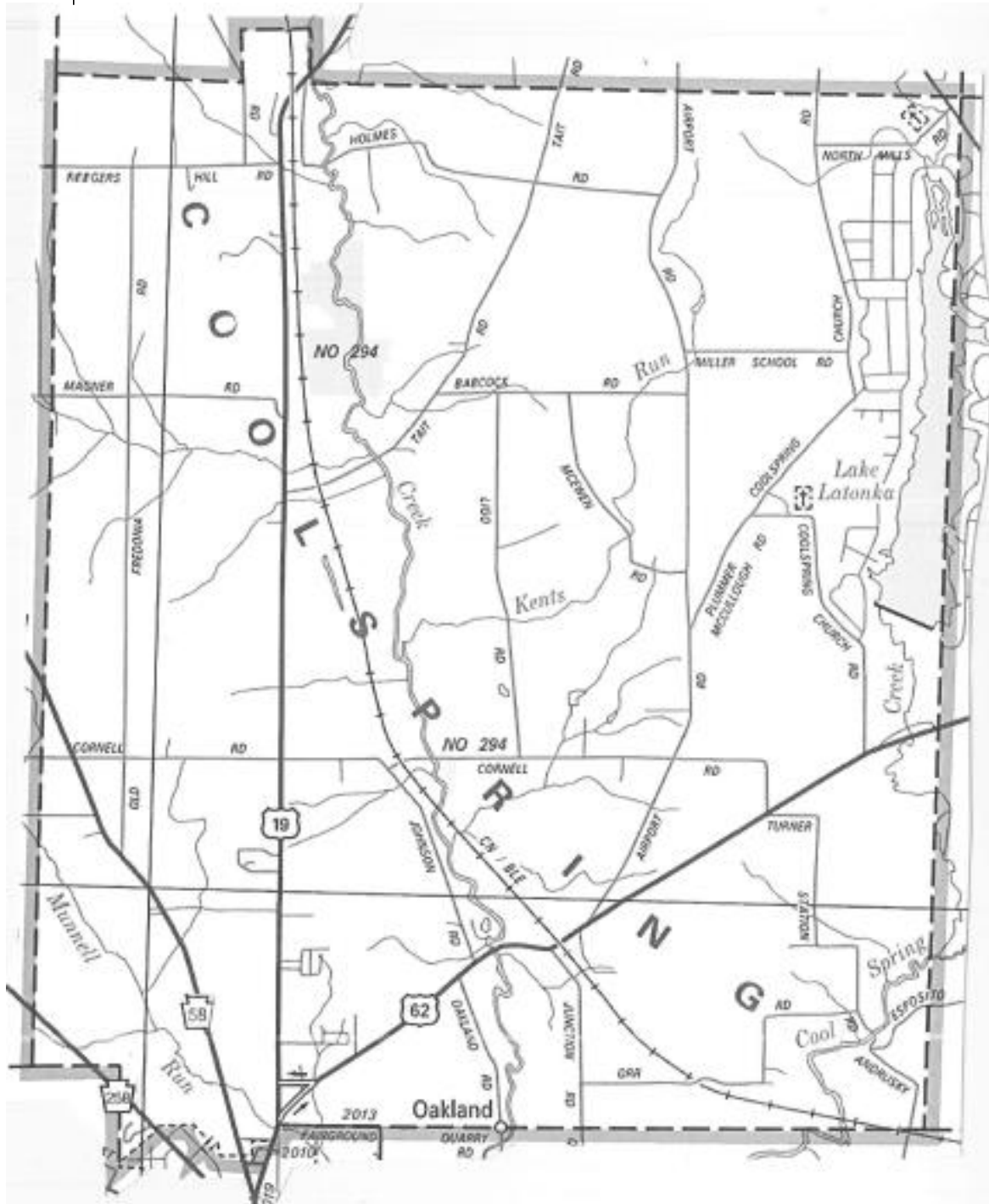


# COOLSPRING TOWNSHIP

MERCER COUNTY, PENNSYLVANIA

## ZONING ORDINANCE

ORDINANCE # 89 \* MAY 2019



Coolspring Township Municipal Building  
852 N. Perry Highway \* Mercer, PA 16137  
724-475-2010 \* [cooltpw@windstream.net](mailto:cooltpw@windstream.net)

**COOLSPRING TOWNSHIP**  
**ZONING ORDINANCE # 89**  
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*AMENDED by ORDINANCE 2023-96 of Board of Supervisors of the Township of Coolspring, Mercer County, Pennsylvania on December 4, 2023.*

# **ARTICLE 1: SHORT TITLE, PURPOSE & SCOPE**

## **SECTION 100: SHORT TITLE**

This ordinance shall be known as the "Coolspring Township Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Coolspring Township Zoning Map" which shall be publicly displayed at the Municipal building and copies of which shall be retained by the Coolspring Zoning Officer. The map included herein is a reproduction of the originally adopted map and is for reference only.

## **SECTION 101: COMMUNITY DEVELOPMENT OBJECTIVES**

The following Community Development Objectives are developed for the Mercer Region Multi-Municipal Comprehensive Plan which includes the Borough of Mercer and Coolspring, Findley, East Lackawannock and Jefferson Townships.

1. Promote intergovernmental cooperation between all municipalities to support regional activities and sharing of services.
2. Direct future growth to encourage sustainable development of the I-80/Route 19 interchange. Take advantage of the region's access to the interstate highway system and transportation network.
3. Encourage diversified infill development in locations where adequate infrastructure is already in place.
4. Coordinate with County efforts to provide for an efficient and safe transportation network that allows for alternative transportation options and relieves congestion.
5. Foster a regional approach to support economic development activities throughout the Townships and the Borough.
6. Support revitalization of downtown Mercer with infill residential and commercial development.
7. Promote the preservation of agricultural land and open space to preserve the rural community character of the region.
8. Develop innovative strategies to meet the infrastructure needs of the region to provide for quality development.
9. Promote the historic assets of the region to provide for preservation activities and as a marketing tool to support tourism.
10. Support the current recreational assets of the communities and provide for additional recreational opportunities as needed.
11. Develop innovative strategies to capitalize on the existing housing stock and available land for new residential development to meet the changing needs of the region.

## **SECTION 102: PURPOSE AND AUTHORITY**

This Zoning Ordinance and its regulations are adopted by authority granted to the Supervisors under the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purpose:

1. To promote health, safety, and general welfare and to protect the public from the adverse secondary effects of various land uses and development
2. To promote coordinated, orderly, harmonious, and practical community development
3. To discourage the intermixture of incompatible land uses and, where such intermixture may be beneficial or where zoning district boundaries present transitions between incompatible uses, to control impacts of incompatible uses
4. To lessen congestion and promote public safety and convenience on roads and highways
5. To secure safety from fire, panic, pollution hazards, and other dangers
6. To provide adequate light and air
7. To prevent the overcrowding of land
8. To avoid undue congestion of population
9. To facilitate the adequate provision of housing, commercial and industrial development, transportation, water, sewerage, schools, parks and other public requirements
10. To establish reasonable standards to which buildings and development shall conform
11. To protect and enhance the value of land

## **SECTION 103: SCOPE**

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

The Zoning Ordinance regulates and restricts within the boundaries of Coolspring Township, Mercer County, Pennsylvania:

1. The height, number of stories and size of buildings and other structures
2. Their construction, alteration, extension, repair and maintenance
3. All facilities and services in or about such buildings and structures
4. The percentage of lot that may be occupied
5. The size of yards, courts and other open spaces

6. The density of population
7. The location and use of buildings, structures and land for trade, industry, residence or other purposes
8. The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways

## **SECTION 104: INTERPRETATION**

**104.01.** In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling.

**104.02.** The Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

## **SECTION 105: APPLICATION**

**105.01.** The provisions of the zoning ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or lots.

**105.02.** Except as provided in this ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located.

**105.03.** Any use which is not listed in a specific zoning district shall be interpreted as prohibited in that district.

## **SECTION 106: SEVERANCE**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zoning district boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

Coolspring Township hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared invalid, unconstitutional or illegal.

## **SECTION 107: REPEAL**

The enactment of this zoning ordinance contained herein shall hereby repeal in its entirety the Coolspring Township Zoning Ordinance, Ordinance Number 18, adopted May 6, 1968, and as subsequently amended.

The 1968 zoning map for Coolspring Township is also repealed in its entirety and is replaced with the adopted zoning map attached to this Ordinance, as referenced in Section 302.

Any other resolution or ordinance conflicting with the provisions, regulations, limitations, and/or restrictions of this zoning ordinance contained herein shall be and the same is hereby repealed to the extent of such conflict.



## **ARTICLE 2: DEFINITIONS**

### **SECTION 200: GENERAL INTERPRETATION**

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. The following words or phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context or Pennsylvania Municipalities Planning Code, Act 247, as amended, indicates otherwise.

**Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have meanings as in a standard dictionary.**

Words used in the present tense include the future; the singular includes the plural.

The word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building".

The word "person" includes an individual or any other legal entity including a corporation, unincorporated association and a partnership. An "agency" shall be construed to include its successors or assigns.

The words "shall" and "will" are mandatory and not merely directory; the word "may" is permissive.

### **SECTION 201: DEFINITION OF TERMS**

**Abutting.** Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

**Access.** A way of approaching or entering a property.

**Accessory (Building or Use).** A building or use is accessory if it: 1) is subordinate to and serves a principal building or principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and 4) is located on the same lot as the permitted principal use.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

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

**Adult Business Uses.** As outlined in Article 6, Section 610 of this ordinance.

**Agent of owner.** Any person who can show written proof that he/she has the authority to act for the property owner.

**Agriculture.** The use of a tract of land for the purpose(s) of active cultivation or animal husbandry. Agriculture uses including barns, silos, machine sheds, cribs, bins, and similar structures are not used for human occupancy.

**Agribusiness Operation.** An agricultural operation that involves, but is not necessarily limited to, one or more of the following conditions:

**Concentrated Animal Feeding Operation (CAFO)** – An animal feeding operation, which is required to obtain NPDES permits in accordance with the Clean Water Act.

**Concentrated Animal Operation.** An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

**Other.** Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

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

**Airport.** A place where aircraft land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**Alley.** The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

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

**Alteration, Structural.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

**Automotive Repair Services and Garages.** Establishments primarily engaged in furnishing automotive repair, rental, leasing, parking services, as well as supplying gasoline, oil, minor accessories and services for automotive vehicles at retail to the general public.

**Automotive and/or Trailer Sales Establishment.** The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks, recreational vehicles or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

**Automotive Wrecking.** The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Awning.** An awning shall include any roof-like structure made of cloth, metal or similar material, that may project over a yard or thoroughfare or established setback and when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure. See also Canopy as permanent structure.

**Basement.** The lowest portion of a building that is partly or completely below grade.

**Bed and Breakfast.** An owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

**Block.** The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

**Boarding House (also Rooming House).** A building or portion thereof arranged or used for sheltering and feeding, for compensation, individuals who are not members of the proprietor's family.

**Boarding Unit.** Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

**Breezeway.** Any portion of a lot roofed over by a structure joining a principal dwelling building to any other structure.

**Building.** An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

**Building, Accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building, Attached.** A building where both side walls of all except the end structures, are party walls.

**Building, Detached.** A building that has no party wall.

**Building, Principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback.** The distance on a lot within which no building or structure, principal or accessory, shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line.** A line on a lot which marks the building setback.

**Bulk Storage & Distribution Facility.** The storage and distribution of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**Campgrounds.** A parcel of land used or intended to be used by campers for temporary seasonal, recreational or other similar purposes associated with the use of tents or other temporary shelters. This may include a central common use structure for restrooms or kitchen needs. This shall not include utilities or other infrastructure for individual sites as required for recreational vehicles or a mobile home park.

**Canopy.** A canopy shall include any permanent or non-retractable structure, made of cloth, metal or similar material, with framed structure attached to a building, projecting over any established setback, and carried by a frame supported by the ground or other structure. See also Awning as temporary structures.

**Carport.** A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The term carport shall also include a roofed structure, either attached to or detached from a principal or accessory building, over multi-vehicle drives, parking, or service areas as used by an automobile service station, convenience store, drive-thru bank, or similar use. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

**Cartway.** That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

**Car Wash.** Any building or premises or portions thereof used for washing automobiles available to the public for compensation.

**Cellar.** Same as "Basement."

**Centerline.** The line located at the middle of the traveled surface of a road, equidistant from both edges of the road surface.

**Certificate of Use and Occupancy.** A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land use conforms to the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Child Care Facility.** Provides out-of-home care for part of a 24-hour day to children 15 years and younger including care provided in public or private profit or nonprofit facilities. Similar facilities and requirements shall be applied to family or elder care facilities. Definition does not apply to child care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times child care is provided. This ordinance identifies three levels of child care facilities consistent with current regulations of the Commonwealth of Pennsylvania:

**Family Day Care Home.** A state-certified family residence with one caregiver providing care for four, five, or six children unrelated to the caregiver.

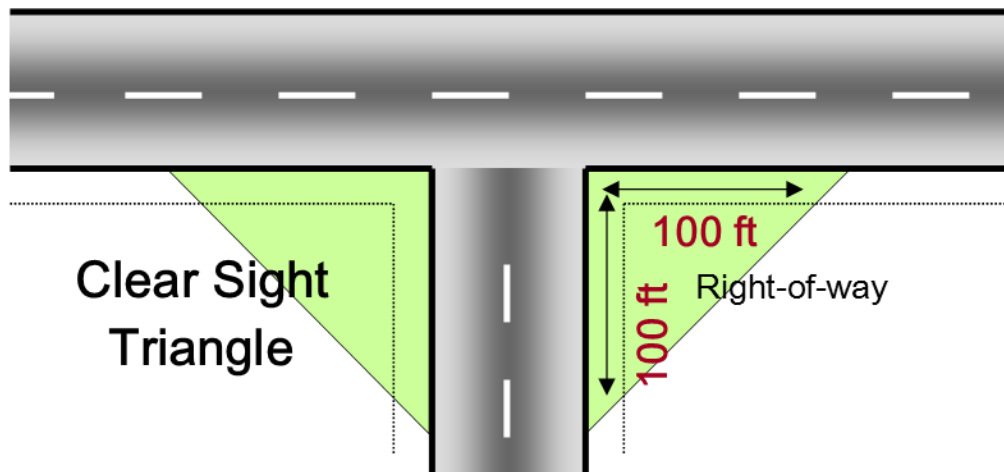
**Group Day Care Home.** A state-certified facility providing care for no more than 12 children where the childcare area is a family residence.

**Day Care Center.** A state-certified facility providing care for 7 or more children where the childcare area is not a family residence.

**Church.** A building for public religious worship.

**Clear Sight Triangle.** The clear sight triangle is the area established by measuring 100 feet from the intersection of the street center lines along said center lines. No building, structure, planting, or other obstruction shall be permitted which would endanger public safety along any street or public roadway by obscuring sight visibility along said street. Such clear sight lines shall be maintained free of obstructions as measured between the heights of three feet (3') up to ten feet (10') above the surface of the street.

A one-hundred-foot clear sight triangle shall be maintained at all street intersections.



**Clinic.** Any professional medical building or establishment where people are examined or treated by medical professionals, but are not hospitalized overnight.

**Club, Lodges and Membership Organizations.** A building, land area or other premises operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Commercial Establishment.** An activity carried out for pecuniary gain.

**Commercial vehicle.** For purposes of this ordinance is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport 16 or more persons including the driver; or c) is used to transport hazardous materials.

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

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

**Communications Tower.** A structure, other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communications antennas.

**Community Facility.** A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**Concentrated Animal Operation.** An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

**Other** – Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

**Construction.** The act or process of constructing, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**Conversion.** Changing the original purpose of a building to a different use.

**Convenience Store.** Any retail establishment of limited size (less than 4,000 sq. ft. of building) offering for sale commercial fuels, as well as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Convenience stores do not include repair services, tire sales or similar activities.

**Court.** A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Covenant.** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

**Curb Level.** The elevation of the street grade as established in accordance with the law or, when a curb level has not been established, the grade at the center of the street.

**Curb Line.** The line establishing the width of a cartway in a right-of-way. Where curbs do not exist, the edge of pavement shall be the curb line.

**Dedication.** The transfer of property from private to public ownership.

**Deed Restriction.** See Covenant.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**Domestic Pet.** Animals integrated into and which may become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship – traditionally dogs, cats, small birds, etc.

**Drive-In Business.** A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores, bank, pharmacy and the like.

**Drive-In Theater.** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles (excluding adult entertainment establishments).

**Driveway.** A private roadway providing vehicular access to a street or highway for a lot and its structures, or providing for interior vehicular movement on the lot or within a development.

**Dwelling, Multiple-Family.** A building having two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

**Dwelling, Single-Family.** A detached, permanent building designed for and used exclusively for occupancy by one family.

**Dwelling Unit.** A building or portion thereof arranged and used for residential occupancy providing complete housekeeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures. All dwelling units shall have a minimum of 750 square feet of residential floor area (as defined herein) that meet the U.S. Department of Housing and Urban Development's Manufactured Housing Standards.

**Easement.** A right given by the owner of land to another party for specific limited use of that land.

**Eating and Drinking Establishments.** Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshments stands selling prepared foods and drinks for immediate consumption.

**Educational Facilities.** Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

**ENERGY GENERATION FACILITY:** A principal use facility that generates energy from solar, wind, geo-thermal, fossil fuels or other means and through connections to the electric or similar grid primarily produces electrical or similar power for off-site customers. The area of an energy facility shall also include all of the principal and accessory structures, including all of the energy generation equipment, distribution wires, towers, energy storage cells, and all other mechanical equipment to generate, store, and distribute energy.

When the area or footprint covered by energy generation equipment exceeds the area of another use on the site it shall be deemed to be the principal use of the site.

Energy Generation Facilities include facilities designed to operate in parallel with the electric distribution system generating up to or exceeding 500 Mw of energy requiring interconnection as regulated by Pennsylvania Utilities Commission [PUC], AND larger facilities permitted through the regional transmission organization, PJM [or its subsidiaries] power transmission grid and are subject to all State and Federal Energy Regulatory Commission [FERC] regulations as may apply.

**ENERGY GENERATION SYSTEM:** An accessory use energy system used to generate energy by solar, wind, geo-thermal, fossil fuel or other means and supply electrical or similar power for primarily on-site use or consumption. Usually, consists of one (1) or more free-standing ground, in-ground, wall or roof mounted energy modules, and necessary energy generation related equipment.

**Enlargement.** An increase in the size of an existing structure or use, including physical size of the building, parking, and other improvements.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. \*Office buildings or maintenance depots, plus communication towers and communication antenna as defined in this section shall not be considered essential services by this ordinance.



**Family.** One or more persons living together in a single housekeeping unit as a nonprofit household provided that the dwelling unit's size meets the minimum occupancy area requirements as defined by this ordinance.

**Family Day Care Facility.** A home occupation in which a dwelling's primary resident(s) provides supervision/care to no more than six (6) persons and must comply with State Regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

**Farm.** A lot, parcel or tract of land used for agricultural purposes on which the principal structure(s) shall be the agricultural building(s) and farm house(s).

**FINANCIAL SECURITY:** A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth-chartered lending institution. This shall be for decommissioning of energy generation facilities as in Section 613.11 of this ordinance.

**Floor Area, Gross.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Floor Area, Residential.** The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

**Frontage.** The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Fuel Service Stations.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

**Garage.** An accessory structure used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

**Golf Course.** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, hazards and which may include clubhouses and shelters

**Government Facility.** Any building, land area or other premises or portions thereof used by any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

**Grade.** The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.

**Greenhouse.** A partially attached structure or separate building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. See also High Tunnel

**Health Care Facility.** A for-profit or non-profit facility or institution licensed by the Commonwealth of Pennsylvania, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, convalescent home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions.

**Height of Building.** The vertical distance from the grade to the highest point on a building.

**Height of Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**High Tunnel.** A form of building or barn-type structure for any agricultural use whose roof and sides are made largely of semi-permanent material, attached to a frame and some permanent foundation structure including partial or full wall, concrete floor or piers. The size of the structure is determined by the foundation(s) and floor area covered. The frame and material used may be replaced as part of general maintenance.

**Home-Based Business/Home Occupation.** See No-Impact Home-Based Business.

**Hospital.** A private or public institution where the sick or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc. during illness or injury.

**Hospital, Veterinary.** A structure designed or converted for the care of and/or treatment of sick or injured domestic animals.

**Hotel.** A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Housing Unit.** Same as dwelling unit.

**Industrial Park.** Land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses including research and development, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Light industrial** - internal contained research & development

**Major industrial** - manufacturing, processing& distribution

**Junk.** Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material shall not be considered junk when stored on a farm for exclusive use of the owner or occupant of the farm **or** any article or material which, unaltered, not needed to be dissembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose.

**Junk Yard.** The use of more than four hundred (400) square feet of the area on any lot or contiguous lots of same ownership outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. Also, the accumulation of junk to a height of greater than six (6) feet above ground level on any portion of any lot shall be considered a junk yard. A "junk yard" shall include an automotive wrecking yard. Three or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junk yard.

**Kennel.** An establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

**Land.** The solid portion of the earth's surface that is capable of being used or occupied.

**Land, Developed.** "Improved land" with buildings.

**Land, Improved.** "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Raw.** Vacant land, not subdivided and unimproved (without utilities or streets).

**Landscaping.** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use.** A description of how land is occupied or utilized.

**Loading Space.** An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading

or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge.** (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

**Lot.** Designated parcel, tract or area of land established by a plat or otherwise permitted by law used or intended to be used by one building and its accessory building(s). A "zoning lot" must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street.

**Lot Area.** The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage.** The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**Lot, Double Frontage.** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundary of the lot.

**Lot Frontage.** See "Frontage".

**Lot, Interior.** A lot whose side lot lines do not abut a street.

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

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

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

**Lot Line, Side.** Any lot lines other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

**Lot Width.** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Manufactured Home.** Prefabricated homes built as dwelling units intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit; used for non-transient residential purposes; constructed with the same or similar pitched roofs and conventional roofing and siding materials, electrical, plumbing, and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, it is complete and ready except for minor and incidental unpacking operations, location on foundation supports, connection to utilities and the like.

**Mobile Home.** A transportable, single family dwelling with a permanent vehicle chassis to assure the initial or subsequent transportability of the home, capable repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Skirting required as outlined in this ordinance.

**Mobile Home Lot.** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile Home Park.** A parcel of land under single ownership that has been specifically planned and improved for the long-term placement of two or more mobile homes for non-transient use in a safe and desirable manner.

**Mortuary, Funeral Home, Crematorium.** A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

**Motel.** Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Motor Freight Terminal.** A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

**No-impact home-based business.** 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 following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. 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.
- f. 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.

g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

h. The business may not involve any illegal activity.

**Non-conforming Lot.** A lot the area or dimension of which was lawful at the effective date of the Zoning Ordinance or by subsequent amendment, 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 not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

**Non-conforming Use.** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Nursery, also Greenhouse.** Land or greenhouses used to raise flowers, shrubs, or plants for sale.

**Nursing Home.** See "Health Care Facility."

**Open Space.** An area of land unoccupied by a building and/or other structure.

**Owner.** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area.** Space on a lot used as an accessory use for the parking of vehicles.

**Parking Space.** A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Permit, Zoning.** A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

**Person.** An individual, association, co-partner or corporation, or other entity.

**Personal care home.** A for-profit or non-profit facility licensed by the Commonwealth of Pennsylvania providing lodging, food, and some support services to the aged, ill, or disabled. See also Child Care Facility for family or elder care definition.

**Personal storage unit.** A building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for

storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

**Place of Worship.** A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This definition does not include educational or day-care facilities, but may include a rectory for one (1) family.

**Planned Residential Development.** An area of minimum contiguous size, as specified by ordinance to be designed as a residential community developed, operated and maintained as a single entity and containing one or more structures with appurtenant common areas.

**Planning Code. MPC** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

**Plat.** A map, plan or chart of a section or subdivision of a municipality indicating the location and boundaries of individual lots, whether preliminary or final.

**Plot.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**Porch.** A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Primary Residence.** A residence that is the home of the occupants more than one-half of the year.

**Private Recreation Facility.** A recreation facility operated by a non-profit organization, and open only to members and guests of such nonprofit organization.

**Projections** (into yards). Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

**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; and (3) publicly owned or operated scenic and historic sites.

**Race Track.** Prepared route traveled by contestants to achieve goals of skill, duration, or speed, including practice for such events, also known as raceway or race course.

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bona-fide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the municipality, and any other governmental entity, or any non-profit organization that are open to the general public.

**Recreational Equipment, Major.** Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motor homes, camper/tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment. Specific definitions include:

**Travel Trailer.** A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation purposes permanently identified as a travel trailer by the manufacturer of the trailer.

**Pickup Camper or Coach.** A structure designed primarily to be mounted on a pickup truck or truck chassis sufficient to render it suitable for use as a temporary dwelling for travel, recreational, or vacation purposes.

**Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. It can be either a converted truck or bus or a custom-built unit.

**Camping/Tent Trailer.** Usually consists of a fold-out tent mounted completely on a low trailer.

**Recreation Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use and recreation.

**Recreational Vehicle.** A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

**Recreational Vehicle Park.** A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Retail Sales Establishments.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Road.** Any street, highway, or other public roadway that is dedicated to public use by governmental authority.



**Saw Mills or Planing Mills.** Saw Mills and Planing Mills are to be associated with a permitted woodland harvesting activity taking place on the same or adjacent parcels of land and shall be discontinued and removed following completion of the associated woodland harvesting operation.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

**Setback.** See "Building Setback".

**Sign.** See Article 7 of this ordinance and Ordinance #90, including amendments.

**Site.** A plot of land intended or suitable for development.

**SOLAR EASEMENT.** 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.

**Special Exception.** A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

**Stormwater Management.** See Ordinance #77 - Coolspring Township Stormwater Management, adopted June 6, 2011, and including any amendments.

**Street.** See "Road".

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

**Structure, Accessory.** An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

**Structure, Principal.** A structure in which is conducted the principal use of the lot on which it is located.

**Subdivision.** The division or consolidation of a lot, tract, or parcel of land into lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

**Swimming Pool.** A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

**Terminal.** (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Trade School.** A school or enterprise for teaching skills in which machinery may be employed as a means of instruction.

**Trailer.** Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

**Transient.** Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

**Trucking Facility.** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

**Use, Accessory.** A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional.** A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance. All other uses on the same lot and incidental or supplemental thereto and permitted under this Zoning Ordinance, shall be considered accessory uses.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance.** Relief granted by the Zoning Hearing Board, upon application in specific cases, from the terms of the Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

**Visual Obstruction.** Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them that limits visibility.

**Written Notice.** Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard.** An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Yard, Minimum Dimension.** The minimum permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

**Yard, Rear.** A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side.** A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

## **ARTICLE 3: ZONING DISTRICTS**

### **SECTION 300: PURPOSE AND CHARACTER OF ZONING DISTRICTS**

**A - Agricultural Uses** – Primarily larger properties for farming and related uses.

**R - Residential Uses** – including single family and multiple-unit residences dependent upon availability of public sewer and water.

**C - Commercial Uses** – Commercial businesses which include signage, parking and loading and generate traffic beyond employee or incidental delivery needs.

**I - Industrial Uses** – Larger properties reserved for industrial uses and related accessory uses are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking.

### **SECTION 301: BOUNDARIES OF ZONING DISTRICTS**

The boundaries of the zoning districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various zoning districts, the following rules shall apply:

- 1. Where a zoning district boundary follows a street, alley, railroad, or watercourse** – The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.
- 2. Where a zoning district boundary approximately parallels a street or alley** – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- 3. Where a zoning district boundary approximately follows a lot line** – The lot line shall be interpreted to be the zoning district boundary.
- 4. Submerged areas** - Where areas within the Township are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.
- 5. Annexed lands** - Any land annexed to or made a part of the Municipality subsequent to the adoption of this ordinance shall immediately be classified as R-1 Residential Single Family as of the effective date of annexation.
- 6. Vacation of public ways** - Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.
- 7. Where a zoning district boundary does not follow a physical feature or lot line and none of the previous rules apply.** The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

### **SECTION 302: ZONING MAP**

The Coolspring Township Zoning Map is hereby adopted as part of this Ordinance. The official zoning map shall be kept on file and be available for examination at the Municipal Building. The map attached herein is for reference only.

## ARTICLE 4: LOT, YARD & HEIGHT REQUIREMENTS

ZONING DISTRICT	AG AGRICULTURE	R-1 RESIDENTIAL <i>On Lot Sewage</i>	R-2 RESIDENTIAL <i>PUBLIC Sewage</i>	IN INDUSTRIAL	C COMMERCIAL BUSINESS
MINIMUM LOT AREA #	1 AC	1 AC	10,000 SF	1 AC	1 AC
MINIMUM LOT WIDTH	200'	125'	75'	100'	100'
SIDE YARD	20'	20'	10'	20' OR 50' to Residential Zone	20' OR 50' to Residential Zone
MAXIMUM LOT COVERAGE **	25%	35%	35%	75%	75%
** Includes ALL Buildings, Accessory Buildings and ALL impervious areas providing all stormwater requirements are met on site.					
REAR YARD	35' PRINCIPAL STRUCTURES [10' ANY ACCESSORY ]				
SETBACK from CENTERLINE+	100' from STATE ROADS US-19 US-62 SR-58 SR-62 2017 2013 75' ALL Township Roads				
DRIVEWAYS	75' FROM ROAD INTERSECTIONS PROVIDED THEY MEET PENNDOT HIGHWAY OCCUPANCY PERMIT REQUIREMENTS				
	MAXIMUM 35' WIDTH AT R.O.W.				
	1 driveway per 100' frontage				
STRUCTURES	MAXIMUM HEIGHT OF ALL ENCLOSED STRUCTURES WITHIN THE TOWNSHIP SHALL BE 45' (EXCEPT FOR AGRICULTURAL STRUCTURES WITH NO FLOOR OR LIVING SPACE ABOVE 35')				
FENCE Residential Zones	Maximum Height for Solid Wall or Fence – 6', 8' AT REAR PROPERTY LINE				
	Maximum Height for Open Fence - <i>Eight (8) feet.</i>				
FENCE Agriculture Zone	NO SETBACK for Agriculture Zone unless OVER 8' HIGH for LARGE ANIMALS then the SETBACK SHALL BE 20'				
FENCE in SETBACK shall be the minimum required to allow for maintenance as established by Township review for construction permit as issued. <b>Survey required.</b>					

## **ARTICLE 5: PERMITTED USES**

### **SECTION 500: PERMITTED PRINCIPAL USES TABLE**

<b>PERMITTED USES BY ZONING DISTRICT</b>	<b>AG AGRICULTURE</b>	<b>R-1 RESIDENTIAL <i>On Lot Sewage</i></b>	<b>R-2 RESIDENTIAL <i>PUBLIC Sewage</i></b>	<b>IN INDUSTRIAL</b>	<b>C COMMERCIAL BUSINESS</b>
<i>RESIDENTIAL USES</i>					
<b>SINGLE FAMILY DWELLING INCLUDING FARM DWELLINGS</b>	X	X	X	ACCESSORY ONLY	X
<b>MULTI-FAMILY UNITS 3 or MORE</b>			X		X
<b>BED &amp; BREAKFAST</b>	X	X	X		X
<b>ACCESSORY APARTMENT</b>	SE	SE	X		
<b>PRD - PLANNED RESIDENTIAL DEVELOPMENT</b>		X LDP	X LDP		
<i>AGRICULTURAL USES</i>					
<b>AG BUSINESS - AG SERVICES, AG PROCESSING, STABLES, NURSERY, GREENHOUSE - COMMERCIAL</b>	CU				X
<b>CONCENTRATED ANIMAL OPERATION (State Permits Required)</b>	CU				
<i>USES WITH ADDED REQUIREMENTS</i>					
<b>MOBILE HOME PARK [MHP]</b>		X LDP	X LDP		
<b>RECREATIONAL VEHICLE PARK</b>		X LDP	X LDP		
<b>CAMPGROUND [NOT RV OR MHP]</b>	X LDP	X LDP	X LDP		
<b>LIMITED USE STRUCTURES – CHURCH, SCHOOL, GRANGE HALL, COMMUNITY FACILITY</b>	X	X	X		X
<b>HOSPITAL, HEALTH CARE FACILITY</b>		X	X		X
<b>VETERINARY, ANIMAL HOSPITAL WITH ACCESSORY KENNEL</b>	X	X	X		X
<b>LODGING, HOTEL, MOTEL, MOTEL COURT</b>					X
<b>PARKING LOT/STRUCTURE</b>				X	X
<b>PROFESSIONAL OFFICES (OTHER THAN HOME OCCUPATION)</b>				X	X
<b>GOVERNMENT FACILITY COORDINATE W/ ESSENTIAL &amp; PUBLIC UTILITY</b>	X	X	X	X	X
<b>CARE CENTER, GROUP CARE HOME, NURSING HOME - DAILY USE</b>	X	X	X		X
<b>EDUCATION FACILITIES - SCHOOL, COLLEGE, CHURCH</b>		X	X		X

<b>PERMITTED USES BY ZONING DISTRICT</b>	<b>AG</b> AGRICULTURE	<b>R-1</b> RESIDENTIAL <i>On Lot Sewage</i>	<b>R-2</b> RESIDENTIAL <i>PUBLIC Sewage</i>	<b>IN</b> INDUSTRIAL	<b>C</b> COMMERCIAL BUSINESS
<b>GROUP HOME, NURSING HOME - BOARDING</b>			X		X
<b>RECREATION - PUBLIC, COMMERCIAL, AMUSEMENT, DRIVE-IN THEATER, RACE TRACK</b>					X
<b>GOLF COURSE</b>	X	X	X		X
<b>RECREATION - PRIVATE, MEMBERSHIP ORG</b>	CU	CU	CU	CU	CU
<i>USES THAT GENERATE TRAFFIC</i>					
<b>ADULT BUSINESS</b>				X	
<b>RETAIL SALES, COMMERCIAL ESTABLISHMENT</b>				X	X
<b>AUTO REPAIR, SERVICE</b>				X	X
<b>CAR WASH</b>				X	X
<b>FUEL STATION, CONVENIENCE STORE</b>				X	X
<b>KENNEL COMMERCIAL</b>	X			X	X
<b>LARGE RETAIL SALES - AUTO, FARM EQUIPMENT, MARINE, CAMPER, MANUFACTURED HOUSING, GREENHOUSE</b>				X	X
<b>PERSONAL SERVICES [RETAIL] ESTABLISHMENT (NOT HOME OCCUPATION)</b>					X
<b>RESTAURANT, EATING DRINKING ESTABLISHMENT</b>				X	X
<i>USES NEEDING MORE AREA OR BUFFERS</i>					
<b>BULK STORAGE OR DISTRIBUTION OF NON-FLAMMABLE MATERIAL</b>				X	X
<b>ENERGY GENERATION FACILITY (EGF)</b>	CU	CU	CU		
<b>LANDFILL, HAZARDOUS WASTE*</b>				X	
<b>MAJOR INDUSTRIAL - MANUFACTURING, PROCESSING &amp; DISTRIBUTION</b>				X	
<b>LIGHT INDUSTRIAL - INTERNAL CONTAINED RESEARCH &amp; DEVELOPMENT</b>				X	X
<b>TOWERS - COMMUNICATIONS, WINDMILL, UTILITY</b>	X LDP			X LDP	X LDP
<b>AIRPORT</b>	X				

<b>PERMITTED USES BY ZONING DISTRICT</b>	<b>AG</b> AGRICULTURE	<b>R-1</b> RESIDENTIAL <i>On Lot Sewage</i>	<b>R-2</b> RESIDENTIAL <i>PUBLIC Sewage</i>	<b>IN</b> INDUSTRIAL	<b>C</b> COMMERCIAL BUSINESS
TRANSPORTATION TERMINAL				X	X
FUNERAL HOME, CREMATORIUM			X	X	X
MULTI-LEVEL BUSINESS with RESIDENTIAL				X	X
WAREHOUSING				X	
SAW MILL, PLANING MILL	CU	CU	CU	X	CU
JUNK YARD, AUTO WRECKING				X	
TRUCKING FACILITY, TERMINAL PASSENGER STATION				X	
<i>MANDATED USES</i>					
PUBLIC UTILITY FACILITY or ESSENTIAL SERVICES <small>SEE DEFINITIONS</small>	X	X	X	X	X
PUBLIC SEWER OR WATER TREATMENT FACILITIES	X			X	
FORESTRY	X	X	X	X	X
SURFACE MINING, MINERAL EXTRACTION	X				
OIL & GAS EXTRACTION	CU	CU	CU	CU	CU

\*See Additional Use Criteria – Article 6

X = PERMITTED USE

CU = CONDITIONAL USE – See Section 502

LDP = ADDITIONAL REQUIREMENTS IN MERCER COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE (AS ADOPTED AND AS UPDATED)



## SECTION 501: ACCESSORY USES TABLE

<b>ACCESSORY USES</b> <b>Allowed when Primary Use is permitted</b>	<b>AG</b> AGRICULTURE	<b>R-1</b> RESIDENTIAL <i>On Lot Sewage</i>	<b>R-2</b> RESIDENTIAL <i>PUBLIC Sewage</i>	<b>IN</b> INDUSTRIAL	<b>C</b> COMMERCIAL BUSINESS
Private Garage	X	X	X	X	X
Farm Structures & Related Farm Uses	X	X	X	X	X
Private Fuel station	X	X		X	
ENERGY GENERATION SYSTEM (EGS)	X	X	X	X	X
Stand for Sale of Agricultural or Nursery Products produced on-site	X	X	X	X	X
Private Incinerator OR Outside Wood Burner	X	X	X	X	X
No-Impact Home Based Business or Occupation as defined by MPC* see Section 602	X	X	X	X	X
Boarding Unit, Lodging Unit, Rooming Unit	X	X	X		X
Private Playhouse, Swimming Pool, Tennis Court, Storage Shed, and Private Greenhouse	X	X	X	X	X
Private Shelter for Domestic Pets, including ponies or horses.	X	X	X	X	X
Retaining wall, Fence, Lamp Post or Similar Accessory Structure	X	X	X	X	X
Automotive Repair and Storage Facility*				X	X
Parking & Loading Areas*	X			X	X

\*See Additional Use Criteria – Article 6

## SECTION 502: CONDITIONAL USES

**502.01.** Planning Commission shall make a recommendation to the Supervisors based upon similar zoning standards, including area, setback or others as outlined in Article 4 as contained herein.

**502.02.** Supervisors at a public meeting shall consider recommendation of the Planning Commission and make the final decision based upon the zoning standards contained herein.

## SECTION 503: SPECIAL EXCEPTION USES

Special exceptions for uses not specifically allowed shall be decided by the Zoning Hearing Board on according to Article 11 of this ordinance.

## **ARTICLE 6: ADDITIONAL USE CRITERIA**

### **SECTION 600: ALL DWELLINGS**

- 600.01.** A dwelling unit shall have a minimum floor area of 750 square feet.
- 600.02.** When an open-air space exists between the dwelling and its foundation and or ground, the space shall be enclosed by a continuous material consistent in quality and design with the upper portion of the dwelling in order that there is allowed no penetration of air, outside elements, or animals into the structure's interior.
- 600.03.** All dwelling structures shall be placed on a permanent foundation made of concrete or other permanent material whose footing extends below the frost line. In the case of manufactured homes, they shall be securely placed upon the foundation as per the manufacturer's instructions.
- 600.04.** Manufactured homes on single-family lots shall comply with the US Department of Housing and Urban Development's (HUD's) Manufactured Housing Standards, The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq; 24 CFR Part 3280 and Part 3282, and:
- A.** Shall have been constructed after July 15, 1976 and contain the manufacturer's certification – RED LABEL – that the home is built in accordance with HUD's construction and safety standards. HUD standards cover body and frame requirements, thermal protection, plumbing, electrical, fire safety, and other aspects of the home.
  - B.** Shall have the visible wiring and plumbing connections certified as safe and safely connected to public lines by a certified plumber and electrician if said home is more than seven (7) years past its date of manufacture.

### **SECTION 601: MULTI-FAMILY DWELLINGS**

#### **601.01. Plan Submission Requirements:**

In additional to the requirements of a zoning permit application (Section 1002), new construction or the conversion of an existing structure into Multi-family dwellings of 3 or more dwelling units shall comply with the following land development plan requirements:

- A.** The site plan shall consist of all property information as required for review according to the Mercer County Subdivision and Land Development Ordinance and shall show proof of compliance with all provisions of this Zoning Ordinance with review by the Township Planning Commission.

#### **B. Stormwater Management requirements:**

Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets as required by the Coolspring Township Stormwater Management Ordinance, as adopted or amended.

**601.02.** Multi-family buildings shall be constructed to a compatible height and scale of other structures in the neighborhood, including:

- A.** Height of proposed buildings may not exceed the height adjacent buildings by more than 15 feet or one full story.
- B.** Compatibility of roof shapes in relation to the neighboring buildings shall be a consideration in the design of multi family structures.
- C.** Minimum lot area for any multi-family development shall be 10,000 square feet.
  - 1. Minimum lot area required per dwelling unit shall be 4,000 square feet for the first dwelling unit plus 2,000 square feet for each additional dwelling unit up to 11 units; and 1,000 square feet for each additional unit over 12 units per lot.
  - 2. Maximum number of 8 dwelling units shall be permitted per structure.
  - 3. Proposed buildings consisting of 3 or more dwelling units must have a minimum of one entry door on the front of the building.
  - 4. Each dwelling unit shall have a minimum of one exterior exposure or as required by building code.
  - 5. Adequate provision must be made for light, air, access, and privacy in the arrangement of the buildings to each other. Adequate sidewalk access to open spaces and parking areas shall be provided for each dwelling unit, 5' width to meet required accessibility.
  - 6. Internal driveways built and maintained for private service to the development shall be stable surface and shall be located and have capacity to:
    - a) Prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/vehicular and vehicular/vehicular movements within the site.
    - b) Provide adequate area for servicing of the site by delivery trucks, refuse collection, and other service vehicles without blockage or interference with the use of driveways or off-street parking.

**601.03. Open space requirements:**

- A.** A minimum of ten (10) percent of the gross area of the development or 1,000 square feet per dwelling unit, whichever is greater, shall be provided for recreation space. The recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. The applicant shall show how such recreation space shall be maintained permanently and shall present implementing documents to ensure such maintenance.
- B.** No part of this open space may be included as part of the buffer or landscape requirements of the property.

- C. At the determination of the Zoning Hearing Board, this requirement may be reduced by 50% if there is a park publicly available within 500 feet of the proposed development.

**601.04. Planting Requirements:**

Multi-family residential developments shall provide landscaping in order to minimize nuisances and protect residents from excess stormwater runoff, dirt, litter, pollution, noise, and glare of lights, and excessive heat. These requirements shall apply where a new development is proposed on vacant land, an existing structure will be expanded in gross floor area by 50% or greater, or an existing use is removed and a new development is proposed.

- A. Landscape materials shall meet the following specifications:

Canopy tree – deciduous, 35' minimum mature height  
Evergreen tree – 4' high at planting  
Shrub – 15" high at planting

- B. Any part or portion of a lot developed for multi-family use which is not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation.

- C. Preservation of existing vegetation is encouraged. Maintaining 1 existing tree on site shall meet the required planting of 2 new trees.

- D. Minimum building perimeter planting shall be 6' of planting along any building facade that faces a street or parking area, and shall include the following for each 25' of building front:

1. One (1) ornamental tree and 3 shrubs, and
2. One (1) canopy tree shall be provided on site for each dwelling unit, to be placed adjacent to either street or parking areas.

- E. All planting shall be installed and maintained in healthy condition by the developer/owner for a minimum of 18 months from the date of installation.

- F. Off-street parking areas shall provide landscaping as follows:

1. A minimum five-foot wide landscape planting strip shall be provided where the parking area abuts a street or road, excluding alleys. The planting strip may be interrupted only for permitted entrances or access driveways.
2. At least 5% of the interior parking area shall be landscaped with plantings, and at least one tree for each ten (10) parking spaces shall be installed. Interior parking lot plantings are required exclusive of other planting requirements. At least 50% of all planting shall occur between the street on which the structure(s) fronts and the front of the parking areas.
3. Landscaping shall be located in protected areas such as along walkways, in center islands, at the ends of parking bays, or between parking spaces. All landscaping shall be placed so that it does not obstruct the sight

distance for automobiles moving within the parking area or entering or exiting the parking area.

4. Plant types shall include a mixture of canopy and evergreen trees and shrubs. Evergreens should be used along the perimeter of the parking area for screening and canopy trees should be used for shade within the parking area.

## **SECTION 602: NO-IMPACT HOME-BASED BUSINESS**

**602.01. Home-based business** shall require application for a permit and be conducted entirely within either the dwelling unit or accessory structure provided that such accessory structure is clearly accessory and subordinate to the dwelling.

**A.** No more than 25% of the combined gross floor area of the dwelling and accessory structure shall be devoted to the home-based business.

**B.** No more than 2 persons other than the occupants of the dwelling shall be employed at the site.

**602.02.** Signage for the home occupation shall conform to signage permitted for the zoning district. There shall be no display or stock pile of materials.

**602.03.** Sufficient off-street parking shall be provided for the home-based business according to the nature of the business and shall be located behind the building setback line.

**602.04.** The home-based business shall not produce offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare, other objectionable effects, traffic, or signs which are not consistent with or characteristic of other dwellings in the area.

## **SECTION 603: OIL & GAS FACILITIES**

**603.01.** For the purpose of Oil & gas leasing where it is a permitted use the developer shall provide to the Township Supervisors proof that all State and Federal Regulations have been met and provide a copy of all required permits that have been obtained or renewed.

## **SECTION 604: SAW MILLS AND PLANING MILLS**

**604.01.** Saw Mills and Planing Mills are permitted as a Conditional Use provided that they are associated with a permitted woodland harvesting activity taking place on the same or adjacent parcels of land and shall be discontinued and removed within 90 days following completion of the associated woodland harvesting operation.

**604.02.** Such sawmills or planing mills shall be set back from public roads and parcel lines a minimum distance of one hundred (100) feet and shall be set back from any existing residential structures by a distance of one thousand (1000) feet.

## **SECTION 605: REUSE of RESIDENTIAL STRUCTURE**

Reuse of existing or former residential structure for health service establishments or business & professional offices may be permitted as a conditional use in the district provided:

- 605.01.** It shall be conducted entirely within the existing or former residential structure, provided the structure retains its residential appearance and character, and it shall not produce offensive noise, vibration, smoke, heat, humidity, or glare from lights shining on adjacent properties.
- 605.02.** Sufficient off-street parking shall be provided.

## **SECTION 606: C - COMMERCIAL DISTRICT REGULATIONS**

**606.01. Provisions of use** – Any permitted principal and/or accessory use shall be subject to the following use regulations;

- A.** For commercial uses located on corner lots where one street is predominantly residential and one street is predominantly commercial, any commercial structure shall front on the street which is predominantly commercial.
- B.** Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.
- C.** All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck, or other vehicle parts shall not be permitted except within a completely enclosed structure.
- D.** Any business establishment shall deal directly with the consumer only and any work done on the premises shall be for sale on the premises.
- E.** Any display of goods shall be behind the building setback line.
- F.** A storm water management plan must be submitted documenting compliance with the requirements of the Coolspring Stormwater Management Ordinance. Adequate storm drainage facilities shall be installed as required.
- G.** All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- H.** Where parking is provided on the property, it shall conform to the standards of Article 8 in this ordinance.
- I.** Access driveways and entrances shall be permitted in a number and locations in accord with applicable law. Where a state highway occupancy permit is not required, the Zoning Officer may require the permit applicant to submit engineering data and/or traffic analysis to demonstrate that the proposed plan of access driveways and entrances are of a number and in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access.

**606.02. Landscaping requirements** – Uses and/or developments shall provide landscaping in accord with the following in order to minimize nuisances and protect patrons from dirt, litter, pollution, noise, and glare of lights, and excessive heat. These requirements shall apply where a new use/development is proposed on vacant land, an existing use/development will be expanded in gross floor area by 50% or greater, or an existing use/development is removed and a new use/development is proposed.

**A.** Any part or portion of a lot developed in a Commercial District which is not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.

**B.** Off-street parking areas shall provide landscaping as follows:

1. A minimum five-foot wide landscape planting strip shall be provided where the parking area abuts a street or road, excluding alleys. The edges of said landscape planting strip may be curbed. The planting strip may be interrupted only for permitted entrances or access driveways.
2. At least 5% of the interior parking area shall be landscaped with plantings, and at least one tree for each ten (10) parking spaces shall be installed. Interior parking lot plantings are required exclusive of other planting requirements. At least 50% of all planting shall occur between the front face of the structure(s) and the street on which the structure(s) fronts.
3. Landscaping shall be located in protected areas such as along walkways, in center islands, at the ends of parking bays, or between parking spaces. All landscaping shall be placed so that it does not obstruct the sight distance for automobiles moving within the parking area or entering or exiting the parking area.
4. Plant types shall include a mixture of hardy evergreen and deciduous trees. Evergreens should be used along the perimeter of the parking area for screening and deciduous trees should be used for shade within the parking area.

**606.03. Buffer and Screening Requirements for Commercial District Uses**

Where any Commercial District permitted principal and/or accessory use abuts any land zoned Residential, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

**A.** A buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential Zoning District. Buffer strips shall not be used for parking, storage of vehicles,

equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.

- B.** The buffer strip shall contain suitable screening, defined as either of the following:
  - 1. A solid fence or wall, architecturally compatible with existing structures in the area, no less than 4 feet nor more than 6 feet in height; or
  - 2. A sight-obscuring planting of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted.
- C.** Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with grass or other appropriate ground cover vegetation.
- D.** Installation and maintenance of the buffer and screening and other landscaping as herein required shall be the responsibility of the owner of the property on which the Commercial District permitted use is located.
  - 1. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer.
  - 2. Fences or walls must be maintained in safe and structurally sound condition.
  - 3. Dead or diseased plants shall be removed and replaced in a timely manner.
  - 4. Grass shall be kept neatly mowed.

## **SECTION 607: I - INDUSTRIAL DISTRICT REGULATIONS**

**607.01. General Provisions of Use** – Any permitted principal and/or accessory use shall be subject to the following use regulations:

- A.** It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus, to nearby residences.
- B.** Access driveways and entrances shall be permitted in a number and locations in accord with applicable law. Where a state highway occupancy permit is not required, the Zoning Officer may require the permit applicant to submit engineering data and/or traffic analysis to demonstrate that the proposed plan of access driveways and entrances are of a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access.
- C.** All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over two-hundred (200) square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over twenty-five (25) feet in



width, by a solid fence or wall at least six (6) feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six (6) feet in height and surrounded, except for an exit and entrance not over twenty-five feet in width, by evergreens at least six (6) feet in height and planted not further apart than as to form a solid screen at 5 years maturity.

- D. Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets as required by the Coolspring Township Stormwater Management Ordinance, as adopted or amended.
- E. Any part or portion of a lot developed for industrial uses which is not used for buildings, other structures, active landfill areas in approved sanitary landfills, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas, shall be planted and maintained with grass or other all-season ground cover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
- F. Any off-street parking area located in a required front yard building setback shall be located at least 5 feet from the road right-of-way with the area in between the road right-of-way and parking maintained.
- G. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- H. It shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.

**607.02. Buffer and Screening Requirements** – Where any permitted principal and/or accessory use abuts any Residential Zoning District land, the following buffer and screening are required:

- A. A buffer strip at least 20 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential Zoning District. Buffer strips shall not be used for buildings, parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.
- B. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full diameter of no less than 12 feet. The minimum height at the time of planting shall be 4 feet. Plants shall be situated in two rows within the buffer strip, each row being located at least 10 feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.
- C. Dead or diseased plants shall be removed and replaced within one growing season. Grass shall be kept neatly mowed. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be

completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer.

## **SECTION 608: ESTABLISHMENTS FOR THE STORAGE AND/OR SALE OF JUNK**

**608.01.** Junk shall not be allowed to accumulate or be stacked or piled to a height of greater than eight (8) feet above ground level.

**A.** It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases.

**B.** It shall not exhaust into the air any excessive dust or smoke.

**608.02.** Buildings on the property shall be classified as fire-resistant and activities shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to adjacent properties.

**608.03.** The lot on which such facilities are located shall be enclosed on all sides, except for an entrance or exit not over 25 feet in width, by a solid wall or fence at least 6 feet in height and maintained in good condition. As an alternative, an open fence at least 8 feet in height and surrounded, except for an entrance or exit described above, by evergreens at least 6 feet in height and planted no further than 6 feet apart so as to form a solid screen may be used.

**608.04.** It shall meet all applicable requirements including but not limited to waste management and air and water quality of state and federal agencies including but not limited to the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and U.S. Environmental Protection Agency.

## **SECTION 609: LANDFILLS AND SOLID WASTE FACILITIES**

**609.01.** Sanitary landfills, solid waste transfer station, or similar facilities for processing and disposal of solid waste shall comply with the following;

**A.** The applicant shall comply with all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection (DEP) and to the Township Supervisors the applicant shall present an approved permit for the proposed facility from the Pennsylvania DEP.

**B.** The applicant shall provide the Township with a copy of the permit application submitted to the Pennsylvania DEP and all accompanying site plans, engineering data, and other information.

**C.** The applicant shall grant a right of entry to the proposed facility to Township Supervisors or their authorized representatives, upon written request by the Township, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.

**609.02.** The Township Supervisors may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, which do not violate the minimum standards of the Pennsylvania DEP and which are

reasonably necessary to provide maximum protection to the Township water supplies and to minimize adverse impacts to surrounding properties.

## **SECTION 610: LAND DEVELOPMENT PLANS**

The following uses are also subject to specific provisions and plan requirements in Mercer County Subdivision & Land Development Ordinance as amended.

**610.01. All commercial or industrial development as permitted within the Township, including non-single family residential development.**

**610.02. Recreational Vehicle Park - Minimum lot size – 2 acres.**

**610.03. Mobile Home Park – Minimum lot size – 5 acres.**

**610.04. Planned Residential Development Park - Minimum lot size – 5 acres.**

**610.05. Communications Facilities - Minimum lot size determined by zoning district.**

## **SECTION 611: ADULT ENTERTAINMENT ESTABLISHMENT REGULATIONS**

### **611.01. Purpose and legislative intent**

**A.** The location of adult entertainment establishments is of vital concern to the Board of Supervisors of Coolspring Township especially when the location is in or near areas where minors may learn, play, passes by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Also, the Supervisors acknowledge that adult entertainment establishments have adverse secondary effects including but not limited to unhealthy conditions, the spread of diseases, illegal sexual activities, sexual harassment, obscenity, crime, and neighborhood deterioration.

**B.** Board of Supervisors in enacting these regulations exercise the power which has been granted to them and do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township, but rather seek to regulate matters to promote, protect, and facilitate the public health, safety, and general welfare of all of Township residents.

**611.02. Definitions** – It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article II.

**For the purpose of this Article, adult entertainment establishments are defined as follows:**

**Adult bookstore** – Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**Adult Cabaret** – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

**Adult mini motion picture theater** – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult model studio** – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized there under to issue, a diploma.

**Adult motel** – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

**Adult motion picture arcade** – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult motion picture theater** – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult news rack** – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

**Adult theater** – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**Bath House** – An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

**Body painting studio** – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

**Massage Parlor** – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical or massage therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Out call service activity** – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**Sexual encounter center** – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy. Including:

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

**611.03. Specified anatomical areas as used herein shall mean and include any of the following:**

- A.** Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or;

- B. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**611.04. Specified sexual activities include the following:**

- A. Showing of human genitals in a state of sexual stimulation or arousal;
- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
- C. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**611.05. Minimum spacing and proximity requirements**

No adult entertainment establishment shall be located within 1,000 feet of the following:

- A. Any other adult entertainment establishment.
- B. A dwelling.
- C. Any parcel of land which contains any one or more of the following specified land uses:
  - 1. Amusement park;
  - 2. Camp (for minors' activities);
  - 3. Child care facility;
  - 4. Church;
  - 5. Community center;
  - 6. Museum;
  - 7. Park or playground;
  - 8. School and school bus stops;
  - 9. Other lands where minors congregate.
- D. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified in A. and B. above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

**611.06. Visibility from the street** – No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

**611.07. Sign requirements for adult entertainment establishments**

- A. All signs shall be flat wall signs. The gross surface area of a wall sign shall not exceed 5 percent of the area of the wall which such sign is a part of.
- B. No signs shall be placed in any window. A one and one half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

## **SECTION 612: ENERGY GENERATION SYSTEM (EGS)**

### **612.01. Exemptions**

- A.** Energy Generation Systems constructed prior to the effective date of this Ordinance are exempt from this ordinance.
- B.** Any physical modification to an existing EGS whether or not existing prior to the effective date of this Section that materially alters the size or placement of the EGS shall require compliance with the provisions of this ordinance.

### **612.02. Where Permitted**

EGS shall be permitted as an ACCESSORY USE to any permitted principal use in all zoning districts provided it shall not exceed an area of equal square footage or footprint of all structures for a permitted use on the same property and is intended primarily for on-site use or consumption of the energy generated by the system. The permitted principal use on the site may be agricultural, residential, commercial or industrial.

### **612.03. Setbacks**

An EGS shall comply with the setbacks of the underlying zoning district for principal structures along property lines and 50 feet from future or existing road centerlines. The required setbacks are measured from the centerline along roads or from property line where no road exists to the nearest part of the system. No part or extension of a below or above ground mounted system shall extend into the required setbacks.

### **612.04. Zoning Permit Requirements**

- A.** Zoning permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines and setbacks. Permits shall be kept on the premises where the EGS is located.
- B.** Routine maintenance or like kind replacements do not require a zoning permit.
- C.** The zoning permit shall be revoked if the EGS, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the EGS non-conformity with this Ordinance.

## **SECTION 613: ENERGY GENERATION FACILITIES (EGF)**

### **613.01. Exemptions**

- A.** Energy Generation Facilities constructed prior to the effective date of this section shall not be required to meet the terms and conditions of this ordinance.
- B.** Any physical modification to size, location or intended use of an existing EGF, whether or not existing prior to the effective date of this section that alters the EGF shall require approval under this Ordinance.

### **613.02. Where Permitted**

- A.** An EGF shall be permitted as a CONDITIONAL USE in the AG, R-1, and R-2 Zoning Districts.

### **613.03. Compliance with Land Development Regulations and Industry Standards**

- A.** An EGF Land Development Plan shall be submitted for review and approval according to the provisions of the Mercer County Subdivision and Land Development Ordinance. The Final approved EGF Land Development Plan shall be recorded in the office of the Recorder of Deeds of Mercer County, Pennsylvania.
- B.** The EGF site layout, design and installation shall conform to all applicable industry standards, including Solar Energy Industries Association [SEIA] standards, PA Public Utility Commission standards, state and federal regulations and shall comply with the PA Uniform Construction Code as enforced by Coolspring Township, Mercer County, Pennsylvania, including applicable emergency services and life safety requirements.

### **613.04. Number of Principal Structures and Uses on a Lot.**

The EGF structures or use may be permitted as a CONDITIONAL USE that includes multiple structures as a single principal use. Such use may be under single lease area covering a single or multiple properties, under single or multiple ownership.

### **613.05. Setbacks**

- A.** The EGF shall comply with NOT LESS THAN the setbacks of the underlying zoning district for principal structures along all roads and 50 feet for all other property lines. The required setbacks of a ground mounted system are measured from the lot line to the nearest extension of the required security fencing for the system.
- B.** Setback requirement shall not be applicable to contiguous interior property lines bisecting the EGF Development Area.

### **613.06. Underground Requirements**

Transmission lines or interconnections shall be underground to the extent feasible.

### **613.07. Display of Facility Information for Emergency Services**

The EGF shall contain information displayed (signage) on the fencing or gate to the site to provide 24-hour emergency contact information, including address, telephone number. Emergency information displayed shall include:

- A.** Manufacturer's, installer's or operator's identification;
- B.** Appropriate warning signs and placards;
- C.** Signage required by a federal or state government agency;
- D.** Warning/safety signs indicating voltage shall be placed on energy equipment to the extent appropriate.

### **613.08. Fencing and Buffer Requirements**

- A.** Fencing – An EGF shall be completely enclosed by a minimum eight (8) foot high security fence with locking gate(s).
- B.** Buffering - Any required planting shall be located outside of the required security fencing that surrounds the equipment of the EGF leased or development area. Within the minimum yard setbacks as required, a minimum 25-foot wide buffer area consisting of natural and undisturbed



vegetation shall be preserved or added around the perimeter of the EGF Fenced Area.

- C. Vegetation Preservation - Except in connection with installation and operation of the EGF, access driveways, utilities and stormwater management facilities, existing onsite vegetation shall be preserved to the maximum extent practicable.

#### **613.09. Stormwater Management Requirements**

A stormwater management plan shall be submitted to Coolspring Township along with the preliminary Land Development Plan. Prior to final plan approval by the Mercer County Planning Commission, the land owner or developer shall show compliance with the Coolspring Township Stormwater Management Ordinance. Adequate stormwater facilities shall be installed within the EGF land development as required by the applicable ordinance(s).

#### **613.10. Solar Easements**

Where an EGF land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Any such easement must be shown on the Final Plan for recording in accordance with the Mercer County Subdivision and Land Development Ordinance. If required, an EGF must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

#### **613.11. Decommissioning**

- A. The EGF owner shall, at the request of Coolspring Township, Mercer County, Pennsylvania, provide information concerning the amount of energy generated by the Energy Generation Facility in the past 12 months.
- B. The EGF owner is required to notify Coolspring Township, Mercer County, Pennsylvania immediately upon cessation or abandonment of the operation. The EGF shall be presumed to be discontinued or abandoned if no power is generated by such system for a period of twelve (12) continuous months. Upon notification or determination by the Township that the EGF operation is ceased or abandoned, the decommissioning and restoration process of the associated properties shall be initiated in accordance with this Ordinance and other Federal or State regulations.
- C. The EGF owner shall then have twelve (12) months in which to dismantle and remove the EGF including all energy related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original, without re-introduction of invasive species. If the owner fails to dismantle and/or remove the EGF and restore the land within the established time frames, Coolspring Township, Mercer County, Pennsylvania, may

complete the decommissioning and land restoration at the owner's expense to include Court costs and reasonable attorney's fees.

- D. At the time of issuance of the permit for the construction of the EGF, the owner shall engage an independent professional engineer licensed in the Commonwealth of Pennsylvania to conduct an appraisal to determine the approximate cost of decommissioning and dismantling the fully constructed EGF and removing the above-ground and below-ground (to the depth of not less than three (3) feet below-ground but in all cases at least to the depth of plow line) components of the solar energy system from the property (the "Decommissioning Costs") and to determine the cost of restoring and reclaiming the property under the assumption that the above-ground components of the EGF have been removed from the property ("Restoration Costs"). The EGF owner shall be responsible for all costs and expenses of the appraisal and the decision of such engineer shall be binding and conclusive.
- E. Prior to the commencement of construction, the EGF owner shall obtain and deliver to Coolspring Township an irrevocable letter of credit, surety of performance bond issued by a financial institution of recognized financial standing (the "Security"), that is sufficient to cover an amount equal to not less than one hundred and ten percent (110%) of the amount that the Decommissioning Costs and the Restoration Costs exceed the projected salvage value of the EGF at the end of the projected Operations Date (as determined by the engineer).
- F. Coolspring Township shall be named as the sole payee, obligee, or beneficiary under the Security. Once the Security has been issued and delivered to Coolspring Township, the Security shall not lapse until the Restoration Activities are completed. Not less than thirty (30) days prior to any expiration of the Security, evidence of the renewal of such Security shall be provided to Coolspring Township. The EGF owner shall provide evidence of such Security, and the Security shall contain an agreement by the institutional provider that the Security will not be cancelled, or the Security changed, without at least thirty (30) days prior written notice to Coolspring Township. In no event shall the Security be cancelled or changed by the EGF owner without the written consent of Coolspring Township.
- G. The amount of the Security shall be reviewed and reset immediately after completion of construction based on a new estimate by a professional engineer, licensed in the Commonwealth of Pennsylvania, and then updated every five (5) years thereafter until the site is discontinued and is fully restored to the conditions as prior to construction and use of the facility.

#### **613.12. Permit Requirements**

- A. Zoning permit applications shall be in compliance with Section 1001, Zoning Permits and Certificate of Use, of this Ordinance and shall be accompanied by drawings showing the location of the EGF on the property, including property lines.

- B.** The EGF shall comply with Mercer County Subdivision and Land Development Ordinance requirements. The installation of EGF shall be in compliance with all applicable permit requirements, codes, and regulations.
- C.** The EGF owner and/or operator shall repair, maintain and replace the EGF and related energy equipment during the term of the permit in a manner consistent with industry standards as needed to keep the EGF in good repair and operating condition.
- D.** Routine maintenance or like-kind replacements do not require a permit.

## **ARTICLE 7: SIGN REGULATIONS**

### **SECTION 700: PURPOSE**

Signs may be erected and maintained only in compliance with all applicable provisions of the Coolspring Township Signage Ordinance #90 as amended, and any regulations of the Township relating to the location, size, height, lighting, alteration or maintenance of signs as defined.

The purpose of sign regulations are:

- A.** to encourage the effective use of signs as a means of communication in the Township ;
- B.** to maintain and enhance the aesthetic environment in character with the historic values of the community, and the Township 's ability to attract sources of economic development and growth;
- C.** to improve pedestrian and traffic safety;
- D.** to minimize the possible adverse effect of signs on nearby public and private property;
- E.** to enable the fair and consistent enforcement of these sign restrictions.

## **ARTICLE 8: PARKING AND LOADING REGULATIONS**

### **SECTION 800: GENERAL PROVISIONS**

**800.01. Applicability** – Off-street parking, stacking and loading spaces shall be provided in accordance with the specifications of this section in all zoning districts whenever:

- A.** Any new use of land or structure(s) is established.
- B.** An existing use of land or structure(s) is enlarged through addition of dwelling units, gross floor area, lot area, or other means.
- C.** An existing use of land or structure is changed to a different use or a new use is added.
- D.** Such new, enlarged, or changed use shall fully comply with the specifications of this section prior to being given a certificate of use and occupancy.

**800.02. Location of off-street loading and parking spaces** – Required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve, but may not be located in the right-of-way of a public road.

- A.** The Zoning Officer may permit off-street parking spaces to be on a private lot wholly within 300 feet of the lot of said use if it is impractical to provide off-street parking on the same lot as said use. In such cases, the private lot shall be in same ownership as said use or be available in the long-term to the owner of said use via other documented means including deed restriction, lease, or other similar legal interest.

**800.03. Shared use of required parking spaces** -The Supervisors may grant a waiver to allow shared use of parking spaces where normal periods of use are staggered and will not result in conflicts.

- A. Reduction** - The total number of parking and/or stacking spaces, as required by the strict application of the provisions of this section, may be reduced when it has been conclusively demonstrated that circumstances, site design or location do not warrant the number of spaces required and that such reduction will not adversely affect pedestrian or vehicular circulation on the site or on any abutting street.

**800.04. Shared use of required loading spaces** - In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading of one use be used to satisfy the loading space requirements of another use.

**800.05. Interconnection of Off-Street Parking Areas** - To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through a rear or side yard access drive constructed parallel to the public street to which the use fronts or is located

along. Where a parking area is constructed and is adjacent to an undeveloped lot, the access drive, where feasible, shall be extended to the lot line for future connection to the adjacent parcel.

**800.06. Encroachment** - A required loading or parking space shall not be encroached upon by a structure, storage, or other use.

## **SECTION 801: OFF-STREET PARKING SPACES**

**801.01. Off-street parking** – Every use shall provide off-street parking as specified in this section. Each off-street parking space shall not be less than 9 feet wide by 18 feet long exclusive of access drives and aisles (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and safe condition.

**801.02.** Where the required number of parking spaces is not set forth for a particular use in the following sections, and where there is no similar general type of use listed, the planning commission shall recommend the basis of the number of spaces to be provided.

**801.03.** Parking areas that accompany development proposals containing parking spaces exceeding the minimum parking requirements by twenty (20) percent or more shall not be approved.

**801.04.** The minimum number of off-street parking spaces for each use is specified below:

**NOTE: Area references are to gross floor area (GFA) unless otherwise indicated**

<b>Uses</b>	<b>Parking requirement</b>
Airport, Public or Private	1 space per employee on the largest shift, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at any one time
Ambulance, Fire Service or Rescue Squad	Adequate space to accommodate all motor vehicles operated in connection with such use and 2 additional parking spaces per each such vehicle
Automotive Repair Services and Garages	1 space per 300 sq. ft. of GFA plus 1 per employee on the largest shift
Bowling Alleys & Pool Halls	4 space per lane or table plus 1 space per employee
Bus Terminals and Train Stations	1 space per 4 seats in the terminal
Business Service and Supply Service Establishment	1 space for 300 sq. ft. of GFA

<b>Uses</b>	<b>Parking requirement</b>
Campgrounds, Recreation Trailer Camp, Summer Camp	1 space per employee during peak employment shift
Car Wash	1 space per employee plus required stacking spaces for each bay (Section 803)
Day Care Center	1 space per caregiver/employee plus 1 space for each 10 clients
Church, Place of Worship	1 space per 3 seats in the principal place of worship or one space per 200 sq. ft. GFA designed for a use other than services whichever is greater. Note: The number of spaces thus required may be reduced by up to fifty (50) percent for a place of worship if located within five hundred (500) feet of another parking lot where sufficient spaces are available by permission of the owners without charge, during the time of service to make up the additional spaces required.
Community or Civic, Social Hall, Club, Lodge and/or Fraternal Facilities	1 space per four (4) fixed seats or per 60 sq. ft. of area of assembly, whichever is greater
Clinics, Medical and Dental	1 space for ea. 200 sq. ft. of GFA
College or University	Based on a review by the director of planning of each proposal (Note 4) 1 space per employee during peak employment shift + .5 space per student of driving age
Convenience Store	1 space per 200 sq. ft. GFA at no time less than ten (10)
Correction Facility	1 space per 2 employees on the maximum shift. Note 4
Country Club	1 space per 300 sq. ft. of area within closed buildings plus one space for every 3 people the outdoor facilities are designed to accommodate when used to the maximum capacity
Cultural Center, Museum or Similar Activity	1 space per 400 sq. ft. of GFA
Dormitory, Fraternity or Sorority House, or Other Residence Hall located off Campus	1 space per 2 sleeping accommodations based on the occupancy loads of the bldg. plus 1 space for each employee, manager or resident manager
Dwelling, Multiple- family	1.6 space per unit
Dwelling, Single-family	2 spaces per unit, may include garage or carport

<b>Uses</b>	<b>Parking requirement</b>
Eating Establishment, Carry out/Fast Food	1 space per 100 sq. ft. GFA plus required stacking spaces (Section 803)
Eating Establishment, Restaurant, Tavern, Night Club	1.5 space per 200 sq. ft. GFA
Farms	Exempt, unless used for event rentals
Farm Stand	1 space per 100 sq. ft. of sales and display area, 3 space minimum
Financial Institution	1 space per 250 sq. ft. GFA of gross floor area for customer service, lobby and teller area plus required stacking spaces for drive thru (Section 803)
Funeral Home	1 space per 100 sq. ft. of GFA excluding storage and work areas; 25 space minimum
Furniture or Carpet Store	1 space per 500 sq. ft. of GFA
Golf, Miniature	2 space for each hole
Golf Course	1 space per 350 sq. ft. of GFA within closed buildings plus 1 space for every 3 persons that the outdoor facilities accommodate at maximum capacity
Golf Driving Range	1 space per tee plus 1 space per 2 employees on the largest shift
Greenhouses/Nursery, Commercial	1 space per 300 sq. ft. of indoor and outdoor sales area
Health Care Facility, Nursing Home	1 space per 3 residents plus 1 space for each employee on largest shift
Heavy Equipment and Specialized Vehicle Sale, Rental and Services Establishment	1 space per 500 sq. ft. of enclosed sales, rental and office floor area plus 1 space per 2,500 sq. ft. of open sales/rental display lot area plus 1 space per service bay
Hospitals	1 space per patient bed plus 1 space for each employee on largest shift
Hotels or Motels	1 space per room or suite for rent plus 1 space per 4 seats of meeting room capacity plus 1 space per 250 sq. ft. of restaurant, lounge or entertainment facility plus 1 space for each 2 employees on the maximum shift



<b>Uses</b>	<b>Parking requirement</b>
Indoor Athletic Facility	1 space for every 50 sq. ft. of floor area devoted to aerobics, weightlifting, or similar activities plus 1 space per 500 sq. ft. of indoor tennis or racquetball court or similar recreation facilities
Indoor Recreation Facility, Commercial, Roller Rink	1 space per 250 sq. ft. GFA
Industrial uses not specified elsewhere	1 space per 1,000 sq. ft. GFA plus 1 space per 400 sq. ft. of accessory office area
Kennel	1 space per 500 sq. ft. of GFA including runs
Library	10 space per the first 1,000 sq. ft. of GFA plus 1 space for each 300 sq. ft. in excess of 1,000 sq. ft.
Medical Care Facility	1 space per 2 patient beds plus 1 space per employee on largest shift
Manufactured and Mobile Home Parks	1.5 space per MH (average) plus 1 per 5 units for guest parking
Office (unless otherwise provided for in this section)	1 space per 300 sq. ft. GFA
Open Air Market	1 space per 1,000 sq. ft. of sales area
Outdoor Recreation Facility	30 spaces per athletic field or 1 space per 1,500 sq. ft. of usable recreational space
<b>Schools:</b>	
(a) Elementary, Middle, Junior High School	(a) 1.5 spaces per classroom and administration office
(b) Senior High School	(b) 1 space per classroom and administration office plus 1 space per 5 students
Public Utility	1 space per 2 employees on largest shift plus 1 space per company vehicle normally stored on the premises
Retail Sales Establishment except Furniture or Carpet Store	1 space per 225 sq. ft. of GFA
Research and Development Establishments	1 space per 400 sq. ft. of GFA

<b>Uses</b>	<b>Parking requirement</b>
Service Stations, Fuel	2 space per service bay plus 1 space per employee, not less than 5 spaces
Self Storage, Warehousing Establishments	1 space per 350 sq. ft. of GFA of office space associated with the use plus 1 space per employee
Shopping Center	A. 250,000 sq. ft. of GFA or less -- 1 space per 225 sq. ft. of GFA B. 250,000 sq. ft. of GFA or more -- 1 space per 250 sq. ft. of GFA
Theater, Auditorium or Stadium	1 space per 3 seats
Vehicle and/or Trailer Sales Establishment, Monument Sales	1 space per 500 sq. ft. of enclosed sales/rental floor area, plus 1 space per 2,500 sq. ft. of open sales/rental display lot area, plus 1 space per employee, not less than 5 spaces
Veterinary Hospitals	1 space per 100 sq. ft. of GFA exclusive of that area to house animals
Warehousing, Storage Yard, Lumber and Bldg. Material Yard, Motor Freight Terminal or Junk Yard	1 space per 2 employees on largest shift plus 1 space per 5,000 sq. ft. of area devoted to storage (whether inside or outside)
Wholesale Trade Establishment	1 space per 4,000 sq. ft. of GFA for the wholesale operation plus 1 space per 400 sq. ft. of accessory office space

## **SECTION 802: OFF-STREET LOADING SPACES**

**802.01. Off-street loading** – Every commercial and industrial use shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use.

**A.** Each off-street loading space shall not be less than 10 feet wide by 50 feet long.

**B.** Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. If any such space is located adjacent to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved in accordance with the design standards.

## 802.02. Off-Street Loading Space Requirements

Off-street loading berths shall be provided in accordance with its size as specified below: **Note: Area references are to gross floor area (GFA).**

Use	First Berth	Second Berth
<b>Industrial:</b>		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
<b>Commercial:</b>		
Wholesale	10,000	50,000
Retail	10,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	30,000
Office Building	10,000	100,000
Hotel	10,000	100,000
<b>Residential:</b>		
Apartment	50,000	100,000
<b>Institutional:</b>		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
<b>Public Buildings:</b>		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

## SECTION 803: OFF-STREET STACKING SPACES

### 803.01. Applicability.

All drive-in uses established hereafter shall provide accessory off-street stacking spaces in accordance with the following regulations.

### 803.02. General provisions.

**A.** All required off-street stacking spaces shall be located on the same lot as the use served.

**B.** Required off-street stacking spaces may be provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces.

**C.** No stacking space shall be located in a required front yard.

**D.** All off-street stacking spaces shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension.

**E.** All off-street stacking areas, including aisles and driveways, shall be constructed and maintained with a dustless surface.

**F.** The required dimensions of each stacking space are a minimum nine (9) feet wide and eighteen (18) feet long.

**G.** All lighting fixtures used to illuminate off-street stacking areas shall be designed to minimize glare.

**H.** If there is uncertainty with respect to the amount of stacking space required by the provisions of this division as a result of an indefiniteness as to the proposed use of a building or land, the maximum requirement for the general type of use that is involved shall govern.

#### **803.03. Minimum required space.**

Off-street stacking spaces shall not impede traffic circulation on or off-site. Minimum Stacking spaces accessory to the uses hereinafter designated shall be provided as specified below:

	USES	Minimum stacking spaces
A.	Carwash, Automated Principal Use	Five (5) stacking spaces per bay
	Carwash, Accessory Use	Two (2) stacking spaces per bay
B.	Eating Establishment, Carry-out/Fast food (with drive-in window)	Eight (8) stacking spaces of which three (3) have to be prior to ordering station (including car placing the order).
C.	Financial Institution with Drive-In	Five (5) stacking spaces for first window and two (2) stacking spaces for each additional window.
D.	Any use requiring direct vehicle access which results in vehicles waiting in line not listed above;	Four (4) stacking spaces of which one has to be prior to any ordering station, shall be required.

## **SECTION 804: CONSTRUCTION STANDARDS**

To the greatest extent possible, off-street parking areas shall be designed to reduce the negative visual effect of large paved areas and shall contain landscaped planting islands and defined pedestrian walkways. This Section provides requirements for internal parking area landscaping, as well as landscaping along the perimeter of the parking area.

### **804.01. PLANTING & SCREENING OF PARKING AREAS shall provide BUFFER SCREENING AS WELL AS STORMWATER MANAGEMENT FOR PARKING AREAS.**

**804.02.** Parking areas for the storage of five (5) or more automobiles in any Zoning District shall be constructed in compliance with the following minimum standards:

**A.** Entrance and/or exit - Curb cut shall be a minimum of 18 feet for two-way traffic and 9 feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum 5-foot radius on each side. Ramps shall slope to street gutter.

**B.** Striping and Bumpers - Each parking space shall be designated by 4 inch wide painted strips, nine foot center to center by 18 feet long, angled to best advantage for each of ingress and egress. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.

**C.** Area lighting - Where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in accord with applicable codes and shall not exceed 25' of height.

**D.** In parking lots designed to accommodate 120 cars or more, clearly marked pedestrian ways from parking areas to building(s) shall be provided.

**E.** Parking areas shall be hard surface asphalt or concrete constructed in accord with acceptable engineering practice. Pavement design shall be directly related to projected traffic type and volumes (i.e., automobile, truck). Parking areas shall be so designed to provide positive drainage to natural watercourses and/or municipal storm water systems.

**F.** Screening - There shall be a planting strip of at least five feet between the front lot line and the parking lot. In addition, where parking areas abut residential property on any side, adequate screening of car lights shall be provided by a thick hedge or fence a minimum of 4 feet height, not higher than 6 feet.

## **804.03. PARKING AND STORAGE OF MAJOR RECREATIONAL EQUIPMENT AND NON-AGRICULTURAL COMMERCIAL VEHICLES**

### **A. Definitions**

1. **Major recreational equipment** – For purposes of these regulations includes travel trailers, motor homes, camper/tent trailers, pickup campers or coaches, boats and boat trailers, and the like as well as cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
2. **Commercial vehicle** – For purposes of these regulations is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport 16 or more persons including the driver; or c) is used to transport hazardous materials.

**B. Occupancy** – No major recreational equipment or commercial vehicles shall be used for living, sleeping, housekeeping, or human habitation purposes except that travel trailers, motor homes, camper/tent trailers, pickup campers or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

1. The temporary parking or occupancy period shall not exceed seven (7) days.
2. Such vehicles and/or trailers shall have adequate off-street areas to be parked behind the nearest portion of the principal building to a street.

**C. Parking or storage** – No major recreational equipment or non-agricultural commercial vehicle may be parked or stored on a lot in a residential district except in a garage or car port or behind the nearest portion of a building to a street, provided, however, that:

1. Major recreational equipment may be parked anywhere on a residential lot for not more than twenty-four hours consecutive during loading or unloading.
2. No more than one (1) non-agricultural commercial vehicle may be parked or stored on a lot.

**D. Derelicts** – No major recreation equipment or non-agricultural commercial vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the current market value of the equipment. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it was intended.

## **ARTICLE 9: NON-CONFORMING USES, STRUCTURES & LOTS**

### **SECTION 900: INTENT AND STANDARDS**

**900.01.** Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

**A. Intent** – It is the intent of this ordinance to permit these non-conformities to continue until they are removed or abandoned. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

**B. Standard** – A non-conforming use of a structure, a non-conforming use of land, or a non-conforming structure shall not be extended or enlarged after passage of this ordinance by any means including attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zoning district. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board provided any such enlargements or expansions of uses as approved by the Board shall meet any and all conditions and provisions specified for that type of use in this zoning ordinance.

**900.02. Construction in progress** – Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

### **SECTION 901: NON-CONFORMING LOTS OF RECORD**

**901.01.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

**901.02.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single 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 in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

## **SECTION 902: NON-CONFORMING USES OF LAND**

**902.01.** Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**902.02.** No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 900.2 of this ordinance.

**902.03.** No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

**902.04.** If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

## **SECTION 903: NON-CONFORMING USES OF STRUCTURES**

**903.01.** If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may not be enlarged, extended, constructed, reconstructed, or structurally altered except as specified by Section 900.2 of this ordinance.
- B.** A non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

**903.02.** If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the



district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

**903.03.** Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

**903.04.** When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

## **SECTION 904: NON-CONFORMING STRUCTURES**

**904.01.** Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** A structure may be enlarged or altered only in a way that such enlargement or alteration does not result in a new structural non-conformity or increase an existing structural non-conformity. Any other enlargement or alteration must be approved by variance granted by the Zoning Hearing Board.
- B.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

## **SECTION 905: DAMAGE OR DESTRUCTION OF NON-CONFORMITIES**

Any non-conforming building, structure, or use which is damaged or destroyed by fire or any other means beyond the control of the property owner may be reconstructed and used as before, if such reconstruction is commenced within one (1) year of the date of said damage or destruction. The reconstructed building and use may cover no greater area and contain no greater cubic content than the building and use prior to damage or destruction and must conform to lot, yard, and height requirements of the zoning district and provide required off-street loading and parking spaces for the intended use(s), unless a variance is granted by the Zoning Hearing Board.

## **SECTION 906: REPAIRS AND MAINTENANCE**

**906.01.** On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance.

**906.02.** Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **SECTION 907: SPECIAL EXCEPTION AND CONDITIONAL USE**

**907.01.** Any use for which a special exception or conditional use is authorized as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

# **ARTICLE 10: ADMINISTRATION AND ENFORCEMENT**

## **SECTION 1000: OFFICE OF ZONING OFFICER**

- 1000.01. Creation of office** – The Office of Zoning Officer is hereby created.
- 1000.02. Appointment** – The Zoning Officer shall be appointed by the Township as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Township shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Township.
- 1000.03. Official records** – An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.
- 1000.04. Compensation of the Zoning Officer** – The compensation of the Zoning Officer shall be as determined by the Supervisors.

## **SECTION 1001: DUTIES AND POWERS OF THE ZONING OFFICER**

The Zoning Officer shall interpret and enforce all provisions of the Zoning 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 Zoning Ordinance.

- 1001.01. Zoning permits and certificates of use** – The Zoning Officer shall issue zoning permits and certificates of use.
- A.** Zoning permits and certificates of use for construction and uses which are permitted as a conditional use shall be issued only upon approval of the Supervisors.
  - B.** Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.
  - C. Occupancy permits** may be issued by the Building Code Official after review of the application and approval by the Supervisors.
- 1001.02. Annual report** – The Zoning Officer shall submit monthly plus an annual summary to the Township Supervisors a report of all zoning permits and certificates of use, notices issued, and orders.
- 1001.03. Inspections** – The Zoning Officer shall have the authority to examine or cause to be examined all structures and/or land for which an active or pending application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this zoning ordinance.
- A.** Visual inspections may be legally made from any public right-of-way, sidewalk, or public place.
  - B.** The right of inspection conferred herein shall be written out on every zoning permit application and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit or certificate of use may be issued.

- C. The Zoning Officer may enter upon property of a private home or business from time to time during construction only after obtaining permission from a responsible adult upon presentation of proper identification and only during daylight hours between 8:00 a.m. and 8:00 p.m.

## **SECTION 1002: ZONING PERMIT AND CERTIFICATE OF USE**

**1002.01. When zoning permit is required** – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

- A. Commencing a use, changing the use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Township.
- B. Construction, erection, enlargement, reconstruction, demolition, or structural alteration of any building, structure, and/or sign including placement of a mobile home on a property.
- C. An application for a zoning permit must be submitted in writing to the Zoning Officer. A fine prescribed by resolution of the Township Supervisors shall be added to the cost of the zoning permit for failure to obtain a zoning permit prior to construction.

**1002.02. When a certificate of use and occupancy is required** – It shall be unlawful to use and/or occupy any building, other structure and/or land for which a zoning permit is required until a certificate of use and occupancy permit for such building, other structure and/or land has been issued by the Zoning Officer.

- A. The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance. See also section 1002.09 below.
- B. The application for issuance of a certificate of use and occupancy permit shall be made at the same time an application is filed with the Zoning Officer and may be on the same form.

**1002.03. Forms of application** – The application for a zoning permit and a certificate of use and occupancy permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1002.10.

- A. **Plot diagram** – Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the zoning permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the Zoning Officer.
- B. Additional application requirements for uses specified in Articles V & VI – An application for a specified use shall include sufficient information and drawings to demonstrate how the proposed use and the design will comply with the conditions, criteria, and standards specified in Articles V & VI. If such

use is a conditional use or special exception, further information and drawings may be required by the Supervisors or Zoning Hearing Board respectively to address compliance with any other conditions imposed.

**1002.04. Amendments to a zoning permit** – Amendments to a zoning permit or other records accompanying it may be filed at any time before completion of the work. The Zoning Officer shall approve all such amendments except for those to zoning permits which have been authorized by action of the Supervisors or Zoning Hearing Board in which case the Supervisors or Board respectively shall approve any amendments. Amendments shall be deemed part of the original application.

**1002.05. Expiration of zoning permits –**

- A. If work described in any zoning permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.
- B. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.
- C. Upon expiration of a zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The zoning permit extension shall include limitations on time not to exceed one year allowed for substantial completion of the work.
- D. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit extension.

**1002.06. ACTION ON ZONING PERMITS AND CERTIFICATES OF USE -** The Zoning Officer shall act on all applications for zoning permits and amendments thereto within 10 days after filing except where otherwise indicated.

- A. The Zoning Officer shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a zoning permit.
- B. The Zoning Officer shall also review the application to ensure that the proposed activities comply with the Coolspring Floodplain Management Ordinance (Ordinance No. 82).
- C. If the application and preliminary inspection indicate compliance with the Zoning Ordinance and the Floodplain Management Ordinance, a zoning permit may be issued.
- D. Disapproval of a zoning permit shall be in writing to the applicant.

**1002.07. Posting of zoning permit** – The zoning permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

**1002.08. Revoking a zoning permit** – The Zoning Officer may revoke an issued zoning permit in case of any false statement in the application for the permit.

**1002.09. Action upon completion** – Upon completion of the permitted work and prior to issuing a use and occupancy permit, the holder of the zoning permit shall notify the Zoning Officer of such completion. The Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved zoning permit and plans shall be recorded and presented in writing to the holder of the permit.

- A.** If the Zoning Officer is satisfied that the completed work conforms to the issued zoning permit and complies with the Zoning Ordinance, a certificate of use and occupancy shall be issued for the use indicated in the zoning permit.
- B.** The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice of completion of the permitted work.

#### **1002.10. Fees**

- A. Payment of fees** – No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the Township have been paid.
- B. Exemptions** – Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area must submit applications however they shall be exempt from payment of fees.

### **SECTION 1003: ENFORCEMENT NOTICE**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, enforcement proceedings shall be initiated by sending an enforcement notice to the owner of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel, and to other appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) with copies provided to the Township Secretary and Township Solicitor. As specified in the Planning Code, the enforcement notice shall state the nature and location of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

### **SECTION 1004: PROSECUTION OF VIOLATION**

If the enforcement notice is not complied with, the Zoning Officer shall request the Township to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

# **ARTICLE 11: ZONING HEARING BOARD**

## **SECTION 1100: CREATION, MEMBERSHIP AND ORGANIZATION**

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (MPC, Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the MPC.

## **SECTION 1101: HEARINGS**

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania MPC (Act 247 of 1968, as amended).

## **SECTION 1102: JURISDICTION AND FUNCTIONS**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania MPC (Act 247 of 1968, as amended).

**1102.01. APPLICATION** - The Board may by rule prescribe the form of application for variances and special exceptions and shall require preliminary application to the Zoning Officer.

**1102.02. SPECIAL EXCEPTION USE - Zoning Hearing Board decision upon a public hearing –**

- A.** Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Zoning Hearing Board, the Board shall determine the reasonableness and propriety in particular cases of any listed special exceptions to the Zoning District regulations of this Zoning Ordinance.
- B.** The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Zoning Ordinance.
- C.** The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:
  - 1. Other principal uses not explicitly permitted within a zoning district –**  
A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district.

2. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such additional conditions as may be necessary to protect and promote the general welfare of Coolspring Township.

#### **1102.03. VARIANCE - Zoning Hearing Board decision upon a public hearing –**

- A. The Board may hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship due to unique physical circumstances or conditions of the property not created by the applicant. A variance may enable the reasonable use of the property, provided it will not alter the essential character of the neighborhood or district.
  1. The Board may grant a variance, provided that all applicable requirements of Section 910.2 of the Pennsylvania MPC (Act 247 of 1968, as amended) pertaining to variances are met by the applicant.
  2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania MPC (Act 247 of 1968, as amended) and the Zoning Ordinance.

### **SECTION 1103: TERMINATION AND MODIFICATION OF PERMIT**

**1103.01.** Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

- A. Termination of permits – If after a permit has been authorized by the Board, if such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued there under.
- B. Modification of a permit – Any permit so issued shall not be modified except by action of the Board.

### **SECTION 1104: PARTIES APPELLANT BEFORE THE BOARD**

**1104.01.** Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

#### **1104.02. Applications and fees**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer.

Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Supervisors and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).



## **ARTICLE 12: AMENDMENT**

### **SECTION 1200: PROCEDURE FOR AMENDMENTS**

**1200.01.** The Zoning Ordinance or parts thereof may be amended by the Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

**1200.02. Initiation** – Any amendment may be initiated by:

- A. The Coolspring Planning Commission.
- B. The Township Supervisors.
- C. A notarized petition to the Township by the owner of the property involved or by a party having legal interest therein.

**1200.03. Public review and input** – If and when considering an amendment and before voting on enactment, the Township shall provide opportunity for public review and input in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). At a minimum, such shall include:

- A. A public hearing on the proposed amendment.
- B. Public notice of the proposed amendment and public hearing published in a newspaper of general circulation and posted on the affected tract of land.
- C. Referral of the proposed amendment to the Coolspring Planning Commission and Mercer County Regional Planning Commission for review and comment.

**1200.04. Application form** – An application for amendment shall be submitted in a form prescribed by the Township containing the following minimum information:

- A. Name, address, and phone number of the applicant or his agent.
- B. The applicant's legal interest in the affected property(ies).
- C. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.

**1200.05. Fee** – Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Township Supervisors.

## **ARTICLE 13: APPEALS**

### **SECTION 1300: ZONING APPEALS**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Township or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **ARTICLE 14: EFFECTIVE DATE & ADOPTION**

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by Coolspring Township, Mercer County, Pennsylvania.

## **ARTICLE 15: Adoption**


We hereby certify that the Zoning Ordinance was adopted by Coolspring Township,

Mercer County, Pennsylvania this 6th day of May, A.D., 2019.

Coolspring Township, Mercer County, Pennsylvania

\_\_\_\_\_ (SEAL)

ATTEST:

  
Jenni Ligo

SECRETARY

Robert F. Michale

CHAIR OF SUPERVISORS

Walter A. Darragh

SUPERVISOR

Carvin L. Masson

SUPERVISOR

## **ARTICLE 16: CERTIFICATION**

I do hereby certify that the foregoing is a true copy of Ordinance Number - 89, adopted by the Board of Supervisors for Coolspring Township, Mercer County, Pennsylvania on MAY 6<sup>th</sup>, A.D., 2019.

Jenni Ligo

SECRETARY

# Coolspring Township Zoning Map

