 feet from any lot line.

**15.4.6** Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.

**15.4.7** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, buildings, runs, and other physical features, existing and proposed.

**15.5 Automotive Car Wash, Repair Facility, Sales Facility, Service Facility, Convenience Market**

An automotive car wash, repair facility, sales facility, or service facility 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.

**15.5.1** No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.

**15.5.2** Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

**15.5.3** 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.

**15.5.4** 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.

**15.5.5** 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 noise, vibrations, air emissions, and odor generated by the activity (See **Section 14.9**).

**15.5.6** 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.

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

**15.5.8** Screening or landscaping shall be provided in accord with **Section 14.14** when this use is adjacent to residences, churches or similar uses.

**15.5.9** The applicant shall provide evidence to the Township that all underground storage tanks on the premises at registered with the Pennsylvania DEP.

## **15.6 Bed and Breakfast**

### **15.6.1 Intent**

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

### **15.6.2 Standards**

**15.6.2.1** 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.

**15.6.2.2** Off-street parking shall be provided in accord with **Article 14**. 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.

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

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

**15.6.2.5** Compliance with the sign regulations of **Article 17** shall be maintained.

## **15.7 Child Care and Adult Day Care Center**

A facility which provides daytime care and/or instruction for seven or more persons at any one time unrelated to the operator on a regular basis, including nursery schools and preschools and adult day care. The facility shall comply with the following provisions:

**15.7.1** 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.

**15.7.2** The applicant shall provide a copy of the license or registration issued or required by PA Dept. of Human Services for the facility. If on-lot sewage

facilities are to be utilized the Township Sewage Enforcement Officer shall provide evidence of adequate sewage facilities for the use.

- 15.7.3** A site plan shall also be provided, drawn to scale, and clearly showing the following:
- 15.7.3.1** The dimensions and acreage of the site and its relationship to surrounding properties.
  - 15.7.3.2** The layout of the entire project including the proposed use and location of all buildings.
  - 15.7.3.3** The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
  - 15.7.3.4** The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
  - 15.7.3.5** The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
  - 15.7.3.6** The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
  - 15.7.3.7** The location of existing and proposed utility lines, water courses and drainage lines and easements.
  - 15.7.3.8** Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

## **15.8 Cluster Subdivision**

### **15.8.1 Statement of Purpose**

Cluster subdivision 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 and that the maximum gross density specified in **Section 5.8.4.2** for the zoning district in which the Cluster Subdivision is proposed shall not be exceeded.

All proposed Cluster Subdivision 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 Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. 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, County, State, or Federal Government.

### **15.8.2 Applications For Cluster Subdivision Development**

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

**15.8.2.1** Location map showing the project in relation to the surrounding area;

**15.8.2.2** Sketch plan showing:

1. Property lines and easements with dimensions and area;
2. Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
3. The building types, sections, floor plan, and site sections to clearly define the character of the project; the Township Supervisors may require a model if deemed necessary;
4. Topographic information showing existing features, conditions, and proposed grading;
5. Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
6. Existing streets, showing access to the project, proposed roads and parking layout with dimensions.

**15.8.2.3** 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

**15.8.2.4** Written information regarding the following:

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

### **15.8.3 Criteria For Granting Conditional Use Approval For Cluster Subdivision**

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

- 15.8.3.1** The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Township Comprehensive Plan, this section and the applicable Subdivision and Land Development regulations;
- 15.8.3.2** The proposed cluster subdivision 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;
- 15.8.3.3** The proposed cluster subdivision 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;

### **15.8.4 General Qualifications**

#### **15.8.4.1 Minimum Tract Size**

The minimum tract size for a cluster subdivision shall be 20 acres in the Conservation Open Space district and 3 acres in the Agriculture and R-1 Residential Countryside districts.

#### **15.8.4.2 Density**

The gross density of a cluster subdivision shall not exceed:

Conservation Open Space District – 1 dwelling units per 10 acres  
Agriculture and R-1 Residential Countryside districts – 1.0 dwelling unit per acre

#### **15.8.4.3 Permitted Lot Area Reductions**

For cluster subdivisions in the Agriculture and R-1 Residential Countryside districts single family detached and duplex dwelling lot sizes may be reduced up to 50% from the minimum established in Articles 5. For the Conservation Open Space district the minimum lot area may be reduced from 10 acres to no less than 2 acres. Townhouse

and multiple family dwelling lot size may be reduced to the area of the building unit.

#### **15.8.4.4 Yard Dimensions**

1. Minimum Yards for Single Family Detached and Double Dwellings:  
Front: 25 ft.  
Side: 0 ft.  
Rear: 10 ft.
2. Townhouses and Multi-Family Buildings: All buildings shall be a minimum of 20 ft. from driveways and parking lots.
3. The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

#### **15.8.4.5 Landscaped Buffer Areas**

**15.8.4.6** 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, Landscaping, Trees, and Shrubbery regulations found in **Article 14**.

### **15.8.5 Special Housing Qualifications**

#### **15.8.5.1 Townhouse Group**

No 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.

#### **15.8.5.2 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.

### **15.8.6 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 25 ft. is maintained.

### **15.8.7 Impervious Coverage**

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

### **15.8.8 Maximum Building Height**

Thirty-five (35) feet.

### **15.8.9 Miscellaneous Regulations**

#### **15.8.9.1 Utilities**

Public or community sewer and water facilities shall be provided.

#### **15.8.9.2 Off-Street Parking**

See Off-Street Parking and Loading regulations in [Article 14](#).

#### **15.8.9.3 Sign Regulations**

See the regulations for Signs in [Article 17](#).

#### **15.8.9.4 Fence Regulations**

See the regulations for Accessory Structures in [Article 14](#).

#### **15.8.9.5 Automobile Trailers and Mobile Homes**

Shall not be permitted in a Cluster Subdivision.

### **15.8.10 Open Space Requirements**

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

**15.8.10.2** Common open space may only be dedicated to public use as approved by the Board of Supervisors. The Board of Supervisors reserves the right to deny dedication of open space.



### 15.8.10.3 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 Township.

## **15.9 Community Home**

- 15.9.1** The Community Home shall be limited to residential uses for individuals with intellectual disability only.
- 15.9.2** No Community Home shall be established within 500 ft. of another Community Home or a Group Home.
- 15.9.3** The Community Home shall be similar in appearance to a single-family dwelling in the neighborhood.
- 15.9.4** The Community 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.
- 15.9.5** The Community Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 15.9.6** Off-street parking spaces shall be provided for all vehicles associated with the Community Home including the householder, residents, attendant caregivers, and visitors (see **Section 14.10**).

## **15.10 Contractor's Yard (Including Residential Based Contractor's Yard)**

Land that is used for the storage and maintenance of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business.

- 15.10.1** This use may be permitted in conjunction with the contractor's own residence.
- 15.10.2** The minimum lot size for a contractor yard shall be one acre.
- 15.10.3** Land development and stormwater plans will be required for new building or lot coverage in excess of 5,000 ft<sup>2</sup>.
- 15.10.4** For outdoor storage of vehicles equipment or supplies in the R-1 District a screening or landscape plan in accordance with **Section 14.14** shall be required.
- 15.10.5** Outdoor lighting and signs are authorized in accordance with **Article 16 and 17** respectively.

- 15.10.6 Provision for off-street parking shall be made in the event of employee parking on the premises.
- 15.10.7 The retail or wholesale of goods from the premises is not authorized.
- 15.10.8 A single vehicle and trailer shall not be considered a Residential Based Contractor but rather a personal vehicle.

## 15.11 Group Home

- 15.11.1 The 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.
- 15.11.2 The Group Home shall maintain a residential neighborhood character.
- 15.11.3 The 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.
- 15.11.4 The Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 15.11.5 Off-street parking spaces shall be provided for all vehicles associated with the Group Home including the householder, residents, attendant caregivers, and visitors (see [Section 14.10](#)).

## 15.12 Home Based Business

A Home Based Business is conducted on a lot in conjunction with a residential dwelling unit or a farm dwelling. Such uses include baking and catering, lawn mower, or appliance repair shops; bike shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

- 15.12.1 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.
- 15.12.2 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 ground floor area of the dwelling.

- 15.12.3 The business shall be conducted by a resident of the dwelling and limited to no more than two (2) full-time equivalent employees.
- 15.12.4 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.
- 15.12.5 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.
- 15.12.6 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.

### 15.13 Home Occupations

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 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.

- 15.13.1 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 [Section 17.3.1](#)).
- 15.13.2 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.
- 15.13.3 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.
- 15.13.4 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.
- 15.13.5 The sale of goods shall be secondary to the occupation or service provided.

**15.13.6** Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

**15.14 Distribution Center, Industrial Park, Laboratory Facility, Manufacturing, Trucking or Rail Terminal/Intermodal Freight Facility, and Warehousing Uses**

**15.14.1** These uses shall abut or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.

**15.14.2** 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.

**15.14.3** 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.

**15.14.4** Land development plans shall be required showing all structures, roadways, pathways, parking areas, service drives, loading and unloading areas, utility and exterior lighting installations and landscaping on the site, drainage and stormwater management facilities, all existing structures and usages within two hundred (200) feet of the site boundaries, location of proposed sewage disposal and water supply facilities, and other elements as may be deemed essential by the Board of Supervisors.

**15.14.5 Design Standards**

**15.14.5.1 Access:** All proposed site accessways must be adequate, but not excessive in number, adequate in grade, width, alignment and visibility, and not situated too near street intersection, entrances to schools or places of public assembly. (See **Section 14.5**, Design Standards for Driveways and Access Drives To Streets, for additional design criteria.) In addition, a copy of the proposed development shall be submitted to PennDOT for review when access is to be created along a state highway. Any permits required by that agency must be obtained by the developer before final approval is granted for the land development.

**15.14.5.2 Circulation and Parking:** The interior circulation system must be adequate for safe movement of all vehicles, and all required parking spaces must be provided and be easily accessible by driveways within the site. See **Section 14.10**, Off Street Parking and Loading

Requirements.

- 15.14.5.3 Streets and Drainage System Requirements:** All structures within a planned commercial or industrial development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road and the stormwater management standards outlined in the Point Township Subdivision and Land Development Ordinance.
- 15.14.5.4 Arrangement of Buildings:** Adequate provisions must be made for light, air, access, and privacy in the arrangement of the buildings to each other.
- 15.14.5.5 Sewage Treatment and Water Supply:** Adequate public or community sewer and water facilities must be available or provided by the developer. Proper approvals for proposed systems must be presented to the Supervisors and Planning Commission by the applicant.
- 15.14.5.6 Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans):** Evidence of an Erosion and Sediment Control Plan and NPDES Permit (when applicable) shall be furnished to the Township.
- 15.14.5.7 Landscaping:** A landscaping plan shall be prepared as part of the land development application which enhances the natural qualities of the land, including screening and buffer strips when necessary to separate conflicts with adjoining property or land uses. See **Section 14.14**, Screening and Landscaping.
- 15.14.5.8 Loading and Unloading:** All required loading and unloading facilities and spaces shall be provided and designed in accordance with **Section 14.10**, Off Street Parking and Loading.
- 15.14.5.9 Solid Waste Collection and Disposal:** The Developer shall present information describing the proposed method of solid waste collection and disposal.
- 15.14.5.10 Outdoor Lighting:** All outdoor lighting for such a facility shall be non-flashing, non-animated, non-glaring and shall be of an intensity consistent with the standards of **Article 16**, Exterior Lighting Standards.

## **15.15 Junk Yard or Salvage Yard**

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the following:

- 15.15.1** 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 twenty-five (25) foot buffer yard and/or landscaping as set forth in Section 14.14 of this Ordinance shall be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.
- 15.15.2** 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.
- 15.15.3** No garbage or other organic waste shall be stored in such premises.
- 15.15.4** 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.
- 15.15.5** 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.
- 15.15.6** No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within twenty-five (25) 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 and NPDES Permit for his facility.

## **15.16 No Impact Home Based Business**

The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

## **15.17 Principal Solar Energy Systems (PSES)**

### **15.17.1 Regulations Applicable to All Principal Solar Energy Systems:**

**15.17.1.1** PSES shall be a conditional use in the Conservation Open Space, Agriculture, Highway Commercial and Industrial Zoning Districts.  
Note: add to Schedule of Uses and Article 4, 5, 9, and 10.

#### **15.17.1.2 Exemptions**

PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

**15.17.1.3** The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), ), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

**15.17.1.4** PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:



1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

**15.17.1.5** All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

**15.17.1.6** The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system.

**15.17.1.7** No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

**15.17.1.8 Glare**

1. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

**15.17.1.9** A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, as measured at the property line.

**15.17.1.10** No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

**15.17.1.11** The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number

and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

#### **15.17.1.12 Decommissioning**

1. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
2. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
3. At the time of issuance of the permit for the construction of the PSES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissions shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the Township shall be adjusted upward or downward as necessary.

**15.17.1.13** Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

#### **15.17.1.14 Permit Requirements**

1. PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
2. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

#### **15.17.2 Ground Mounted Principal Solar Energy Systems:**

##### **15.17.2.1 Minimum Lot Size**

10 acres

##### **15.17.2.2 Setbacks**

PSES shall comply with the setbacks of the underlying zoning districts for principal structures.

##### **15.17.2.3 Height**

Ground mounted PSES shall comply with the building height restrictions for principal structures of the underlying zoning district.

##### **15.17.2.4 Impervious Coverage**

1. The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.
2. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(c) Gravel or paved access roads servicing the PSES.

**15.17.2.5** PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

**15.17.2.6** Ground mounted PSES shall be screened from non-participating adjoining residential uses unless landowner waives such requirement. Also highly trafficked sections of road, shall be screened as determined by the Township. The location and specifications for required screening shall be indicated on the land development plan.

**15.17.2.7** Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

**15.17.2.8 Security**

1. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

**15.17.2.9 Access**

1. At a minimum, a twenty-five (25) foot wide access road must be provided from a state or township roadway into the site.
2. Internal cartways shall be a minimum of sixteen (16) feet to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

**15.17.2.10** The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

15.17.2.11 If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

**15.17.3 Roof and Wall Mounted Principal Solar Energy Systems:**

15.17.3.1 For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

15.17.3.2 PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

**15.18 Self-Storage Facility**

15.18.1 No residential use or business activity other than the self storage units shall be permitted within the facility.

15.18.2 The premises shall be used exclusively for the storage of personal property, goods and materials. No explosive, toxic, radioactive or highly flammable materials or substances shall be stored within the units.

15.18.3 Limited Accessory Use – The sale of moving and storage supplies and the rental of moving trucks, clearly incidental to the primary use, shall be permitted out of the office of the self storage facility.

15.18.4 In connection with a Self Storage Facility currently licensed recreation vehicles may be stored outside on the premises, provided, that the portion of the premises dedicated to such use is at least 300 feet from any public road right-of-way, is in a separate fenced area and does not abut any residential use or district.

15.18.5 A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Sections 15.1.11, 15.1.12 and 15.1.13 respectively).

**15.19 Short Term Rental**

15.19.1 All necessary state and municipal permits, certifications, or requirements shall be obtained as a condition of approval of the short term rental.

15.19.2 The applicant shall prepare and present to the Zoning Hearing Board or Zoning Officer a notice which shall be prominently and continuously posted

at the short-term rental unit which shall contain all of the following information:

- 15.19.2.1** The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.
- 15.19.2.2** The 911 address of the property.
- 15.19.2.3** The maximum number of occupants authorized by the building code that are permitted to stay in the short-term rental unit.
- 15.19.2.4** The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.
- 15.19.2.5** Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage with a limit of secured containers.
- 15.19.2.6** Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.
- 15.19.2.7** The applicant shall designate a local contact person who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Township or within 30 miles of the short-term rental unit may designate himself/herself as the local contact person. If the application is approved, the local contact person shall respond to the Township or to a police officer after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.
- 15.19.2.8** If the application is granted, the applicant shall maintain a manifest of the occupants of the short-term rental unit and emergency contact information for such occupants.

- 15.19.2.9** If the application is granted, the applicant shall provide the Zoning Officer with confirmation that the applicant has taken all action required to register with the Northumberland County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Northumberland County. The Zoning Officer shall not issue a certificate of occupancy for the short-term rental unit until the applicant presents such confirmation of registration.
- 15.19.2.10** A short-term rental unit may be rented only to a person 21-years of age or older.
- 15.19.2.11** The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Township Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.
- 15.19.2.12** The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
- 15.19.2.13** The owner of the short-term rental unit shall apply each year for a permit to authorize continued operation of the short-term rental unit, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provides sufficient information for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short-term rental unit meets all requirements of this Section 16.20 and confirm that the short-term rental unit meets all other applicable Township Ordinances. If the Zoning Officer confirms that the short-term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short-term rental unit for a one year period. Operation of a short-term rental without the required annual permit is a violation of this Section.

## **15.20 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.

- 15.20.1** The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.
- 15.20.2** 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.
- 15.20.3** This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any stream.
- 15.20.4** 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.
- 15.20.5 Community and Environmental Impact Analysis**
- 15.20.6** Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;
- 15.20.6.1** Hydrologic analysis and information;
  - 15.20.6.2** Information concerning geologic conditions;
  - 15.20.6.3** SCS soils classification information;
  - 15.20.6.4** Information on mineral bearing areas;
  - 15.20.6.5** Land use analysis;
  - 15.20.6.6** Information regarding transportation impacts;
  - 15.20.6.7** Information regarding emergency and safety services;
  - 15.20.6.8** Economic impact analysis; and
  - 15.20.6.9** Air quality impact analysis.



## **15.21 Uses Not Provided For**

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in **Section 21.2** of this Ordinance. In addition, the use may only be permitted if:

- 15.21.1** It is similar to and compatible with the other uses permitted in the zone where the subject property is located;
- 15.21.2** It is not permitted in any other zone under the terms of this Ordinance; and
- 15.21.3** It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

## **15.22 Waste Facility or Waste Transfer Facility**

- 15.22.1** 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.
- 15.22.2** All facilities considered for a Special Exception Use under this section shall not be located in the following locations (as measured from the property line of the facility):
  - 15.22.2.1** Within 2 miles of a well or spring used for a community water supply;
  - 15.22.2.2** Within 2 miles of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;
  - 15.22.2.3** Within any 100 year floodplain or a larger area that the flood of record has inundated;
  - 15.22.2.4** Within any wetland area;
  - 15.22.2.5** Over any active or inactive oil or gas wells or storage areas;
  - 15.22.2.6** Over any formations of carbonate bedrock;

- 15.22.2.7 Within 2 miles of any National Landmark or historic site as listed on the National Register of Historic Places;
- 15.22.2.8 Within any Agricultural Security Area;
- 15.22.2.9 In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;
- 15.22.2.10 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;
- 15.22.2.11 Within 2 miles of any designated Aquifer Protection Area or Well-head Protection Area; or
- 15.22.2.12 Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

**15.22.3 Community and Environmental Impact Analysis**

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

- 15.22.3.1 Hydrologic analysis and information;
- 15.22.3.2 Information concerning geologic conditions;
- 15.22.3.3 SCS soils classification information;
- 15.22.3.4 Information on mineral bearing areas;
- 15.22.3.5 Land use analysis;
- 15.22.3.6 Information regarding transportation impacts;
- 15.22.3.7 Information regarding emergency and safety services;
- 15.22.3.8 Economic impact analysis; and
- 15.22.3.9 Air quality impact analysis.

#### **15.22.4 Application Requirements**

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

- 15.22.4.1** A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- 15.22.4.2** A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 15.22.4.3** A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 15.22.4.4** A statement of qualifications to operate a waste disposal facility;
- 15.22.4.5** 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 controlling odors and noise associated with this use;
  - 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 borough, 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 16

### Exterior Lighting Standards

**16.1 Purpose** – These standards are established for the following purposes:

- 16.1.1** To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
- 16.1.2** To implement the light and energy conservation policies of the Comprehensive Plan.
- 16.1.3** To discourage excessive lighting.
- 16.1.4** To regulate the type of light fixtures, lamps and standards.
- 16.1.5** To protect residential zones from the ill affects associated with nonresidential and multi-family exterior lighting.
- 16.1.6** To create a safe environment during hours of darkness.
- 16.1.7** To avoid excessive lighting in order to protect the Township’s natural resource of a dark night sky.

**16.2 Applicability.**

- 16.2.1** When an exterior lighting installation is part of a new development proposal requiring a site plan review, a Permitted Use application or a Conditional Use application, the Township shall review and approve the lighting design as part of the permitting process.
- 16.2.2** These regulations do not apply to agriculture, agricultural operations, single family or duplex dwelling uses.
- 16.2.3** These regulations do not apply to Public Right-of-Way and shall not conflict with PennDOT or Township Street Light standards and design criteria.
- 16.2.4** These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.
- 16.2.5** The regulation of sign lighting is governed by **Section 17.2.5** of this Ordinance.

## **16.3 General Requirements.**

- 16.3.1** Site lighting trespass onto adjacent residential zones shall be minimized.
- 16.3.2** Site lighting shall minimize light spill into the dark night sky and shall be rated by the manufacturer as dark sky compliant.
- 16.3.3** Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
- 16.3.4** Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- 16.3.5** Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.
- 16.3.6** Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.
- 16.3.7** The applicant shall submit to the Township sufficient information, in the form of an overall exterior lighting plan, to enable a determination that the applicable provisions will be satisfied. The exterior lighting plan shall include at least the following:
  - 16.3.7.1** Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures.
  - 16.3.7.2** The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
  - 16.3.7.3** If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.
  - 16.3.7.4** If needed to review proposed exterior lighting installations, the Township may request additional information following the initial lighting plan submittal, such as:
    - (1)** A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.

- (2) Photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) “cut-off” fixtures.
- (3) Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by the Zoning Officer. Iso-footcandle contour line style plans are also acceptable.
- (4) Landscaping information that indicates mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

#### **16.4 Lighting Standards for Uses within 50 feet of Residential Uses or Zones.**

**16.4.1** For exterior lighting installations and fixtures within 50 feet of any residential uses or zones, the following requirements shall apply:

**16.4.1.1** Lighting fixtures shall be no higher than 15 feet above grade.

**16.4.1.2** Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.

**16.4.1.3** Where feasible, additional landscaping or buffers may be required in accord with **Section 14.14** to provide light screening between commercial zones and residential zones to help prevent light trespass. Where landscaping is used for light screening, the Township shall take into consideration the applicable landscaping standards found elsewhere in these regulations, the design standards found elsewhere in these regulations, the creation of excessive shadows or dark spaces, and views into and out of a site.

**16.4.1.4** The height restrictions of this **Section 16.4.1.1** above shall not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, except where such lighting fixtures are located within 50 feet of the property line of a residential use or vacant residential lot. Lighting of outdoor performance areas, sport and recreation facilities, and playfields shall also meet the standards in **Section 16.7**.

## **16.5 Open-Air Parking Lot Lighting.**

- 16.5.1** Open-air parking lots shall comply with the standards of this section in addition to the other requirements of this article.
- 16.5.2** Open-air parking lot lighting shall be designed to provide adequate vision, comfort and safety.
- 16.5.3** Open-air parking lot lighting shall be designed to provide for uniform lighting throughout the facility with no dark patches or pockets.
- 16.5.4** Open-air parking lot lighting shall be designed to provide a minimum value of lighting necessary for the safety and identification of features.
- 16.5.5** Open-air parking lot lighting shall not cause direct illumination on adjacent and nearby properties or streets. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.
- 16.5.6** In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures serving open-air parking lots, except as allowed in **Section 16.5.7**, shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
- 16.5.7** The Township may allow an exception to full cut-off fixtures in order to achieve a particular “period” or architectural style of lighting that is mutually beneficial to the applicant and the Township provided that:
  - 16.5.7.1** Mounting heights of such alternative fixtures shall not exceed 15 feet above grade or pavement.
  - 16.5.7.2** Reasonable measures shall be applied to minimize light trespass and light spill into the dark night sky.
- 16.5.8** The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.
  - 16.5.8.1** The maximum permissible mounting height of open-air parking lot lighting fixtures within 50 feet of a residential zone shall be 15 feet.
  - 16.5.8.2** The maximum permissible mounting height of open-air parking lot lighting fixtures, not listed in **Section 16.5.8.1** above, shall be 40 feet and shall be setback from the property line a distance equal to height



of the light.

**16.5.9** The table below establishes open-air parking lot lighting standards<sup>1</sup>.

	Standard
Minimum Footcandles on Pavement <sup>2</sup>	0.2 fc
Maximum Footcandles on Pavement	4.0 fc
Maximum Footcandles at Property Line	0 fc
Uniformity Ratio Maximum:Minimum <sup>3</sup>	20:1
Minimum Footcandles at five (5) feet Above Pavement <sup>4</sup>	0.1 fc

Notes:

fc = footcandle

1 For typical conditions. During periods of non-use, the illuminance of certain parking facilities should be turned off or reduced to conserve energy. If reduced lighting is to be used only for the purpose of property security, it is desirable that the minimum (low point) value not be less than 0.1 footcandle. Reductions should not be applied to facilities subject to intermittent night use, such as at apartments, hospitals and transportation terminals.

2 Measured on the parking surface, without any shadowing effect from parked vehicles or trees at points of measurement.

3 The highest horizontal illuminance point at grade, divided by the lowest horizontal illuminance point or area should not be greater than the values shown.

4 Measured at 1.5 meters (5.0 feet) above parking surface at the point of the lowest horizontal illuminance, excluding facing outward along boundaries.

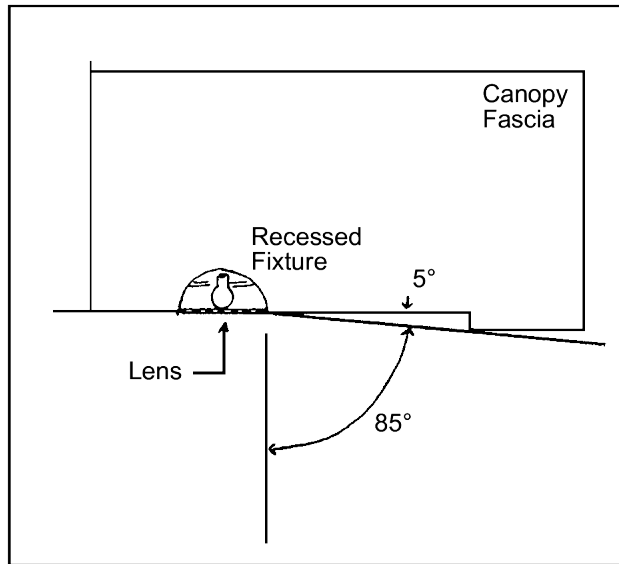
## **16.6 Canopy Lighting and Lighting of Service Stations.**

**16.6.1** Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

**16.6.2** Lighting levels shall be adequate to facilitate the activities taking place in such locations.

**16.6.3** In order to minimize the extent of direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from vertical. The figure below, entitled Recessed Fixture, illustrates this.

### Recessed Fixture



**16.6.4** As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

**16.6.5** Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides (fascias of the canopy) shall not be illuminated in a manner other than that prescribed under the section of these regulations regulating signs.

**16.6.6** Areas around service station pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 footcandle and no more than 50.0 footcandles. The uniformity ratio (average illumination to minimum illumination) shall be no greater than 4:1.

### **16.7 Lighting of Outdoor Performance, Sport and Recreation Facilities and Playfields.**

**16.7.1** Lighting levels for outdoor performance areas, sport and recreation facilities, and playfields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity.

**16.7.2** Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

**16.7.3** The main lighting shall be turned off as soon as possible following the end of the event. The main lighting shall not remain on longer than 30 minutes following the end of the event. Where feasible, a low level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance and other closing activities. The low level lighting system shall provide an average horizontal illumination level at grade of no more than 3.0 footcandles, with a uniformity ratio (average illumination to minimum illumination) not exceeding 4:1.

## **16.8 Architectural Accent Lighting.**

**16.8.1** Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The Township may allow exceptions to this provision if minimal light escapes into the dark night sky or onto adjacent properties.

**16.8.2** Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property, streets or the night sky.

**16.8.3** The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed three footcandles.

**16.8.4** The maximum illumination of any vertical surface or angular roof surface in light surroundings shall not exceed five footcandles.

**16.8.5** Flags of the United States or Pennsylvania may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

## **16.9 Lighting of Landscaping.**

Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

## **16.10 Temporary Lighting.**

**16.10.1** Lighting used to illuminate temporary uses shall be reviewed, and if necessary conditioned, through the Temporary Use Permitting Process.

**16.10.2** The Township may impose specific conditions for the lighting of temporary uses consistent with the purposes of this title.

## Article 17

### Sign Regulations

#### 17.1 Sign Policies

- 17.1.1** It is the purpose of these provisions to place limitations on the display of signs to insure that they will be appropriate to the community environment and functional for the intended purpose of identification, protection, or advertisement.
- 17.1.2** Signs shall only be erected and maintained when in compliance with the provisions contained herein.

#### 17.2 General Regulations

- 17.2.1** It is the intent of these provisions that the sign types listed in Section 20.3 and proceeded with an asterisk (\*) shall be exempt from permitting requirements provided they comply with the standards for that sign type. Such signs are generally for public service purposes, are temporary or minor in nature.
- 17.2.2** Regulated signs, not exempt from permitting requirements, shall comply with the standards for that sign type in **Section 17.3**.

#### 17.2.3 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 1½ square feet for each lineal foot of building face parallel or substantially parallel to a street line. See **Section 2.2** for definition of Sign Area.

- 17.2.3.1** Where a lot fronts on more than one street the sign area allowed shall be based on the sum of all building faces with street frontage.
- 17.2.3.2** A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft..
- 17.2.3.3** 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 in **Sections 17.3** shall be met.

#### **17.2.4 Sign Application and Permit**

A sign permit shall be obtained from the Zoning Officer before any regulated 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 Township. 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 shall be included with permit payments. 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.

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

**17.2.5.1** All electricity illuminated signs shall conform to the current adopted version of the of the International Building Code.

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

**17.2.5.3** Except for Digital and Electronic Message Board signs, as defined in this Ordinance, no forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

**17.2.5.4** For an electronic graphic display sign the minimum message interval shall be 7 seconds between the start of displays in series.

**17.2.5.5** There must be no exposed connecting wires.

#### **17.2.6 Setback Requirements** - unless otherwise specified in the Article, signs shall have a minimum twenty (20) foot setback from all road right-of-ways, and must comply with **Section 14.7** of this ordinance pertaining to intersection sight distance criteria.

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

**17.2.8 Table of Allowed Sign Uses By Zoning Districts**

SIGN TYPE	ZONING DISTRICT					
	COS	A	R-1	R-2	HC	I
*Address	Y	Y	Y	Y	Y	Y
Awning	N	Y	N	N	Y	Y
Community Directory Sign	Y	Y	Y	Y	Y	Y
*Contractor Sign	Y	Y	Y	Y	Y	Y
*For Sale/For Rent Sign	Y	Y	Y	Y	Y	Y
Free Standing Sign A, HC & I Districts (Large Size)	N	Y	N	N	Y	Y
Free Standing Sign All Districts (Small Size)	Y	Y	Y	Y	Y	Y
Individual Letters or Symbols	N	Y	N	N	Y	Y
Off Premises Directional Sign	Y	Y	Y	Y	Y	Y
Off Premises Advertising Sign (Highway Billboard Sign)	N	N	N	N	Y	Y
*Political Signs	Y	Y	Y	Y	Y	Y
Projecting Sign	N	Y	N	N	Y	Y
*Public Service Sign	Y	Y	Y	Y	Y	Y
*Religious, Governmental, Charitable or Fraternal Sign	Y	Y	Y	Y	Y	Y
*Temporary Business Sign	N	Y	N	N	Y	Y
*Temporary Sign for Special Events	Y	Y	Y	Y	Y	Y
Time or Temperature Sign	N	Y	N	N	Y	Y
Vehicle Sign	Y	Y	Y	Y	Y	Y
Wall Sign	N	Y	N	N	Y	Y
*Window Sign	Y	Y	Y	Y	Y	Y
*Yard Sale Sign	Y	Y	Y	Y	Y	Y

Y – YES      N – NO      \*NO PERMIT REQUIRED

**17.3 Regulation By Sign Types - NOTE: No permit required if designated - \***

**17.3.1 \*Address Sign** - one sign displaying the street number or name of the occupant of the premises, or both.

**17.3.1.1** Such sign may include identification of a Professional Office or Home Occupation (as defined in **Article 2** of this Ordinance).

**17.3.1.2** Such sign may be attached to the building or may be on a rod or post not more than six (6) feet high, and at least two (2) feet in from the right-of-way line. No portion of the sign shall extend into the right-of-way or over a sidewalk.

**17.3.1.3** Such sign may not exceed six (6) square feet in area in residential applications and twelve (12) square feet in an agricultural application.

**17.3.1.4** Sign must be stationary and not contain any motorized moving parts.

**17.3.1.5** Memorial signs or tablets and signs denoting the date of erection of a building are also included in this category.

**17.3.2 Awning Sign** - a sign painted on or attached to a moveable metallic frame, of the hinged roll or folding type, which may have a covering either combustible or incombustible.

**17.3.2.1** Such sign must be painted on or attached flat against the surface of, but not extending beyond or attached to the underside.

**17.3.2.2** Letters shall not exceed ten (10) inches in height.

**17.3.2.3** There shall be a minimum clearance of 7 feet from the sidewalk to the lowest part of the framework or fixed portion of an awning except that the valance must have a minimum clearance of 6 ft. 9 inches above the sidewalk.

**17.3.3 Community Directory Sign** - an accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility.

**17.3.3.1** Such sign shall not exceed sixteen (16) square feet in total area.

- 17.3.3.2** One such sign for each property street frontage is allowed.
- 17.3.3.3** Such sign shall be no closer to the public right-of-way than  $\frac{1}{2}$  the depth of the existing yard.
- 17.3.4** **\*Contractor Sign** - is an off premise sign identifying the contractor's name, address, and other pertinent information.
  - 17.3.4.1** Such sign may not exceed twelve (12) square feet.
  - 17.3.4.2** Such sign may be maintained on the lot, building or structure during construction and not exceeding fifteen (15) days following the completion of said construction, after which time the zoning officer is authorized to remove the sign at the expense of the sign owner.
  - 17.3.4.3** Such signs shall not be located upon a public right-of-way.
- 17.3.5** **\*"For Sale" or "For Rent" Signs** - A sign advertising a property being sold or rented.
  - 17.3.5.1** Such signs shall not exceed ten (10) square feet in all districts.
  - 17.3.5.2** Only one sign may be maintained for the property being sold or rented.
  - 17.3.5.3** Such signs shall setback a minimum of ten (10) ft. from a public right-of-way.
  - 17.3.5.4** Such signs must be removed fifteen (15) days following closing after which time the zoning officer is authorized to remove the sign(s) at the realtor's expense.
- 17.3.6** **Free Standing Sign A, HC, & I Districts (Large Size)** - is a self-supporting sign in a fixed location and not attached to any building or structure.
  - 17.3.6.1** Such sign shall have no more than two (2) faces.
  - 17.3.6.2** The area of each face shall not exceed thirty (32) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed fifty (50) square feet.
  - 17.3.6.3** The top of such sign may not exceed a height of thirty-five (35) feet above grade.



- 17.3.6.4** A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.
- 17.3.6.5** Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. No portion of such signs shall extend into a public right-of-way and if over a walkway shall have a minimum of ten (10) feet clearance.
- 17.3.6.6** There must be no exposed connecting wires.
- 17.3.7 Free Standing Sign – All Districts (Small Size)** - is a self-supporting sign in a fixed location and not attached to any building or structure.
- 17.3.7.1** Such sign shall have no more than two (2) faces.
- 17.3.7.2** The area of each sign face shall not exceed nine (9) square feet.
- 17.3.7.3** Such signs may extend over a public walkway but shall provide a minimum of ten (10) feet clearance.
- 17.3.7.4** Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. No portion of such signs shall extend into a public right-of-way or over a sidewalk.
- 17.3.7.5** There must be no exposed connecting wires, and shall not be located in the public right-of-way.
- 17.3.8 Signs Comprised of Individual Letters or Symbols** - which are attached to an awning, marquee, a roof, building surface, wall, or signboard.
- 17.3.8.1** The area to be computed is that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.
- 17.3.8.2** These letters or symbols shall not project more than nine (9) inches from the building surface.
- 17.3.8.3** Letter and symbols shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the letters and symbols are attached.
- 17.3.8.4** Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.

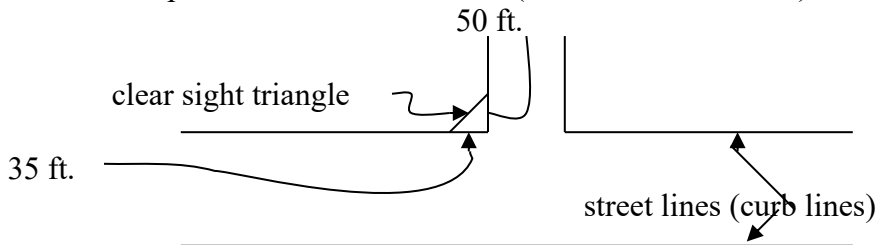
**17.3.9 Off-Premises Direction Sign-** a sign stating the name(s) and directions to a business located off-premises (from the sign location). Requirements are as follows:

**17.3.9.1** The maximum sign area for a sign which provides directions to a single business shall be four (4) square feet. The maximum sign area for a sign serving more than one business, regardless of the number of businesses listed on the sign, shall be twenty (20) square feet.

**17.3.9.2** The maximum number of Off-Premise Direction signs per business shall not exceed three (3).

**17.3.9.3** Such signs shall not be located upon a public right-of-way, the written permission of the property owner shall be furnished with the permit application.

**17.3.9.4** The direction sign shall comply with the visibility at intersection criteria specified in **Section 14.7** of this ordinance and shall not be placed in a location which may obstruct the vision of vehicle operators at the intersection (see illustration below)



**17.3.9.5** Only one Off-Premises Direction sign shall be permitted on a lot, which shall be allowed in addition to any other sign limitations imposed by this Ordinance.

**17.3.9.6** All applicable provisions of the Pennsylvania Outdoor Advertising Control Act of 1971, Act 160 as amended, shall be adhered to where signs are to be erected in areas adjacent to Federal Aid Primary or Interstate Highways as classified by PA DOT (e.g. **Route 11**). Any individual desiring to erect a sign in these areas shall contact the PA DOT District 3-0 Engineering Office.

**17.3.10 Off-Premises Advertising Sign (Highway Billboard Sign)** - a sign with a fixed message or an electronic graphic display (see **Section 2.2** for definition) stating the name of an advertised product or name(s), directions to a business and information concerning the business located off-premises (from the sign location). Requirements are as follows:

- 17.3.10.1** The maximum sign area for such a sign shall be three hundred (300) square feet.
- 17.3.10.2** For an electronic graphic display sign the minimum message interval shall be 7 seconds between the start of displays in series.
- 17.3.10.3** Off-premises advertising signs shall not be allowed in the Agricultural, Highway Commercial or Industrial Districts.
- 17.3.10.4** The minimum separation between Off Premises Advertising Signs shall be five hundred (500) feet.
- 17.3.10.5** The top of such sign may not exceed a height of fifty (50) feet above the road grade adjacent to the sign.
- 17.3.10.6** There must be no exposed connecting wires.
- 17.3.10.7** All applicable provisions of the Pennsylvania Outdoor Advertising Control Act of 1971, Act 160 as amended, shall be adhered to where signs are to be erected in areas adjacent to Federal Aid Primary or Interstate Highways as classified by PA DOT (e.g. Rt. 11). Any individual desiring to erect a sign in these areas shall contact the PA DOT District 3-0 Engineering Office.
- 17.3.10.8** Such signs shall not be located upon a public right-of-way.
- 17.3.11** **\*Political Signs** - a sign designed to influence the action of votes for:  
1. the passage or defeat of a measure; or 2. the election of a candidate for nomination or election to public office at a national, state, or other local election.
- 17.3.11.1** Such signs are permitted in any land use district if it is stationary, unlighted, temporary, and is not:
- (1) Erected earlier than forty-five (45) days prior to a primary or election;
  - (2) Maintained for more than five (5) days following the primary or election;
  - (3) Attached to a utility pole, fence, tree or other vegetation;
  - (4) Erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic; and

(5) Attached to any structure (except that such sign may be displayed in a window).

**17.3.11.2** Such sign may not exceed four (4) square feet in area.

**17.3.11.3** A maximum of two (2) signs per lot is allowed.

**17.3.11.4** Such signs shall not be located upon a public right-of-way or Township owned property.

**17.3.12 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.

**17.3.12.1** If flat, each face shall not exceed thirty (30) square feet.

**17.3.12.2** 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.

**17.3.12.3** Such sign must be hung at right angles, and shall not project within two (2) feet of the public right-of-way.

**17.3.12.4** The bottom of said sign shall have an ten (10) foot pedestrian clearance from sidewalk level.

**17.3.12.5** The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the zoning officer:

(1) Suspended between the bottom of sills of the first level of windows above the first story and the top of doors or windows of the first story; or

(2) The lowest point of the roof of one story building.

**17.3.13 \*Public Service Sign** - is a sign located for the purpose of providing a public service message or directions towards or indication of a use not readily visible from a public street (e.g. rest rooms, telephone, parking, shopping district, etc.).

**17.3.13.1** Such signs that are necessary for public safety and convenience shall not exceed four (4) square feet.

**17.3.13.2** Such signs may bear no commercial advertising. Civic organization sponsored public service signs shall not be considered commercial advertising.

**17.3.13.3** Such signs are not included in computing total sign area allowed.

**17.3.14 \*Religious, Governmental, Charitable or Fraternal Organization Signs**

**17.3.14.1** May include the flag, pennant or insignia of any government or of any religious charitable or fraternal organization.

**17.3.15 \*Temporary Business Signs**

**17.3.15.1** Such signs shall not be used for a period 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.

**17.3.15.2** 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. The location shall not obstruct pedestrians nor restrict vehicular sight distance.

**17.3.15.3** 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.

**17.3.15.4** No business shall exceed a maximum of fifty (50) square feet of temporary sign area at any time.

**17.3.15.5** Such signs shall not be located upon a public right-of-way.

**17.3.16 \*Temporary Signs for Special Events**

Temporary signs and banners of a non-commercial nature across rights-of-way are permitted provided permission is obtained from the Township Supervisors, they are erected in a location which does not constitute a traffic hazard nor create a safety hazard and are removed at the conclusion of the temporary event.

**17.3.17 Time or Temperature Sign** – Includes clocks, time and temperature signs and barber poles.

**17.3.17.1** Shall not exceed twenty-five (25) square feet.

**17.3.17.2** Shall not extend into any highway right-of-way.

**17.3.17.3** Any commercial advertisements attached to such structure must be permitted or licensed.

**17.3.18 Vehicle Sign** – is a sign which is attached or painted on the exterior surface of a vehicle or trailer.

**17.3.18.1** Vehicle signs are permitted provided the vehicle is permanently parked on land which the business owner owns and has current license plates and state inspection.

**17.3.19 Wall Sign** - is a sign which is attached parallel on the exterior surface of a building or structure.

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

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

**17.3.20 \*Window Sign** - is a permanent non-illuminated sign painted on the inside or outside glass of a window.

**17.3.20.1** The total area of a window sign shall not exceed 30% of the total glass area of the ground floor facade of that commercial property.

**17.3.20.2** Contents of such sign shall advertise only an on-premise use.

**17.3.21 \*Yard Sale Sign**

**17.3.21.1** Temporary signs for yard sales may be displayed no more than three times per calendar year per property.

**17.3.21.2** Each sign display may last up to three days.

## **17.4 Prohibited Signs**

Prohibited Signs shall include:

**17.4.1** Signs, other than municipal traffic signs, located in a public right-of-way.

- 17.4.2** Any sign, as defined in this Ordinance which flashes, rotates, or has a motorized part that is visible from a public street shall be prohibited within twenty (20) feet of the public right-of-way. Digital and Electronic Message Board signs shall be exempt from this provision.
- 17.4.3** 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.
- 17.4.4** 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.
- 17.4.5** Any sign or sign structure which:
- (1) Is structurally unsafe;
  - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
  - (3) Is not kept in good repair, or;
  - (4) Is capable of causing electrical shocks to persons likely to come in contact with it.
- 17.4.6** 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.
- 17.4.7** String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
- 17.4.8** Spinners and streamers.
- 17.4.9** 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.
- 17.4.10** Any sign affixed to a fence, utility pole or utility structure, light pole, sign post, or tree, shrub, rock or other natural objects.
- 17.4.11** Off premise signs except Off Premises Direction Sign (see **Section 17.3.9** or Off Premises Advertising Sign (see **Section 17.3.10**).

**17.4.12** Portable or moveable signs other than as temporary signs. (See **Section 17.3.15.2**).

**17.4.13** Signs which depict nudity or sexual conduct (See also **Section 15.2** for Adult Entertainment uses)

## **17.5 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, written notice for compliance will be sent to the person responsible for the maintaining the sign. If the defect in the sign is not corrected within the time stipulated by the Zoning Officer, the permit will be revoked; sign removed and; kept until the owner pays the cost of removal.



**Article 18-19**

**Reserved**

## ARTICLE 20

### Zoning Hearing Board Proceedings

#### 20.1 Organization and Procedure

##### 20.1.1 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 Point Township.

##### 20.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of Point 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.

##### 20.1.3 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.

#### 20.2 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:

### **20.2.1 To Hear and Decide Requests for Special Exceptions**

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria of the Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance.

### **20.2.2 To Hear and Decide Appeals**

**20.2.2.1** 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.

**20.2.2.2** 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.

**20.2.2.3** 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.

**20.2.2.4** The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer regarding any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary.

### **20.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance**

**20.2.3.1** 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.

**20.2.3.2** 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.

#### **20.2.4 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.

The Board's decision to approve a variance request shall be made only after public notice and a public hearing (see [Section 2.2](#)).

The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- 20.2.4.1** 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;
- 20.2.4.2** 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;
- 20.2.4.3** that such unnecessary hardship has not been created by the applicant;
- 20.2.4.4** 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;
- 20.2.4.5** 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.

## **20.3 Hearing Procedures**

### **20.3.1 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.

### **20.3.2 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.

### **20.3.3 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:

- 20.3.3.1** the name and address of the applicant or appellant;
- 20.3.3.2** the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 20.3.3.3** a brief description and location of the parcel to be affected by such proposed change or appeal;
- 20.3.3.4** a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 20.3.3.5** 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.

#### **20.3.4 Procedure for Zoning Officer**

- 20.3.4.1** 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.
- 20.3.4.2** The Zoning Officer may recommend to the Zoning Hearing Board a modification or reversal of recommended action in cases where substantial justice requires the same but where he does not have sufficient authority to depart from the regulations.

#### **20.3.5 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:

- 20.3.5.1** Public notice in accordance with the definition of *Public Notice* in **Section 2.2** of this Ordinance;
- 20.3.5.2** 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;
- 20.3.5.3** Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township 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 Township Planning Agency shall be given notice at least 30 days prior to the hearing); and
- 20.3.5.4** 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.

### **20.3.6 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 include the vote, failure to vote, or absence from the vote of each member upon each question. 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.

### **20.3.7 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.

### **20.3.8 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 a Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

### **20.3.9 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, which must be a majority of the total members.

### **20.3.10 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.

### **20.3.11 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.

### **20.3.12 Appeals**

Any person aggrieved by any decision of the Zoning Hearing Board may appeal



there from within 30 days to the Court of Common Pleas of Northumberland County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

## **ARTICLE 21**

### **Amendments and Conditional Uses - Board of Supervisors**

#### **21.1 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.

##### **21.1.1 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.

##### **21.1.2 Public Hearing**

Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract together with property description to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted as required above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of the subsection.

### **21.1.3 Opportunity to be Heard**

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

### **21.1.4 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.

### **21.1.5 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.

### **21.1.6 Landowner Curative Amendments**

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of Act 170 of 1988, as amended.

### **21.1.7 Municipal Curative Amendment**

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of Act 170 of 1988, as amended.

## **21.2 Conditional Uses**

The Township Supervisors may grant Conditional Use approval for only those instances specified 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.

### **21.2.1 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 Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

### **21.2.2 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:

- 21.2.2.1** the location of the tract of land;
- 21.2.2.2** the present use of the tract for which the conditional use is requested;
- 21.2.2.3** the present use of adjoining tracts;
- 21.2.2.4** the type of conditional use for which the application is made;
- 21.2.2.5** a brief description of the type and extent of the proposed activities;
- 21.2.2.6** an estimate of the total development cost of the conditional use; and
- 21.2.2.7** 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.

### **21.2.3 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:

- 21.2.3.1** 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;
- 21.2.3.2** tract boundaries showing bearings and distances;

- 21.2.3.3 existing significant natural or man-made features of the site;
- 21.2.3.4 existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 21.2.3.5 existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 21.2.3.6 existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 21.2.3.7 proposed grading and drainage plan;
- 21.2.3.8 proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 21.2.3.9 plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 21.2.3.10 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 minor site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Agency, 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.

**21.2.4 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.

**21.2.5 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.

- 21.2.5.1 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;

- 21.2.5.2 whether the specific site is an appropriate location for the use, structure or condition;
- 21.2.5.3 whether the use developed will adversely affect the neighborhood;
- 21.2.5.4 whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
- 21.2.5.5 whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
- 21.2.5.6 the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
- 21.2.5.7 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.

**21.2.6 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.

**21.2.7 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 21.2.4 and 21.2.6 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.

**21.2.8 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.

**21.2.9 Appeals**

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision in litigation.

## ARTICLE 22

### Administration and Enforcement

#### 22.1 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 the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. 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 22.2** herein.

#### 22.2 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:

- 22.2.1 Receive and evaluate applications for permits, certificates, variances, special exception or conditional uses, appeals and other applications within the terms of this Ordinance;
- 22.2.2 Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 22.2.3 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;
- 22.2.4 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;



- 22.2.5** 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;
- 22.2.6** Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 22.2.7** Issue written enforcement notices as specified in **Section 22.6** 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;
- 22.2.8** 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;
- 22.2.9** Serve as the Township Floodplain Administrator when assigned that duty by the Board of Supervisors. A Floodplain Compliance Certificate shall be required before any construction or development is undertaken within an Identified Floodplain Area;
- 22.2.10** 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;
- 22.2.11** 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;

- 22.2.12 Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;
- 22.2.13 Identify and register nonconforming premises in accord with the Nonconforming regulations of **Section 14.8**; and
- 22.2.14 Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

### 22.3 General Procedure: Zoning Permit Required

If 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 Occupancy Permit allowing the premises to be occupied and used.

### 22.4 Zoning Permits and Certificates

#### 22.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- 22.4.1.1 **Permitted Use** - Issued by the Zoning Officer on the authority granted herein;
- 22.4.1.2 **Special Exception Use** - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
- 22.4.1.3 **Conditional Use** - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;
- 22.4.1.4 **Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning

Hearing Board.

## **22.4.2 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 17**; 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:

- 22.4.2.1** interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 22.4.2.2** exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 22.4.2.3** cultivation of crops;
- 22.4.2.4** landscaping including the erection of land terraces, steps or other similar features;
- 22.4.2.5** placement or location of utility distribution lines; or
- 22.4.2.6** razing of buildings or structures.

## **22.4.3 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 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.

#### **22.4.4 Plan Requirements**

All applications for Zoning Permits shall be accompanied by plans, in duplicate, 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 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.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

#### **22.4.5 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.

#### **22.4.6 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.

#### **22.4.7 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.

#### **22.4.8 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.

#### **22.4.9 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 two (2) 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.

#### **22.4.10 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.

#### **22.4.11 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.

#### **22.4.12 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 Hearing Board may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

#### **22.4.13 Occupancy Permits**

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 Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

### **22.5 Violations**

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Occupancy, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

### **22.6 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:

- 22.6.1** The name of the owner of record and any other person against whom the municipality intends to take action.
- 22.6.2** The location of the property in violation.
- 22.6.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 22.6.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

**22.6.5** 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.

**22.6.6** 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.

## **22.7 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.

## **22.8 Enforcement Remedies**

**22.8.1** District justices shall have initial jurisdiction over proceedings brought under **Section 22.8.2.**

**22.8.2** 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 Gregg Township the right to commence any action for enforcement pursuant to this section.

## **22.9 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.