

CHAPTER 27

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PART 1

BACKGROUND PROVISIONS

§27-101. Short Title.

This Chapter shall be known and may be cited as the "Lamar Township Zoning Ordinance of 1992."

(Ord. 3/9/1993B, §100)

§27-102. Authority.

1. **Township Authority.** Section 601 of the Pennsylvania Municipalities Planning Code provides that the Supervisors of Lamar Township may implement comprehensive plans and accomplish related land use purposes by enacting a zoning ordinance.
2. **Applicability.** This Chapter requires that, within the Township of Lamar, in the County of Clinton and the Commonwealth of Pennsylvania, no land, body of water or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.

(Ord. 3/9/1993B, §101)

§27-103. Purpose.

1. **General Purposes.** This Chapter is enacted for the following purposes: to promote the health, safety, morale and general welfare of the inhabitants of the Township of Lamar by lessening congestion in the roads and streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks and other public requirements; conserving the value of buildings; protecting and preserving natural resources and agricultural land and activities and encouraging the most appropriate use of land.
2. **Community Development Objectives.** This Chapter provides a legal basis and framework for future Township development and redevelopment. Its provisions are guided by the policies and proposals contained within the Township Comprehensive Plan.

(Ord. 3/9/1993B, §102)

§27-104. Interpretation.

1. **Conflict with Other Laws.** In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morale and the general welfare of the Township and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Chapter, nor is it intended by this Chapter, to impose a greater restriction upon the use of the buildings or premises or upon the height of the building, or require a larger open space than is imposed or required by such ordinance, rules, regulations or permits or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall control.

2. **Validity.** Should any Section, subsection or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or any other part thereof. Likewise, if a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or other structure or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved and shall not affect any other persons, property or situation.

(Ord. 3/9/1993B, §103)

PART 2
ZONING DISTRICTS

§27-201. Establishments of Districts.

For the purpose of implementing the objectives of this Chapter, the Township of Lamar is hereby divided into the following zoning districts.

R-1	Rural Residential District
R-2	Moderate Density Residential District
VC	Village Center District
RRC	Rural Roadside Commercial District
GC	General Commercial District
LI	Light Industrial District
AG	Agricultural District
O/R	Open Space District
HI	Highway Interchange District

(Ord. 3/9/1993B, §200)

§27-202. Purpose of Districts.

- 1. R-1 - Rural Residential District.** This district is intended to encourage low density development in new single-family residential neighborhoods and to facilitate the orderly growth of existing developments. To maintain the community's rural character, minimum lot sizes, building setbacks and buffer requirements have been established. In order to create an appropriate residential atmosphere, compatible public and semipublic uses such as churches and recreational facilities are permitted in this district while industrial and commercial activities, with the exception of home occupations, are discouraged.
- 2. R-2 - Moderate Density Residential District.** This district applies to areas within the Township that are or will be connected to public water and sewer and where higher density residential development already exists or could be located in the future without conflicting with other land uses. Densities may vary throughout this district, but a principal concern is to reserve adequate open space.
- 3. VC - Village Center District.** The purpose of this district is to establish areas that can support basic neighborhood type residential and commercial uses, including

small retail and service and repair shops, restaurants, office and service related establishments. Such uses are intended to encourage new small business activity that is compatible with the rural residential character of the Township's small village centers.

4. **RRC - Rural Roadside Commercial District.** This district is intended to provide low intensity commercial uses that are compatible with adjoining farmland, provided that buffer yard requirements are met. This use would be encouraged along Route 64 in the western end of the Township in order to provide commercial development opportunities while providing for adequate setbacks and other standards that will not impact negatively on the productive farmland.
5. **GC - General Commercial District.** The intent of this district is to provide space for commercial operations serving both Township residents and a broader regional market and to protect the character of residential and agricultural areas from large scale commercial development. Standards within this district are intended to minimize the interference of commercial operations with other uses in the vicinity, to minimize traffic hazards caused by poor access or inadequate carrying capacity of public roads, and to provide for off-street parking and loading.
6. **LI - Light Industrial District.** This district is intended to encourage construction and continued use of areas in the Township for general or light industrial and manufacturing purposes, including industrial parks. Regulations developed for this district prohibit uses or activities which would substantially interfere with the utilization of these areas for industrial purposes. However, reasonable standards are applied to minimize unenclosed storage areas and to ensure adequate buffer strips, or screening, between this district and all other adjoining districts.
7. **AG - Agricultural District.** The purpose of this district is to preserve and protect the practice of farming, emphasize the economic importance of farming to the community and the nation and ensure the preservation of prime soils for future generations. Limited residential and agricultural-related activities are permitted in this district; uses which would substantially interfere with agricultural enterprises are discouraged.
8. **O/R - Open Space and Recreation District.** This district is intended to encourage the conservation of land in those areas where the terrain, environmentally sensitive lands and other important natural features would not be feasible for development or in the public interest. These areas are limited principally to seasonal uses, recreational, forestry related activities and similar types of activities that will not significantly change the character of this environment.
9. **HI - Highway Interchange District.** The purpose of this district is to provide an area for commercial development keyed to the major interstate road network, represented by intersecting I-80 and Route 220. Reasonable limitations are needed, however, in terms of height, scale density and open space to assure compatibility with surrounding farm land and woodland areas. The intent would also be to ensure

an attractive entrance to the Township at this highway interchange to encourage travel related businesses to locate nearby.

(Ord. 3/9/1993B, §201)

§27-203. Zoning Map.

1. The boundaries of each of the districts are hereby established as shown on the official zoning map, which is made a part of this Chapter together with all future notations, references and amendments. (A copy of the Zoning Map can be found on the last page of this Chapter.)
2. The official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, be properly attested to by the Township Secretary, and shall bear the Township seal.
3. No change of any nature shall be made to the official Zoning Map, except in conformance with the procedures set forth in Part 14. The final authority as to the current status of zoning districts in the Township shall be the official Zoning Map. Any changes made to the zoning districts shall be made on the official Zoning Map promptly after the amendment has been approved by the Board of Supervisors and the Township Secretary.

(Ord. 3/9/1993B, §202)

§27-204. Interpretation of Boundaries.

1. **Designation of District Boundaries.** The district boundary lines, except for the floodplain districts, are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, or municipal boundary lines, all as shown on the official Zoning Map by a specific dimension expressing its distance in feet from a road centerline or other boundary line as indicated.
2. **Determination of Location of Boundaries.** In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. Provided, however, no boundary shall be changed by the Zoning Hearing Board.
3. **Extension of District Boundaries.** Where a district boundary line divides a lot which was in single ownership at the time of passage of this Chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Ord. 3/9/1993B, §203)

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§27-205. Floodplain District Boundary Changes.

The delineation of any boundary of the floodplain districts may be revised only by the Federal Emergency Management Agency (FEMA). No change in any floodplain boundary shall be made unless the Township has sought and obtained approval for said change as per Federal insurance regulations.

(Ord. 3/9/1993B, §204)

PART 3

DISTRICT REGULATIONS

§27-301. Application of District Regulations.

The regulations set forth in this Part for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - (1) To exceed the height or bulk.
 - (2) To accommodate or house a greater number of families.
 - (3) To occupy a greater percentage of lot area.
 - (4) To have narrower or smaller rear yards, front yards, side yards or other open space, than herein required or in any other manner be contrary to this Chapter.

(Ord. 3/9/1993B, §300)

§27-302. Use Regulations And Dimensional Requirements.

The specific use regulations and dimensional requirements pertaining to each district are contained on the district regulation charts that follow.

ZONING

RURAL RESIDENTIAL (R-1) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet			
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.		
(See Part 5 for applicable supplemental regulations for a specific use)																		
PERMITTED																		
Single-family detached dwelling	18,000 s.f.	1 acre	2 d.u./acre	1 d.u./acre	100	100	30	60	30	20	10	30	10	-	35	20		
Single-family detached dwelling [Ord.11/8/1999]	20,000 s.f. ¹	20,000 s.f. ²	1 d.u./20,000 s.f. ¹	1 d.u./20,000 s.f. ²														
Two-unit attached dwelling	30,000 s.f.	1 acre	3 d.u./acre	1 d.u./acre														
Agricultural uses including farm buildings and dwellings	5 acres	5 acres	-	-	-	100	10	15	100	100	50	100	50	100	45	45		
Group home	2 acres	2 acres	-	-	150	100	15	15	50	50	25	50	25	30	45	20		
Municipal building or use, library or museum	1 acre	1 acre	-	-	150	100	20	30	50	50	30	50	30	25	35	20		
Planned Residential Development	See Part 6																	
SPECIAL EXCEPTION																		
Club Day care center	1 acre	1 acre	-	-	150	100	20	40	100	50	25	50	25	50	35	20		
Echo housing Family day care	30,000 s.f.	1 acre	1 d.u. per 30,000 s.f.	1 d.u./acre	100	100	30	60	30	20	10	30	10	-	35			
Cemetery	5 acres	5 acres	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
CONDITIONAL (see Part 11)																		
Public and private recreational facility	5 acres	5 acres	-	-	150	100	15	20	50	50	25	50	25	30	20	35	20	
Retirement village	10 acres	10 acres	4 d.u./acres	2 d.u./acre	-	-		25				100	50	50				
Fire and police station	2 acres	2 acres	-	-	150	200		25				50	20	50	25			30
Multi-family dwelling			3 d.u./acre	-				25						30	30			20

¹ With onsite water.

² With offsite water.

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet	
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.
										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.			
(See Part 5 for applicable supplemental regulations for a specific use)																
Horse stable Commercial kennel	2 acres	2 acres	-	-	150	200	15	25	50	50	25	50	25	30	20	20
Place of worship								30							45	
School, public or private								See §27-505(f)								
ACCESSORY																
Private garage and carport Home occupation Private swimming pool and pond Signs Other uses and structures customarily incidental to the principal use																

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
- Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.
 - Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.
 - Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
 - Mechanical equipment not customarily incidental and accessory to dwelling units.
 - Animal enclosures, excluding those incidental and accessory to dwelling units.
 - Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

- Abbreviations:
- acc. = accessory
 - s.f. = square feet
 - bldg. = building
 - d.u. = dwelling units
 - prin. = principal

MODERATE DENSITY RESIDENTIAL (R-2) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet			
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.		
										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.					
PERMITTED																		
Single unit detached dwelling	12,000 s.f.	1 acre	3 d.u./acre	1 d.u./acre	60	60	30	50	30	15	10	30	10	20	35	15		
Two unit attached dwelling	20,000 s.f.		4 d.u./acre	2 d.u./acre	100	100				20	15	50	20					
Multi-family dwelling	36,000 s.f.		5 d.u./acre	-	150	150				50	15	50	20					
Group home	1 acre	1 acre			150	100			50							20		
Agricultural uses including farm buildings	5 acres	5 acres		2 d.u./farm	-	300	5	10	100	100	50	100	50	50	45			
Planned Residential Development	See Part 6																	
SPECIAL EXCEPTIONS																		
Cemetery	5 acres	5 acres					-	-	-	-	-	-	-	-	-	-		
Club Day car center Family day care center Private school Library and museum	1 acre	1 acre	-	-	150	150	30	50	50	20	20	50	10	20	35	20		
Horse stable, individual	2 acres	2 acres			200		10	15		40	40		40	30				
CONDITIONAL (see Part 11)																		
Mobile home park	See Part 6 of Chapter 22																	
Retirement village	10 acres	10 acres	6 d.u./acre	6 d.u./acre	-	-	30	50	50	50	20	50	10	20	35	20		
Fire or police station	2 acres	2 acres	-	-	200	150	15	25			50		20	50	20		50	35
Public and private recreational facility	5 acres	5 acres	-	-	-	200	5	10			25		50	20	50		35	
Place of worship	2 acres	2 acres	-	-	150	100	20	50			25		25	20	45			
School, public or private	2 acres	2 acres	See §27-505(5)															
ACCESSORY																		
Private garage and carport Home occupation Private swimming pool and pond Signs Other uses and structures customarily incidental to the principal use																		

* Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
 Display and/or storage of products, raw materials and waste materials.

Parking and storage of business vehicles and equipment.

Refuse storage, excluding that for single-family and two-family dwellings.

Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.

Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.

Mechanical equipment not customarily incidental and accessory to dwelling units.

Animal enclosures, excluding those incidental and accessory to dwelling units.

Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations: acc. = accessory
 s.f. = square feet
 bldg. = building
 d.u. = dwelling units
 prin. = principal

VILLAGE CENTER (VC) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet		
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.	
										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.				
PERMITTED																	
Residential uses, single-family and two family, attached townhouses Group home	7,500 s.f.	1 acre	4 d.u./acre	1 d.u./acre	60	60	30	60	**	10	10	25	10	5	35	15	
Municipal building or use, library or museum	1 acre				150	100	20	30	**	50	30	50	30	25			
Medical office Bed and breakfast Repair shop Retail store Personal service establishments Business or professional office	15,000 s.f.		-	-	100	60	30	60	**	15	15	50	10	10			
Planned Residential Development	See Part 6																
SPECIAL EXCEPTION																	
Cemetery	5 acres	5 acres	-	-	100	60	-	-	**	-	-	-	-	-	-	-	
Family day care	15,000 s.f.	1 acre	-	-	100	60	30	60	**	15	15	50	10	10	35	15	
CONDITIONAL (see Part 11)																	
Specialty cultural shopping center	2 acres	5 acres	-	-	200	150	30	70	**	15	15	50	10	10	35	15	
Eating place Village shop Financial establishment	15,000 s.f.	1 acre			100	60											60
Place of worship	1 acre				150	100											60
School, public or private	2 acres	See §27-505(5)															
ACCESSORY																	
Garage, carport Home occupation Private swimming pool or pond Signs Other uses and structures customarily incidental to the principal use																	

* Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:

Display and/or storage of products, raw materials and waste materials.

Parking and storage of business vehicles and equipment.

Refuse storage, excluding that for single-family and two-family dwellings.

Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.

Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.

Mechanical equipment not customarily incidental and accessory to dwelling units.

Animal enclosures, excluding those incidental and accessory to dwelling units.

Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations:

acc.	=	accessory
s.f.	=	square feet
bldg.	=	building
d.u.	=	dwelling units
prin.	=	principal

** In order to maintain the existing character and visual quality of the historic villages of Salona and Mackeyville, the required front yard setback provisions for a proposed building shall be decreased in depth to the average alignment of existing buildings within 100 feet on each side of the proposed buildings providing such calculation is limited to the same side of the street. In determining the average, the building may be located within five feet of average, provided the resulting setback is at least six feet off the road or street right-of-way.

ZONING

RURAL ROADSIDE COMMERCIAL (RRC) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet	
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.
										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.			
PERMITTED																
Medical and dental office, professional office Financial establishment	1 acre				100	150	20									
Residential uses, single-family and two-family, attached townhouses Horse stable, individual Municipal building or use, library or museum Veterinary office, animal hospital Service business Repair shop Village shop Antique shops and motor vehicle sales facilities having no more than 10 spaces for display of motor vehicles [Ord. 10-14-02]	20,000 s.f.	1 acre	-	-	90	90	25	50	40	15	10	40	10	10	35	20
Bed and breakfast					100											
Place of worship	1 acre	1 acre			150	100			50	50	25	50	25	20		
SPECIAL EXCEPTION																
Nurseries, greenhouses, garden centers Roadside farm market	20,000 s.f.	1 acre	-	-	100	150	20	50	40	15	5	40	5	15	35	20
Cemetery	5 acres	5 acres			-	-	-	-	-	-	-	-	-	-	-	-
CONDITIONAL (see Part 11)																
Speciality cultural shopping center Shopping center	5 acres	5 acres	-	-	100	150	20	50	50	50	50	40	10	15	20	20
Eating place	1 acre	1 acre	-	-					40	15	10					
Mini-warehouses [Ord. 07-27-2009]																
ACCESSORY																
Other uses and structures customarily incidental to the principal use																

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
 - Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.
 - Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.
 - Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
 - Mechanical equipment not customarily incidental and accessory to dwelling units.
 - Animal enclosures, excluding those incidental and accessory to dwelling units.
 - Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations:

acc.	=	accessory
s.f.	=	square feet
bldg.	=	building
d.u.	=	dwelling units
prin.	=	principal

ZONING

GENERAL COMMERCIAL (GC) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		**Combined Maximum Building and Impervious Coverage	Setbacks in Feet				Maximum Height in Feet		
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)		Front Yard All Bldg.	Side Yard	Rear Yard	Use* (feet)	Prin. Bldg.	Acc. Bldg.	
PERMITTED														
Financial establishment Retail store Repair shop Medical, dental and professional office	20,000 s.f.	1 acre	-	-	100	100	50%	50	40' side yards total; 15' min. per side	25	25	35	20	
Personal service establishment	15,000 s.f.				20						20			
Gas station	1 acre				30									
Mini-warehouse	1 acre				20									
Vehicle sales and service Automobile repair/body shop	1 acre													
Farm implement sales and service	2 acres	2 acres			200	150			30	30	35	25		
SPECIAL EXCEPTION														
Decorative panel fabrication	2 acres	2 acres	-	-	200	150	-	50	see above	30	30	35	25	
CONDITIONAL (see Part 11)														
Eating place	20,000 s.f.	1 acre	-	-	100	100	50%	50	40' side yards total; 15' min. per side	20	25	20		
Adult bookstore Car wash	15,000 s.f.													
ACCESSORY														
Unenclosed storage Off-street parking and loading Signs Accessory uses customarily incidental to a permitted use Other uses and structures customarily incidental to the principal use														

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
 - Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.

Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.

Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.

Mechanical equipment not customarily incidental and accessory to dwelling units.

Animal enclosures, excluding those incidental and accessory to dwelling units.

Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations: acc. = accessory
 s.f. = square feet
 bldg. = building
 d.u. = dwelling units
 prin. = principal

***Approval of impervious coverage in excess of 50% shall require review by the Township Engineer at the proposer's expense.

LIGHT INDUSTRIAL (LI) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet					Maximum Height in Feet	
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard			Use* (feet)
(See Part 5 for applicable supplemental regulations for a specific use)										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.		
PERMITTED															
Any enclosed light manufacturing operation Wholesale trade Repair shop Automotive repair, major and minor Heavy equipment sales and service Agribusiness Research and development Packing and assembly	1 acre	1 acre	-	-	150	100	30	50	75	30	30	30	20	25	45
CONDITIONAL (see Part 11)															
Planing mill	1 acre	1 acre	-	-	-	-	-	-	200	200	200	200	200	60	25
Truck terminal	2 acres	2 acres	-	-	300	200	30	50	75	20	30	50	30		35
Junkyard	See §504(4)														
Quarries, other extractive uses	See §504(5)														
ACCESSORY															
Unenclosed storage Off-street parking and loading Signs Accessory uses customarily incidental to a permitted use Other uses and structures customarily incidental to the principal use															

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
- Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.
 - Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.
 - Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
 - Mechanical equipment not customarily incidental and accessory to dwelling units.
 - Animal enclosures, excluding those incidental and accessory to dwelling units.

Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations:

acc.	=	accessory
s.f.	=	square feet
bldg.	=	building
d.u.	=	dwelling units
prin.	=	principal

ZONING

AGRICULTURE (AG) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet	
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.
PERMITTED																
Single-family detached dwelling**	1 acre	1 acre	See §506(5)		100	100	10	15	50	20	10	50	10	25	35	20
Agriculture, including farm business, farm occupation	See §502(3)								75 [Ord. 03-01-2010A]	100	50		50	50	25	45
Group home	1 acre	1 acre	-	-	100	100	10	15	50	20	10	50	10	50	35	20
Public conservation areas for open space, water, soil, forest and wildlife	5 acres	5 acres			-	400			100	100	100		100		100	
Bed and breakfast Vacation farm	1 acre	1 acre			-	200	20	25	50	20	20	40	20	50	35	
Veterinary office, animal hospital	2 acres	2 acres			150	100	10	20	75	75	50	75	50	35		
Planned Residential Development	See Part 6															
SPECIAL EXCEPTION																
Riding academy and stables Golf course, or other recreational facility Bird sanctuary, wilderness park, other natural areas	10 acres	10 acres	-	-	-	200	2	8	150	100	100	150	50	150	35	20
Family day care Echo housing	1 acre	1 acre			100	100	10	15	50	20	10	50	10	-		
Municipal buildings or use Nursery	3 acres	3 acres			150		100	10	15	100	75	50	75	50		
Cemetery	5 acres	5 acres	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CONDITIONAL (see Part 11)																
Multi-family dwelling	5 acres	5 acres	3 d.u./acre	-	150	100	20	30	40	30	20	40	20	40	35	20
Private recreation areas, game and wildlife hunting cottage development and private or public camp, recreational camping park [Ord. 8-13-2007A]	20 acres	20 acres	1 d.u./acre	1 d.u./acre	-	200	5	10	100	150	50	150	50	50		
Commercial kennel	2 acres	2 acres	-	-	50	150	10	15	75	75		75	50	20		

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet	
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.
										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.			
(See Part 5 for applicable supplemental regulations for a specific use)																
Bookkeeping					-	-			100	100	100	100	100		25	
Planing mill									200	200	200	200	200			
Place of Worship School, public or private	3 acres	3 acres	-	-	150	100			100	75	50	75	50	40	45	
Cottage industries [Ord. 8-13-2007A]																
ACCESSORY																
Uses and structures customarily incidental to the principal use Home occupation Unenclosed storage Off-street parking and loading Signs Accessory uses customarily incidental to a permitted use																

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
 - Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.
 - Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.
 - Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
 - Mechanical equipment not customarily incidental and accessory to dwelling units.
 - Animal enclosures, excluding those incidental and accessory to dwelling units.
 - Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations:

- acc. = accessory
- s.f. = square feet
- bldg. = building
- d.u. = dwelling units
- prin. = principal

ZONING

OPEN SPACE/RECREATION (O/R) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Setbacks in Feet						Maximum Height in Feet	
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)			Front Yard All Bldg.	Side Yard		Rear Yard		Use* (feet)	Prin. Bldg.	Acc. Bldg.
										Prin. Bldg.	Acc. Bldg.	Prin. Bldg.	Acc. Bldg.			
PERMITTED																
Public or private recreation use Preservation and conservation areas, including game lands, wildlife preserves and lakes Forestry areas Seasonal dwelling State game and forest lands Single-family detached dwelling	2 acres	2 acres	-	-	-	60	-	2	100	50	100	50	100	100	35	20
SPECIAL EXCEPTION																
Recreation and vacation lodge	10 acres	10 acres	-	-	-	100	-	2	200	200	50	200	50	200	35	20
CONDITIONAL (see Part 11)																
Clubhouse	See §27-505(1)															
Recreational facility	See §27-505(4)															
Cottage development and private camp Recreational camping park	See §27-503(4) See §27-503(13)															
Communication transmitting and receiving towers	2 acres	2 acres	-	-	-	-	-	-	200	200	200	200	200	200	35	20
ACCESSORY																
Uses and structures customarily incidental to the principal use																

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
 - Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.
 - Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.
 - Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
 - Mechanical equipment not customarily incidental and accessory to dwelling units.

Animal enclosures, excluding those incidental and accessory to dwelling units.

Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations:

acc.	=	accessory
s.f.	=	square feet
bldg.	=	building
d.u.	=	dwelling units
prin.	=	principal

ZONING

HIGHWAY INTERCHANGE (HI) ZONING DISTRICT

Use	Minimum Lot Size		Maximum Density		Minimum Lot Width at		Combined Maximum Building Coverage and Impervious Coverage	Setbacks in Feet					Maximum Height in Feet
	With Public Sewer	Without Public Sewer	With Public Sewer	Without Public Sewer	Building Line (feet)	Street Line (feet)		Front Yard All Bldg.	Side Yard	Rear Yard	Use* (feet)	Along public highways and zoning district lines	
PERMITTED***													
Medical clinic, office	1 acre	1 acre	-	-	200	200	50%**	50 [Ord. 08-01-2011]	minimum 30' per side [Ord. 08-01-2011]	30 [Ord. 08-01-2011]	50	-	40
Vehicle sales and service Warehouse and distribution use Mobile and modular home sales Motel, hotel Nursery and greenhouse Shopping center Speciality cultural shopping center Agriculture	5 acres	5 acres											
Gas station Eating place Financial establishment Flea markets Semi-public recreation	2 acres	2 acres											
Light manufacturing, printing, publishing, lithographing, binding and similar processes, research and development and business parks	5 acres	5 acres											
Professional, administrative and business offices and computer center	2 acres	2 acres											150
CONDITIONAL													
Car wash	1 acre	1 acre	-	-	150	100	50%**	50	see above	50	50		20
ACCESSORY													
Uses and structures customarily incidental to the principal use Unenclosed storage**** Off-street parking and loading Signs Accessory uses customarily incidental to a permitted use											30 [Ord. 08-01-2011]		

- * Applies to space occupied or actively used by the principal use(s), outside of buildings, for the following:
 - Display and/or storage of products, raw materials and waste materials.
 - Parking and storage of business vehicles and equipment.
 - Refuse storage, excluding that for single-family and two-family dwellings.
 - Off street parking, loading and unloading area, including aisles but excluding that for single-family and two-family dwellings.
 - Fuel or other above ground storage tanks excluding heating fuel tanks for buildings.
 - Mechanical equipment not customarily incidental and accessory to dwelling units.
 - Animal enclosures, excluding those incidental and accessory to dwelling units.
 - Organized recreational area and facilities, excluding those of single-family and two-family dwellings.

This setback excludes necessary driveways to a public street and walkways, and excluding agricultural use of land cultivation, livestock pastures and orchards.

Abbreviations:

acc.	=	accessory
s.f.	=	square feet
bldg.	=	building
d.u.	=	dwelling units
prin.	=	principal

** Approval of impervious coverage in excess of 50% shall require review by the Township Engineer at the proposer’s expense.

*** This zoning district does not change or negate any previous rulings of the Zoning Hearing Board.

**** Require the erection of a semi-opaque, chain link fence or wall, not less than six feet nor more than eight feet in height, to enclose any and all outdoor storage and inventory areas for aesthetic and security purposes in conjunction with the amendments of the setbacks as set forth herein. [Ord. 08-01-2011]

(Ord. 3/9/1993B, §301; as amended by Ord. 11/8/1999, §1; by Ord. 7-15-02, §1; by Ord. 10-14-02, §1; by Ord. 8-13-2007A, 8/13/2007, §§I, III; by Ord. 07-27-2009, 7/27/2009, §I; by Ord. 03-01-2010A, 3/1/2010, §I; and by Ord. 08-01-2011, 8/1/2011, §§I–V)

ZONING

§27-303. Essential Services as Permitted Uses.

Essential services shall be a use permitted by right in all zoning districts of the Township of Lamar.

(Ord. 3/9/1993B; as added by Ord. 05-06-2013, 5/6/2013, Art. II)

PART 4

GENERAL REGULATIONS AND APPLICABILITY

§27-401. Intent.

This Part lists specific controls over general aspects of land utilization which are not included elsewhere in Chapter. The following regulations shall apply to all zoning districts and uses as applicable.

(Ord. 3/9/1993B, §400)

§27-402. Public Utility Corporation Exemption.

The provisions of this Chapter shall not apply to any existing or proposed building or extension thereof used by any public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

(Ord. 3/9/1993B, §401)

§27-403. Environmental Performance Standards.

1. Upon request of the Township the owner shall furnish or obtain proof at his own expense that he is in compliance with the regulations of the Pennsylvania Department of Environmental Protection for fugitive emissions, particulate matter emissions, sulfur compound emissions, standards for sources, sources of volatile organic compounds, emission of hazardous air pollutants, and ambient air quality sources. *[Ord. 12/10/2001]*
2. Storage of waste materials on the lot shall be in conformity with DEP regulations, but in no case shall the period be greater than 30 days. All waste materials awaiting transport shall be kept in enclosed containers and be screened from view from all adjacent properties, in accordance with §27-806. *[Ord. 12/10/2001]*
3. All lighting shall be so designed and located that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers at or beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties.
4. Any operation producing heat shall be operated in such a manner as to prevent any effect from the heat beyond the property lines of the lot on which the operation is located.

ZONING

5. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission (FCC).
6. No use shall endanger the ground water table elevation and water quality nor adversely affect ground water supplies of nearby properties.
7. In sinkhole-prone areas, hydrogeological data shall be submitted to the Township as specified in §22-414 of the Township Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 3/9/1993B, §402; as amended by Ord. 12/10/2001)

§27-404. Pipeline Setback.

There shall be a minimum setback distance of 20 feet measured from a pipeline right-of-way line, between any proposed building and any petroleum, petroleum products or natural gas transmission line.

(Ord. 3/9/1993B, §403)

§27-405. Building Height Exceptions.

No building or structure shall exceed the maximum height of buildings specified in this Chapter, except that regulations shall not apply to agricultural structures, silos, water towers, church spires, belfries, antennas, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, those structures should not significantly impair solar access of buildings or solar collector locations.

(Ord. 3/9/1993B, §404)

§27-406. Building Setback Exceptions.

The required building setback provisions for a proposed building may be decreased in depth to the average alignment of adjacent buildings. Setback reduction may occur when alignment of existing buildings is less than the front yard requirement for the applicable district, but in no case shall the reduction encroach on the street line. The granting of an exception shall be the authority of the Zoning Hearing Board.

(Ord. 3/9/1993B, §405)

§27-407. Required Yard Exceptions.

No structure or part of a structure shall be erected within or shall project into any required yards except:

- A. Overhanging eaves, gutters, cornices or solar energy collector not exceeding 2 feet in width.
- B. Arbors, trellises, garden sheds, unroofed steps, unroofed terraces, awnings, movable canopies, walls and other similar uninhabitable structures shall be permitted, provided they are not more than 8 feet in height. [*Ord. 8/8/2005*]
- C. Unenclosed fire escapes which extend no more than 6 feet into any required yard area.
- D. In no event shall any of the above be located closer than 4 feet from the property line.

(*Ord. 3/9/1993B*, §406; as amended by *Ord. 8/8/2005*, §1)

§27-408. Off-Street Parking.

1. Applicability.

- A. Off-street parking facilities shall be provided whenever:
 - (1) A building is constructed or a new use is established.
 - (2) The use of an existing building is changed to a use requiring more parking facilities as determined by this Section.
 - (3) An existing building is altered so as to increase the amount of parking space required as determined by this Section.
- B. Off-street parking facilities existing at the effective date of this Chapter shall not be reduced to an amount less than that required under this Chapter for a similar new building or use.
- C. The following regulations shall apply to all uses except single-family and two-family dwellings unless otherwise specified.

2. Use.

- A. Required off-street parking facilities shall remain accessory to uses listed herein, and shall be solely for the parking and passenger automobiles of patrons, occupants and/or employees.

ZONING

- B. No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.

3. **Location.**

- A. All parking spaces shall be on the same lot as the principal building except as herein described. Parking spaces may be located within a structure or in the open.
- B. The parking spaces may be located elsewhere than on the same lot when authorized by the Zoning Hearing Board subject to the following conditions:
 - (1) The owners of two or more establishments shall submit with their application a site plan and agreement showing joint use, agreement, maintenance responsibility and location of a common off-street parking area.
 - (2) Some portion of the common off-street parking area shall lie within 300 feet of an entrance, regularly used by patrons.
- C. No parking or paved area, except for permitted accessways, shall directly abut a street.
- D. For all residential dwellings, the parking spaces shall be within 100 feet of the dwelling unit they serve.

4. **Size.**

- A. Parking spaces shall have a minimum height clearance of 8 feet.
- B. The required parking area shall be measured exclusive of interior drives, access aisles or maneuvering areas.
- C. In the layout of parking lots, the minimum required stall depth, stall width and aisle width shall be as follows:

Parking Angle	Space Width	Space Length	Aisle Width		Width at Curb
			One-Way	Two-Way	
90	9' 0"	18' 0"	24' 0"	24' 0"	9' 0"
60	9' 0"	21' 0"	18' 0"	20' 0"	10' 5"
45	9' 0"	19' 10"	15' 0"	20' 0"	12' 9"
30	9' 0"	16' 10"	12' 0"	20' 0"	18' 0"

Parking Angle	Space Width	Space Length	Aisle Width		Width at Curb
			One-Way	Two-Way	
Parallel Parking	8'0"	24'0"	12'0"	24'0"	N/A

- D. Up to 1/3 of the total number of parking spaces may be designed for compact motor vehicles, which shall be identified by directional signs. The minimum dimensions for parking spaces and aisles for compact cars shall be as follows:

Parking Angle	Space Width	Space Length	Aisle Width		Width at Curb
			One-Way	Two-Way	
90	8'0"	16'0"	24'0"	24'0"	9'6"
60	8'0"	16'8"	18'0"	20'0"	8'8"
45	8'0"	16'6"	15'0"	20'0"	10'7"
30	8'0"	14'0"	12'0"	20'0"	15'0"
Parallel Parking	6'6"	21'0"	12'0"	24'0"	N/A

5. **Design of Parking Lots.**

- A. Parking lots shall be landscaped in accordance with §27-806.
- B. Parking lots shall be illuminated at night in accordance with §27-411.
- C. Parking spaces shall have an approved all-weather surface.
- D. Parking areas shall have a minimum slope of 1% in any direction to provide for drainage and a maximum slope of 5% in any direction for safety.

6. **Handicapped Parking.** The following shall apply to commercial, industrial, office, institutional and educational uses:

- A. If the total number of required parking spaces exceeds 20, a minimum of 2% of the total number of parking spaces, but not less than two parking spaces, shall be designed for physically handicapped persons.
- B. Each space or group of spaces shall be identified with a clearly visible marking displaying the international symbol of access.

ZONING

- C. Each space shall be 12 feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.

(Ord. 3/9/1993B, §407)

§27-409. Specific Parking Requirements.

Parking requirements for specific uses appear in Part 5, "Supplementary Use Regulations." Parking requirements for uses not described in Part 5 shall conform to the following general guideline: one parking space for every 300 square feet of customer/patron access area, plus one space for each full-time employee. In all cases, adequate parking shall be provided so as not to compromise public safety.

(Ord. 3/9/1993B, §408)

§27-410. Loading And Unloading.

In connection with any use, building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths for the intended use, in accordance with the following minimum requirements.

- A. **Location.** Loading and unloading areas shall not be located between the building setback line and street line, and loading facilities shall be screened in accordance with §27-806.
- B. **Space Allowed.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
- C. **Access.** Loading and unloading operations, including arrival and departure, shall not interfere with traffic and pedestrian circulation on public streets or within required off-street parking areas.
- D. **Size.** Loading and unloading spaces shall be at least 12 feet wide with 14 feet of vertical clearance and shall have an adequate maneuvering area.
- E. **Surfacing.** Loading and unloading spaces shall have paved all weather, dustless load-bearing surfaces consistent with the intended use.

(Ord. 3/9/1993B, §409)

§27-411. Lighting.

1. **Applicability.** Lighting facilities shall be required for loading, ingress and egress and parking areas for multi-family residential, commercial, institutional, industrial and office uses, and for other uses when required by Chapter. All proposed public road intersections shall have street lights. Lighting design shall be subject to approval by the Township.
2. **Design.**
 - A. Lighting facilities shall provide a minimum illumination level of ½ foot-candles.
 - B. Light standards shall be located in islands, on buildings or walls or beyond the perimeter of the paved area at the minimum distance of 3 feet.
 - C. All lighting units shall be so designed to prevent direct glare onto adjacent dwelling units. Shielding shall be designed to eliminate direct light and glare beyond an angle of 35° from the vertical plane of the lighting standard.
3. **Installation of Underground Utilities.**
 - A. Where street lighting is required by Chapter, the applicant shall install the facilities serviced by underground conduit, and in accordance with a utility plan approved by the Township. The applicant shall be responsible for all costs involved in the lighting of streets and street intersections from the date of installation of the fixtures until the date the street is accepted for dedication by the Township.
 - B. In single-family developments involving new streets, appropriate conduit and wiring shall be installed underground even though standards and lighting fixtures might not be installed immediately.
 - C. Underground utilities shall not be required except as required by §22-410 of the Township Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 3/9/1993B, §410)

§27-412. Stripping of Topsoil and Excavation Operations.

Such activities shall be permitted only if conducted in accordance with regulations set forth by the Pennsylvania Department of Environmental Protection and/or any other governmental body, and under the following conditions: [Ord. 12/10/2001]

- A. Provision shall be made by the applicant for erosion and sediment controls, as provided in §22-409 of the Township Subdivision and Land Development Ordinance [Chapter 22].

ZONING

- B. In no case shall stripping and excavation operations be located closer than 50 feet from any property. line, with the exception of stripping and excavation activities directly associated with a construction site.
- C. No stripping or excavation operations shall be located closer than 100 feet from a stream, river or other waterway.
- D. Stripping and excavating operations shall comply with the Lamar Township Floodplain Ordinance [Chapter 8].

(Ord. 3/9/1993B, §411; as amended by Ord. 12/10/2001)

§27-413. Temporary Structure or Use.

A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction of a permanent building, or for special circumstances of a nonrecurring nature subject to the following additional provisions:

- A. **Duration.** The life of such permit shall not exceed 6 months and may be renewed for an aggregate period of not more than 18 months.
- B. **Removal.** Such temporary structure or use shall be removed completely upon expiration of the permit without cost to the Township.

(Ord. 3/9/1993B, §412)

§27-414. Obstructions.

1. On a corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree shrub or other vegetation shall be planted or maintained which may cause visual obstruction to motorists on any public road within the Township.
2. Clear sight triangles shall be provided at all street intersections. Within such triangles, no object shall be permitted which obscures vision above the height of 30 inches and below 10 feet, measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of 50 feet from the point of intersection of the center lines of the intersection of local and collector streets. Triangles shall be established from a distance of 150 feet for all intersections with arterial streets.

(Ord. 3/9/1993B, §413)

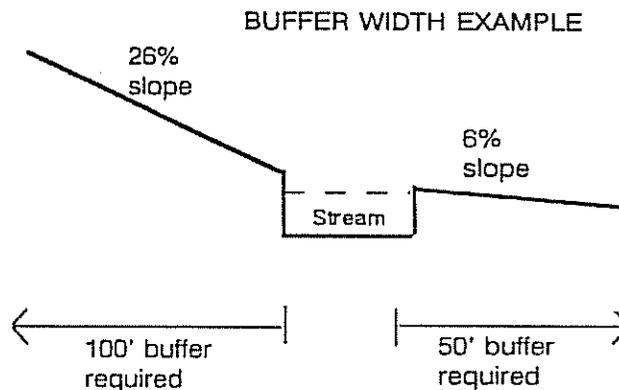
§27-415. Stream Corridors and Sinkholes.

Land uses which occur adjacent to streams and/or sinkholes shall require an undisturbed buffer or filter strip along the stream or sinkhole. This shall include agriculture land use.

- A. The purpose of the buffer is to intercept sediment and pollutants from project runoff occurring overland before they reach the stream and/or sinkhole, thereby protecting local water resources and the environment.
- B. The buffer width shall be a minimum of 50 feet measured from the stream bank or sinkhole to the area of the proposed soil disturbance. This buffer shall apply to each side of the watercourse where soil disturbance is proposed. If the watercourse marks the project boundary, the buffer requirement shall apply to only one side of the stream.
- C. Where the subdivision and land development has a slope in excess of 8%, the following buffer widths shall apply to each applicable side of the watercourse.

% Slope	Buffer Width
0-8%	50'
8-15%	65'
15-25%	80'
25%	100'

- D. The slopes of a site may not be averaged over the gross acreage. Only the area within 200 feet of the watercourse shall be considered for the purpose of slope calculation.
- E. If the land on each side of the stream bank has different slope characteristics (as shown by the diagram) a different buffer width would be required on each side of the stream.



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- F. The buffer shall consist of existing or new vegetation or a combination thereof as in the following order of preference:
- (1) Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.
 - (2) A combination of existing vegetation (such as above) and newly-established vegetation.
 - (3) A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.
- G. Stream encroachment work or any development within 50 feet of a stream bank or wetlands must obtain a permit from DEP and the US Army Corps of Engineers. The applicant shall provide written determination from the applicable regulatory body or a copy of the required permit prior to final plan approval. [*Ord. 12/10/2001*]

(*Ord. 3/9/1993B, §414; as amended by Ord. 12/10/2001*)

§27-416. Steep and Severe Slopes.

1. For development of hillsides, the developer shall prepare the following: development plans which show the location of steep (15-25%) and severe (greater than 25%) slope areas. These areas may be delineated from U.S. Geological Survey topographic maps, or if a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect or geologist may be required.
2. The following protection requirements shall be required for all land development located on slopes exceeding 15%:
 - A. **Erosion and Sedimentation Control Plan.** An erosion and sedimentation control plan shall be required prior to disturbance of any steep or severe slope area, in accordance with provisions of §22-409 of the Township Subdivision and Land Development Ordinance [Chapter 22].
 - B. **Soil Stability Analysis.** A soil stability analysis shall be performed by a professional soil scientist prior to the disturbance of steep slope areas in excess of 2,000 square feet. This analysis shall evaluate the impact upon the stability of the slope and shall include mitigation techniques.
 - C. **Mitigation Measures.** Final plan approval shall require incorporation of mitigation measures in the site design.
 - D. **Severe Slopes.** Slopes in excess of 25% shall not be developed, nor their soil disturbed except that such development shall be considered if innovative engineering is utilized.

(Ord. 3/9/1993B, §415)

§27-417. Wireless Communications Towers, Facilities, Equipment and Antennas.

1. **Purpose.** The purpose of this Section is to establish requirements for the siting of wireless communications towers, facilities, equipment and antennas, so as to comply with Federal and State law and so far as allowed by law:
 - A. Protect and preserve the visual character of the Township by absolutely minimizing the visual and aesthetic impact of all wireless communications towers, facilities, equipment and antennas.
 - B. Ensure that all wireless communications towers, facilities, equipment and antennas are designed and configured in such a manner as to match or blend in with the characteristics of the area where they are situated. Such characteristics shall include both manmade structures as well as environmental features such as ridge and tree lines.
 - C. Encourage the location of wireless communications towers, facilities, equipment and antennas in areas where the adverse impact on the community is minimal, through careful design, siting, landscape screening and innovative camouflaging techniques.
 - D. Minimize the total number of towers throughout the community through joint use of new and existing towers and other structures as a primary option rather than the construction of additional single use towers.
 - E. Enhance the ability of the providers of communications services to provide such services to the community quickly, effectively and efficiently.
 - F. Consider the public health and safety of wireless communications towers, facilities, equipment and antennas.
 - G. Avoid potential damage to the public and adjacent properties from the failure of wireless communications towers, facilities, equipment and antennas through engineering and careful siting.
2. **Definitions.** As used in this Section, the following terms shall have the meanings set forth below:

ANTENNA - any transmitting or receiving device mounted on a tower, building or structure and used in communications that transmit or receive electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

BALLOON TEST - the use of a balloon or similar objects to locate or identify the proposed height and location of a tower.

CRANE TEST - the use of a crane or similar mechanism to elevate a broadcast antenna for the purposes of collecting data or information regarding the propagation characteristics of a particular proposed facility.

DRIVE TEST - the collection of radio signals broadcasted from a proposed location. A drive test can be performed by the use of crane test or by the use of a broadcast antenna placed upon or above an existing structure.

FAA - the Federal Aviation Administration.

FCC - the Federal Communications Commission.

PRE-EXISTING WIRELESS COMMUNICATIONS TOWERS, FACILITIES, EQUIPMENT AND ANTENNAS - any wireless communications towers, facilities, equipment and antennas for which a building permit or zoning approval has been properly issued prior to the effective date of this Section, including permitted wireless communications towers, facilities, equipment and antennas that have not yet been constructed so long as such approval is current and has not expired.

PROPAGATION MODELING - a computer-generated prediction of the expected coverage of a particular site's coverage or level of service based upon accepted mathematical formulas.

PROPAGATION TESTING - the actual collection and analysis of radio signal broadcasts, via a drive test or similar method, which provides an indication of a particular site's coverage or level of service to the surrounding area based upon actual field measurements.

TOWER - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, data and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, stealth or camouflaged towers and the like. The term includes the structure and any support thereto.

TOWER HEIGHT OVERLAY DISTRICT - the identifying district or classification that a particular site is located in as represented by the site's location on the Lamar Township's Tower Height Overlay District map.

UTILITY ATTACHMENT - the use of an existing utility structure, including wooden poles, as a structure to mount or utilize for a wireless communications facilities, equipment and antennas.

3. **Applicability.**

- A. **New Towers and Antennas.** All new towers or antennas in Lamar Township shall be subject to these regulations, except as provided in subsections (3)(B) through (3)(C), inclusive.
- B. **Amateur Radio Station Visual Analysis.** This Section shall not govern towers, or the installation of any antenna, less than 75 feet in height and is owned and operated by a Federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. **Pre-existing Towers or Antennas.** Pre-existing wireless communications towers, facilities, equipment and antennas means and wireless communications towers, facilities, equipment and antenna for which a building permit or zoning approval has been properly issued prior to the effective date of this Section, including permitted wireless communications towers, facilities, equipment and antennas that have not yet been constructed so long as such approval is current and has not expired.

4. **General Requirements.**

- A. **Antenna Height.** Any antenna that is attached to an existing structure shall not exceed the height of the existing structure by more than 10 feet.
- B. **Antenna Offset.** Any antenna that is attached to an existing structure shall not be mounted beyond the vertical face or plane of the existing structure by more than 3 feet.
- C. **Tower Height.** No tower shall exceed the tower height required by the Tower Height Overlay District classification. No tower shall exceed 120 feet in height.
- D. **Relative Tower Height.** No tower shall exceed the height of the tallest existing trees located on the site by more than 20 feet. A management plan describing how the existing trees located on the site, and that correspond to the height of the tower, shall be protected during both the construction of the site as well as for the duration of the existence of the tower.
- E. **Engineer's Certification.** A professional engineer licensed by the State of Pennsylvania shall certify any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical.
- F. **State or Federal Regulations.** All towers, facilities, equipment and antennas must meet or exceed current standards and regulations fo the FAA, the FCC and any other agency of the State or Federal government with the authority to regulate towers, facilities, equipment and antennas. If such standards and regulations are changed, then the owners of the towers, facilities, equipment and antennas governed by this Section shall bring such towers, facilities, equipment and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such

standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring such towers, facilities, equipment or antennas into compliance with such revised standards and regulations shall constitute a violation and the Township may require the removal of the towers, facilities, equipment and antennas at the owner's expense.

- G. **Buildings Codes; Safety Standards.** To ensure the structural integrity of towers as well as the safety of any attachment to an existing structure, the owner towers, facilities, equipment or antennas shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published. If, upon inspection, Lamar Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute a violation and the Township may require for the removal of the towers, facilities, equipment or antennas at the owner's expense.
- H. **Not Utilities.** Towers, facilities, equipment and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as public utilities or private utilities.
- I. **Collocation.** In order to reduce the number of towers in Lamar Township in the future, the proposed tower shall be designed to accommodate at least four separate wireless communication companies. In addition, it shall accommodate County and local police, fire and ambulance companies.

5. **Contents of Application.**

- A. **Alternative Analysis.** An alternative analysis is required for all towers, facilities, equipment and antenna and shall include the following content:
 - (1) A topographic map of the proposed local service area, which identifies the local network of facilities with which the proposed facility will connect. Such network information shall include sites of all carriers situated in both Pennsylvania and New Jersey within 5 miles of the proposed site. The specific location of existing or future proposed sites shall be identified. The heights of the structures the other sites shall be identified on the map.
 - (2) A small-scale map of the applicable franchise area, which identifies the regional network of facilities with which the local network will connect.
 - (3) Identification of the following on a topographic map:

- (a) All other existing telecommunication facilities, including those owned or operated by the applicant for the same type of service, and those, which provide other wireless services, which could potentially support the proposed facility.
 - (b) All other existing structures which might provide an opportunity for attached facilities.
- (4) Identification of the site on a plan representing the Tower Height Overlay District of Lamar Township. The plan shall include the requirements of the district in which the site is situated according to the Tower Height Overlay District.
- (5) Identification of all private, commercial and public airports located within a 5 mile radius of the proposed site on a plan. The glide path of each airport located within the 5 mile radius shall be graphically represented on the plan to show the location of the glide path in both its horizontal and vertical elements.
- (6) Identification of any existing service gaps in the proposed local service as well as any service gaps, which may remain in the event that the proposed facility is approved and constructed. Such service gaps shall be determined by actual coverage measurements developed by propagation testing and not by predicted coverage. The coverage information, maps and supporting data must be prepared by an individual qualified by the Township as an expert in radio frequency engineering. Such service gaps shall be displayed for the carrier itself and gaps unserved by any carrier.
- (7) Identification of at least two alternative service plans which could provide comparable service to the intended service area. An explanation must be included if there are not at least two alternative plans. The applicant must demonstrate, using accepted technological evidence, that the towers, facilities, equipment and antennas must be located where proposed. Also applicant must show, with engineering certification, why lower tower height technology is not feasible.
- (8) The alternatives should include a mix of service strategies, which incorporate existing, attached and/or other freestanding facilities. The alternative analysis should clearly trade-offs involving:
- (a) The level of service provided.
 - (b) The number of towers.
 - (c) Variety in tower height and silhouettes.
 - (d) Potential visual impacts.

- (e) Residential proximity and compatibility.
 - (f) Proximity to service area.
 - (g) Other applicable potential environmental impacts.
- (9) A description of each alternative, including its ancillary equipment and structures, and associated roads and compare and contrast the alternative using the above factors. The alternative plans need not be analyzed at the same level of detail as the proposed project, but the justification for selection of the proposed project must be presented.
- (10) A visual analysis, which shall include photomontage, field, mock-up or other techniques, shall be prepared by or on behalf of the applicant, which identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunications service.
- (11) A balloon test shall be performed for a period of 1 week after the written notice has been provided to all property owners within a 1 mile radius from the site and legal notices in newspapers of local circulation. The site shall be posted in advance of and during the balloon test in a manner prescribed by the Township.
- (12) A management plan shall be provided which details the methods that shall be used to preserve and protect the natural features, such as existing vegetation, that help screen the facility from view or mitigate the facilities impact.
6. **Telecommunication Facilities.** Telecommunication facilities are allowed only as a conditional use. The following are the minimum requirements applicable to telecommunication facilities in addition to the generally applicable criteria for conditional uses. In the event that a project is subject to an overlay district's requirements, additional mitigation measures or other conditions may also be necessary.
- A. All telecommunication facilities shall comply with the following to the extent a Township is allowed to require:
- (1) Any applicable easements or similar restrictions, including open space easements, on the subject property.

- (2) Any applicable general plan, specific plan, area plan, local area development guidelines and the permit requirements of any agencies, which have jurisdiction over the project.
- (3) The height of any freestanding facility shall include the height of any structure upon which it is placed.
- (4) All setbacks shall be measured from the base of the tower closest to the applicable property line or structure.
- (5) The facility shall be operated so that it shall not result in human exposure to non-ionizing electromagnetic radiation (NIER) in excess of the levels specified in the most current standard governing human exposure to NIER utilized by the Federal Communications Commission (FCC) in its licensing decision for the applicable facility. The applicant shall be responsible for demonstrating that the proposed facility will comply with this standard and may do so in any one of the following ways:
 - (a) Provide evidence in the form of an FCC license or construction permit that the FCC has accepted the applicant's certification that the facility meets the FCC standard.
 - (b) Provide evidence that the FCC has categorically excluded the applicant from demonstrating compliance with the FCC standard.
 - (c) Provide an independent analysis by or on behalf of the applicant, which demonstrates that the facility will comply with the FCC standard by such calculations and measurements as may be necessary. The calculations, measurements and all related methods utilized to determine compliance shall be consistent with FCC policies and procedures. The analysis shall be prepared and certified by a professional engineer.
- (6) Replacement of aging, defective or obsolete legally established antennas or towers is permitted without new zoning permit or use permit approval; provided, that such replacement does not increase the height or result in a substantial change in the appearance of the facility.
- (7) All antennas shall be located, designed and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
- (8) Approval of all towers, facilities, equipment and antenna is subject to the finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

B. Facilities shall meet, at a minimum, the following criteria:

- (1) Potential adverse visual impacts, which might result from the facility, related grading or road construction, shall be minimized.
- (2) Towers, facilities, equipment and antenna shall be located, designed and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
- (3) Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
- (4) Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.
- (5) Significant adverse impacts on biotic resources, including any threatened, rare or endangered species, shall be mitigated.
- (6) Drainage, erosion and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways. Natural vegetation and topography shall be retained to the extent feasible.
- (7) Towers, facilities, equipment and antenna shall be designed so as to provide adequate warning of potential hazards as well as location and operator identification and telephone number for public contact. Facilities may also be required to provide anti-climb devices or other security measures.

7. **Tower Height Overlay Districts.** All facilities to be located in Lamar Township shall conform to the Tower Height Overlay District in which they are located.

A. **Tower Height Overlay District - Visual Conservation.**

- (1) The Visual Conservation District purpose is to preserve and protect the unique and important visual features and characteristics of Lamar Township.
- (2) No towers of any height shall be permitted within the Visual Conservation District.

B. **Tower Height Overlay District - Visual Protection.**

- (1) The Visual Protection District purpose is to preserve and protect the unique and important visual features and characteristics of Lamar

Township, while allowing the appropriate siting of new towers in the District.

C. Tower Height Overlay District - Visual Mitigation.

- (1) The Visual Mitigation District purpose is to preserve and protect the unique and important visual features and characteristics of Lamar Township, while allowing the appropriate siting of new towers in the District.
- (2) Towers shall be limited to a height of no more than 120 feet within the Visual Mitigation District.

(Ord. 3/9/1993B; as added by Ord. 12/10/2001)

PART 5

SUPPLEMENTAL REGULATIONS

§27-501. Applicability of Subdivision and Land Development Ordinance.

The land uses described in this Part also apply to land development and are subject to the provisions of the Township Subdivision and Land Development Ordinance [Chapter 22]. Land developments are defined in Part 5 of the Subdivision and Land Development Ordinance [Chapter 22, Part 5]. Plan and procedural requirements for land development are presented in the Subdivision and Land Development Ordinance [Chapter 22, Parts 2 and 3]. Developers must meet the requirements of the Subdivision and Land Development Ordinance [Chapter 22] in all land development activity.

(Ord. 3/9/1993B, §500)

§27-502. Agricultural.

1. **Animal Hospitals and Veterinary Facilities.** Within the AG district, animal hospitals and veterinary facilities are permitted by special exception subject to the following criteria:
 - A. Outdoor animal pens, stalls or runways shall be located within the rear yard.
 - B. Outdoor animal pens stalls or runways shall be a minimum of 100 feet from all property lines.
2. **Beekeeping.** Within the AG district, beekeeping is permitted as a conditional use subject to the following criteria:
 - A. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance.
 - B. Hives shall be located no closer than 100 feet from any property line.
 - C. All hives shall have access to an onsite water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
 - D. Adequate techniques in handling bees such as requeening and adequate hive space, shall be maintained to prevent unprovoked offsite stinging.
3. **Farm-Related Businesses.** Within the AG district farm-related businesses are a permitted use subject to the following standards:

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- A. The applicant must provide evidence that the proposed use is essential to local farming and is appropriately sized to serve primarily local users. Such farm-related businesses include, but need not be limited to blacksmith shops, butcher shops and sale of agricultural products produced on premises.
 - B. Uses located on lots not serviced by both public sewer and water shall have a minimum lot size of 1 acre.
 - C. No part of a farm-related business shall be within 100 feet of a stream or sinkhole.
 - D. The length of any onsite access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. A paved apron of at least 50 feet from the street right-of-way shall be provided. In addition another 50 foot gravel section shall be located beyond the paved apron.
 - E. A vegetative buffer yard must be provided in accordance with §22-411(6) of the Subdivision and Land Development Ordinance [Chapter 22]. Such a buffer yard shall be required when a commercial business abuts an agricultural area. Certain pieces of apparatus used for farm-related businesses, which create noxious dust, odor, light or noise, shall require greater setbacks and vegetative screening, as determined by the Board of Supervisors.
 - F. One sign which shall not exceed 12 square feet in total area shall be permitted for a farm-related business.
 - G. Any building constructed for the farm-related business shall be of a type that it can be converted to agricultural use in the event the farm-related business is discontinued (e.g., barn or shed).
 - H. The Board of Supervisors may also attach such other reasonable conditions as deemed appropriate.
- 4 **Kennels, Commercial.** Within the R-1 and AG districts, kennels are permitted by as a conditional use subject to the following requirements:
- A. The minimum lot area shall be 2 acres.
 - B. Outdoor pens, stalls or runways shall be located within the rear yard.
 - C. Outdoor pens, stalls or runways shall be a minimum of 100 feet away from all property lines.
 - D. All outdoor running areas shall be enclosed.
 - E. All animal wastes shall be regularly cleaned.

- F. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.
5. **Horse Stable (Individual).** Within the RRC, AG or O/R districts, individual horse stables are a permitted use. Within the R-1, R-2 or VC districts, individual horse stables are permitted as a special exception subject to the following requirements:
- A. No horse shall be kept on property deemed by the Township to be inadequate in size.
 - B. No horse shall be kept in populated areas where the immediate neighbors object.
6. **Residential Development in Agricultural District.** See §27-506(5) for proposed residential development in the agricultural zoning district. See §27- (8) for proposed residential development in the scenic preservation overlay area.
7. **Riding School and/or Horse Boarding Stable.** Within the AG district, riding schools and/or horse boarding stables are permitted by special exception subject to the following criteria.
- A. Minimum lot area - 10 acres.
 - B. Any structure used for the boarding of horses shall be setback at least 100 feet from any property line.
 - C. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum 4 foot high fence, which will be located at least 10 feet from all property lines.
 - D. All parking compounds and unimproved overflow parking areas shall be set back at least 10 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking environment or movement of vehicles across neighboring properties.
8. [Reserved]. [*Ord. 06-08-2009*]
9. Commercial uses may be created within existing structures in accordance with the following:
- A. Bed and breakfast and home occupations are permitted in existing structures of this district provided:
 - (1) There is no change in the external appearance of the structure.
 - (2) Any addition to structures shall not exceed 25% of the first floor area.
 - (3) Such addition shall complement the existing structure in terms of scale,

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building materials, roof line and window and door treatments.

(4) Such additions shall be approved by the Planning Commission.

B. Signage shall be limited to one sign not to exceed 6 square feet.

10. **Municipal/Public Buildings.** Township Municipal or public buildings, including administration buildings, police facilities, recreation buildings, libraries, museums or road maintenance facilities shall be a permitted use within the R-1, VC, and RRC Districts, as a special exception in the AG District and as a conditional use in the H-I and L-I Districts subject to the following requirements:

A. The buffer requirements of §27-806 of this Chapter shall be met.

B. Parking requirements shall be determined by the Planning Commission for permitted uses, by the Zoning Hearing Board for special exceptions, and by the Township Supervisors for conditional uses.

[Ord. 11-13-2006(b)]

11. **Cottage Industries.** Cottage industries may only be permitted in the Agricultural Zoning District of the Township and will require approval as a conditional use from the Board of Supervisors.

A. A cottage industry shall be defined as an accessory commercial or industrial use of a residential or agricultural tract of ground which is clearly secondary to the use of the premises as a residence or farm. Cottage industries are intended to enhance the economy of the Township by producing an opportunity for land owners in the Agriculture District to establish accessory business activities, in addition to farm-related businesses, without requiring the subdivision or fragmentation of rural lands.

B. Cottage industries shall be conducted within an enclosed building typical of farm buildings, exclusive of the resident's dwelling. All buildings used for cottage industries must remain compatible with the character of the farm and the rural setting in which they are located.

C. The area devoted to production, storage and sales associated with the cottage industry shall be limited to a total of 5,000 square feet of gross floor area.

D. No outdoor, un-enclosed storage and/or displays associated with a cottage industry shall be permitted.

E. The cottage industry must be owned and operated by the individual who is the owner and resident of the dwelling or farm on which it is located. There shall be no more than two nonresident individuals engaged in the cottage industry.

F. There shall be no exterior display or sign to advertise the cottage industry, except that one sign shall be permitted for a cottage industry which shall not

exceed 12 square feet in total area and which shall be subject to the sign regulations set forth in Part 7 of this Chapter.

- G. The cottage industry shall create no adverse impact on existing traffic or circulation patterns in the neighborhood and, unless specifically waived by the Board of Supervisors, shall utilize the existing means of access from any street to the residence or farm where the cottage industry is operated.
- H. Each cottage industry shall comply with §27-408 of this Chapter regulating off-street parking and §27-410 of this Chapter regulating loading and unloading, exclusive of §27-410.E pertaining to surfacing. Nevertheless, loading and unloading spaces shall have an approved all-weather surface.
- I. Cottage industries may include the following “low” or “moderate” intensity service or industrial activity:
 - (1) Custom woodworking, furniture or cabinetry shops.
 - (2) Craftsmanship shops.
 - (3) Small engine and/or lawn and garden equipment repair.
- J. Requests for other cottage industries not specified above may be submitted to the Board of Supervisors for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Township, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.
- K. All cottage industries approved as a conditional use shall comply with the area and bulk regulations as specified in §27-302 of this Chapter pertaining to commercial kennels within the Agriculture (AG) Zoning District of the Township, which includes a minimum lot size of 2 acres.

[*Ord. 8-13-2007A*]

(*Ord. 3/9/1993B*, §501; as amended by *Ord. 8/14/2006*, 8/14/2006, §1; by *Ord. 11-13-2006(b)*, 11/13/2006, §I; by *Ord. 8-13-2007A*, 8/13/2007, §IV; and by *Ord. 06-08-2009*, 6/8/2009, §I)

§27-503. Commercial.

1. **Adult Bookstores.** Within the GC district, adult book stores are permitted as a conditional use. Such stores are defined as stores and shops with more than 15 square feet of floor area devoted to the display and selling of pornographic materials consisting of pictures, drawings, photographs or other depictions or printed matter and paraphernalia, which, if sold knowingly to a child under 18 years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the same time thereof. The following requirements shall apply:
 - A. The building or structure of such use shall be located not less than 500 feet from any residential use or district, public or private school, church, day care center, recreation facility or any other religious, institutional or educational use.
 - B. No such use shall be located within 2,000 feet of a similar use.
 - C. No materials sold within shall be visible from any window, door or exterior of the building.
 - D. Signage shall be limited to one attached sign no larger than 12 square feet. Signage may be lighted by a covered and recessed fixture located at the top or base of the sign.
 - E. The buffer requirements of §27-806 of this Chapter shall be met.
 - F. Parking. One off-street parking space for each 100 square feet of gross floor area, plus one additional space for every one employee.
2. **Automobile Repair and/or Body Shop.** Automobile repair garage, including paint spraying and body and fender work, provided that all repair and paint work is performed within an enclosed building, shall be permitted in the GC district subject to the following requirements:
 - A. All automobile parts, refuse and similar articles shall be stored within a building or enclosed area. Junk vehicles may not be stored in the open at any time.
 - B. Access to roads shall be at least 100 feet from the intersection of any streets.
 - C. The buffer requirements of §27-806 of this Chapter shall be met.
 - D. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet and one free standing sign no larger than 12 square feet set back at least 20 feet from the adjoining road right-of-way. In the event the establishment is located at an intersection, two such signs shall be permitted.

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- E. Parking - one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.
3. **Car Wash.** Within the GC and HI districts, car washes are permitted as a conditional use subject to the following requirements:
- A. Car wash structures shall be setback 75 feet from streams or sinkholes. Under no circumstances shall wastewater be drained into a waterway or sinkhole.
 - B. The buffer requirements of §27-806 of this Chapter shall be met.
4. **Cottage Development, Private or Public Camp.** A public or private cottage development or camp is permitted as a conditional use in the O/R and AG districts subject to the following requirements:
- A. The principal use of the proposed tract shall be seasonal and no occupant shall be permitted to remain for a total period exceeding 120 days during any one calendar year.
 - B. A campground permit shall be obtained from the Pennsylvania Department of Environmental Protection. [*Ord. 12/10/2001*]
 - C. The minimum site tract shall be 10 acres.
 - D. The maximum overall density shall not exceed one cottage for every 2 acres.
 - E. Completely detached buildings or structures on the same lot shall not be less than 20 feet from one another.
 - F. Signage shall be limited to one freestanding wood sign no larger than 20 square feet located at least 50 feet from the road right of way.
 - G. Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties shall be taken.
 - H. No mobile homes or recreational vehicles shall be permitted.
5. **Eating Place.** An eating place for the sale and consumption of food and beverages is permitted as a conditional use within the VC, RRC and GC districts and as a permitted use in the HI district subject to the following requirements.
- A. Sewage disposal methods shall be approved by the Department of Environmental Protection. [*Ord. 12/10/2001*]
 - B. Alcoholic beverages, if sold, must be incidental to the sale and consumption of food.
 - C. The buffer requirements of §27-806 of this Chapter shall be met.

- D. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet and one free-standing sign no larger than 20 square feet.
 - E. Parking. One off-street parking space for each 25 square feet of total floor area, or one off-street parking space for every two seats, whichever is greater, plus one additional space for each employee of the largest shift.
6. **Farm Implement Sales and Service.** Sales and service of farm tractors, machinery, equipment and implements by a duly franchised dealership, including new and used, shall be permitted within the general commercial (GC) district subject to the following requirements:
- A. Access to roads shall be at least 100 feet from the intersection of any streets.
 - B. All used tractors, machinery and implements shall be stored in an orderly and safe manner with natural buffer screens used to protect neighboring residential properties within a residential district for any expansions or changes in use of existing facilities.
 - C. Fuel storage shall comply with all applicable regulations of the Pennsylvania DEP. [*Ord. 12/10/2001*]
 - D. In cases where signage is required by a franchiser, the minimum size sign required and documented by the franchiser shall be permitted.
 - E. The buffer requirements of §27-806 shall be met.
 - F. One off-street parking space for each 300 square feet of customer/patron access floor area, plus one additional space for each employee shall be provided.
 - G. Cleaning solvents and flammable materials shall be stored in accordance with the National Fire Prevention Code.
7. **Financial Establishment.** Banks, savings and loan associations, credit unions, and other financial establishments may be located within the GC, RRC and HI districts as a permitted use and as a conditional use in the VC district subject to the following requirements:
- A. When such establishments provide a drive-up service, a vehicle waiting line shall be designed to accommodate at least six vehicles and not create a traffic back-up on adjoining roads. This waiting line area shall be separated from other circulation and/or traffic lanes.
 - B. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet and one free standing sign no larger than 12 square feet set back at least 20 feet from

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the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two such signs shall be permitted.

- C. In the village center (VC) district, the establishment shall be designed so as to complement in size and scale neighboring buildings in order to retain the village character.
 - D. The buffer requirements of §27-806 of this Chapter shall be met.
 - E. **Parking.** One off-street parking space for each 200 square feet of gross floor area used or intended to be used for servicing customers, plus one additional space for every employee of the largest shift.
8. **Gas Station.** Gasoline service station will be permitted use in the GC and HI districts subject to the following requirements:
- A. Access to roads shall be at least 100 feet from the intersection of any streets.
 - B. All activities except the fuel pumps shall be performed within a completely enclosed building.
 - C. All automobile parts and similar articles shall be stored within a building.
 - D. Junk vehicles may not be stored in the open at any time.
 - E. The buffer requirements of §27-806 of this Chapter shall be met.
 - F. Signage shall be limited to one attached sign no larger than 20 square feet and one free standing sign no larger than 12 square feet set back at least 20 feet from the adjoining road right-of-way. In the event the establishment is located at an intersection, two such signs shall be permitted.
 - G. **Parking.** One off-street parking space for every 200 square feet of gross floor area, or two off street parking spaces for each service bay, whichever is larger, plus one space for each employee. Off-street parking spaces shall not be part of nor interfere with the accessways to the pumps.
9. **Guest House/Bed and Breakfast.** Within the VC and AG districts, the use and occupancy of a detached dwelling shall be permitted for accommodating transient guests subject to the following requirements:
- A. No more than six guest rooms may be provided. No more than two adults and two children may occupy one guest room.
 - B. There shall be no advertising visible outside the premises to attract guests other than a single sign which shall not exceed 8 square feet in size. The sign may be illuminated by a shielded and recessed light at the base of the sign or by a ground-mounted light directed only on the surface of the sign.

- C. No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.
 - D. The use shall be carried on primarily by members of the immediate family which must reside on the premises. Nonresident employees shall be limited to two.
 - E. There shall be no separate kitchen or cooling facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon refreshments only.
 - F. The maximum, uninterrupted length of stay at a guest house shall be 14 days.
 - G. The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to the guests of the establishment.
 - H. The use may not be established until there is compliance with all Township rules and regulations, including requirements of the Fire Marshall for compliance with all Township safety standards.
 - I. Parking. One off-street parking space shall be provided for each guest room, plus one space for each employee and two spaces for the owners of the property. The off-street parking spaces shall be located either to the rear of the main dwelling or screened in accordance with buffer requirements of §27-806 of this Chapter.
10. **Medical Office.** Office or clinic for medical or dental examination or treatment of persons as out patients, including laboratories incidental thereto shall be a permitted use in the VC, RRC, GC and HI districts subject to the following requirements:
- A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. Parking. One parking space for each 300 square feet of floor space plus one space for each employee.
 - C. In the village center (VC) district, the establishment shall be designed so as to complement existing buildings and retain the village character.
11. **Miniwarehouse.** Warehouse/storage units provided for lease to the general public, but not including warehousing for industrial purposes, shall be permitted in the GC district subject to the following requirements:
- A. Buffers shall be provided in accordance with §27-806 of this Chapter.

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- B. Outdoor storage of automobiles, boats and recreation vehicles, is permitted if they are within the buffered area, and the parked vehicles shall not interfere with traffic movement through the complex.
 - C. An office and residence is permitted as an accessory use to provide for a full-time caretaker.
 - D. The following lease restrictions shall apply:
 - (1) No business activities other than leasing of storage units.
 - (2) No explosive, toxic, radioactive or flammable materials.
12. **Professional Office.** Business, professional services including legal and architectural, or governmental office other than health care practitioners shall be a permitted use in the VC, RRC, GC and HI districts subject to the following requirements:
- A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. Parking. One parking space for each 300 square feet of floor space plus one space for each employee.
 - C. In the village center (VC) district, the establishment shall be designed so as to complement existing buildings and retain the village character.
13. **Recreational Camping Park.**
- A. A lot upon which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation or vacation purposes shall be permitted as a conditional use in the AG and O/R districts.
 - B. The following specific definitions shall apply:
 - CAMPSITE - a plot of ground within a recreational camping park designed to accommodate a recreational vehicle, tent or other individual camping unit on a temporary basis.
 - RECREATION VEHICLE - a vehicle less than 38 feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes. Such vehicles are permitted only in campgrounds or on private individual parcels.
 - TEMPORARY BASIS - campsites shall be rented by the day, week or month only and occupants of such sites shall remain in the same recreational vehicle park not more than 90 days per year.
- (a) The minimum site area shall be 10 acres.

- (b) A minimum of 60% of the site shall be kept in open space.
 - (c) A campground permit shall be obtained from the Pennsylvania Department of Environmental Protection. [*Ord. 12/10/2001*]
 - (d) The maximum density permitted is ten campsites per acre.
 - (e) Signage shall be limited to one free standing wood sign no larger than 20 square feet.
 - (f) One detached dwelling per camping park may be permitted for the use of an owner or operator of the camping park.
 - (g) One retail shop may be permitted to supply goods and commodities to those using the park. The maximum floor area shall be limited to 750 square feet.
14. **Repair Shop.** Repair shop for items such as appliances, lawn mowers, watches, guns, bicycles, locks and small business machines shall be a permitted use in the LI, GC and VC districts subject to the following requirements:
- A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. Parking. One off-street parking space for each 300 square feet of gross floor area, plus one additional space for each employee.
 - C. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet.
 - D. For repairs associated with vehicle sales, see §27-503(19).
15. **Retail Stores.** Shops and stores selling commodities and goods to the consumer, but not including over-the-counter sale of alcoholic beverages in taverns and bars or stores in excess of 5,000 square feet of floor area, shall be a permitted use in the VC and GC districts subject to the following requirements:
- A. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet.
 - B. Outdoor collection stations for garbage and trash removal shall be located to the rear of the structure and shall be screened from view.
 - C. The buffer requirements of §27-806 of this Chapter shall be met.
 - D. Parking. One off-street parking space for each 200 square feet of gross area used or intended to be used for servicing customers, plus one additional space for each employee of the largest shift.

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- E. Within the VC district, retail stores shall be permitted as a conditional use provided they do not exceed 2,000 square feet of floor area.
16. **Service Business.** Service business including barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer and travel agency shall be permitted within the VC and GC districts subject to the following requirements:
- A. In the case of established neighborhoods where such uses are located in existing structures minimal changes shall be made in the exterior appearance of the building so as to maintain the existing integrity and character of the neighborhood.
 - B. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet.
 - C. The buffer requirements of §27-806 of this Chapter shall be met.
 - D. Parking. Two off-street parking spaces unless specific customer base is determined by the Planning Commission to require additional spaces and one space for each employee.
17. **Shopping Center.** A neighborhood or regional shopping center planned and designed as a complex of related structures and circulation patterns shall be permitted as a conditional use in the GC, HI and RRC districts subject to the following requirements:
- A. The shopping centers shall have a minimum site area of 5 acres.
 - B. No more than 50% of the total site area shall be occupied by buildings and impervious coverage.
 - C. Retail stores, services businesses, financial establishment, eating place, professional office, indoor entertainment and theater may be permitted in this district.
 - D. No building or permanent structure, other than a permitted sign, shall be erected within 100 feet of a street line or within 50 feet of any property line.
 - E. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping.
 - F. The distance, at the closest point, between any two buildings or groups of units of attached buildings, shall be not less than 20 feet.
 - G. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from any direct glare or hazardous interference of any kind.

H. Buffer yards shall be provided according to the following requirements:

- (1) If adjacent to a residential area, a 100 foot buffer yard shall be provided.
- (2) If adjacent to the AG district, a buffer yard of trees of 100 foot width shall be established.
- (3) Buffer yards may overlap with other required yards. In case of conflict, the larger yard requirement shall apply. In all cases, the buffer yard shall be measured from the property line regardless of the zoning classification.

I. Five and one-half off-street parking spaces shall be provided and maintained for each 1,000 square feet, or portion thereof, of gross leasable area. Gross leasable area is the total floor area designed for tenant occupancy and use, including basements, mezzanines and storage areas, measured from the center line of common partitions and outside wall.

18. **Specialty Cultural Shopping Center.** A specialized center featuring stores dealing in handicrafts, art, flowers, household goods, boutiques, antiques, specialty foods, etc. and the like shall be permitted as a conditional use in the VC, RRC and HI districts subject to the following requirements:

- A. A planted buffer shall be provided in conformance with §27-806 where the center abuts any noncommercial use.
- B. Retail stores, service businesses, financial establishments and eating places may be permitted as long as they are in keeping with the spirit of this section. Snack stands and food vendors, operating outside of an enclosed building, may be permitted in such shopping centers. Vending machines located outside of a completely enclosed building shall not be permitted in such shopping centers.
- C. Major chain stores servicing the general public, supermarkets, department stores, variety stores, discount stores or service stations are not permitted under this use.
- D. Shop sizes shall be no larger than 3,000 square feet.
- E. The distance, at the closest point, between any two buildings or groups of units of attached buildings, shall be not less than 20 feet. The proposed center shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping.
- F. The center shall be planned and designed as a single complex that is intended to blend into and/or complement existing adjacent land uses.
- G. Parking. Five off-street parking spaces per 1,000 square feet of commercial floor space.

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19. **Tavern.** An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board shall be permitted by special exception within the GC district subject to the following requirements:
 - A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. Parking. One off-street parking space for each 50 square feet of total floor area, plus one additional off-street parking space for each employee.
 - C. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet and one free-standing sign no larger than 20 square feet.

20. **Vehicle Sale.** Sale of vehicles by a duly franchised dealership, new and used car sales and trucks, including recreational motor home and trailer units, and cycle and boat sales and rental shall be permitted within the GC and HI districts subject to the following requirements:
 - A. Access to roads shall be at least 100 feet from the intersection of any streets.
 - B. All vehicle parts and similar articles shall be stored within a building.
 - C. Lubrication, oil changes, tire changes and minor repairs must be performed within a building.
 - D. Fuel storage shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection. [*Ord. 12/10/2001*]
 - E. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet and one free standing sign no larger than 12 square feet set back at least 20 feet from the road right-of-way. At intersections, two such signs shall be permitted.
 - F. In cases where signage is required by a franchiser, the minimum required sign shall be permitted.
 - G. The buffer requirements of §27-806 of this Chapter shall be met.
 - H. Parking. One off-street parking space for each 300 square feet of customer/patron floor area, plus one additional space for each employee.

21. **Veterinary Office.** Office of a veterinarian with accessory animal kennel in which kennels are not a primary use of the facility shall be permitted in the RRC and AG districts subject to the following requirements:
 - A. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard.

- B. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls or runways shall be a minimum of 100 feet from all property lines.
 - C. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of 10 feet from all property lines.
 - D. The buffer requirements of §27-806 of this Chapter shall be met.
 - E. Parking. One parking space for each 300 square feet of floor space plus one space for each employee.
22. **Village Oriented Shop.** The village oriented shop consisting of such facilities as corner grocery, drug store, stationery store, soda-fountain, luncheonette, small restaurant, barbershop and beauty parlor shall be permitted as a conditional use in the VC district and is a permitted use in the RRC district subject to the following requirements:
- A. No establishment shall exceed 2,000 square feet of floor area
 - B. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet. Signage may be lighted by a covered and recessed fixture.
 - C. Outdoor collection stations for garbage and trash removal shall be located to the rear of the structure and shall be screened from view.
 - D. The buffer requirements of §27-806 of this Chapter shall be met.
 - E. Parking. One off-street parking space for each 200 square feet of gross floor area used for servicing customers, plus one additional space for every employee. Parking shall not be located between a building and a street. The parking requirements may be adjusted by the Zoning Hearing Board provided: (1) there is adequate on-street parking, (2) the shop serves principally a village use or (3) there is an existing lot within easy walking distance.

(Ord. 3/9/1993B, §502; as amended by Ord. 12/10/2001)

§27-504. Industry.

- 1. **Junkyards.** Junkyards shall be permitted as a conditional use in the LI district subject to the following requirements:
 - A. No material shall be placed in any junkyard in such a manner that is capable of being transferred out of the junkyard by wind, water or other natural causes.

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- B. The boundaries of any junkyard shall at all times be clearly delineated.
- C. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- D. The land area used for junkyard purposes shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
- E. Such junkyard shall be entirely enclosed by a solid fence or wall, at least 8 feet but no more than 10 feet high constructed of plank boards, brick, cinder block or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in a uniform color. Trees may also be required at the discretion of the Township Planning Commission in conformance with buffer requirements of §27-806 of this Chapter.
- F. The contents of such a junkyard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- G. The fence or wall shall be situated no closer to any street or property line than 75 feet.
- H. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures or other means.
- I. No burning shall be carried on in any junkyard. Fire shall be prevented and hazards avoided by organization and segregation of stored material, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least 15 feet for escape and firefighting, and by other necessary measures.

2. **Logging.**

- A. Logging is defined as the act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than 1 acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.
- B. Logging is a permitted use in all districts, subject to the following requirements:

- (1) An erosion and sediment pollution control plan is required according to the rules and regulations complementing the Clean Streams Law. The Clinton County Conservation district is available to provide assistance in preparing the plan.
 - (2) The property owner or his agent shall submit a copy of a letter notifying the Board of Supervisors prior to issuance of a temporary zoning permit and commencement of the logging operation.
 - (3) Upon receipt of a temporary use permit application, a processing fee, and the aforementioned letter, the Zoning Officer shall issue a temporary use permit placard for the logging operation. The property owner or his agent shall conspicuously post this placard at the nearest point of public access.
 - (4) The life of the logging permit shall be 1 year and may be renewed for a like period of time.
 - (5) Revocation of any required Federal, State or other required approval shall constitute an automatic revocation of the zoning permit.
3. **Light Manufacturing.** Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products shall be a permitted use in the LI district subject to the following requirements:
- A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. **Parking.** Three off-street parking spaces for every four employees on the largest shift, plus one space for each company vehicle normally stored on the premises.
 - C. Wholesale and retail sales are permitted when linked with production of the sale items on the same premises.
4. **Planing Mill.** Planing mill where wood products are sold or processed to finished items shall be permitted as a conditional use in the LI and AG districts.
- A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. As a minimum, the structure containing the saws and/or planing equipment shall be located a minimum of 200 feet from any residential property.
5. **Quarries and Other Extractive-Related Uses.** Sand, clay, shale, gravel or similar extractive operations including borrow pits shall be permitted as a conditional use in the LI district subject to the following requirements:
- A. **Plan Specifications to Be Submitted.**

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- (1) The applicant shall provide a full set of all documentation and plans required to meet the permit requirements of the Pennsylvania Department of Environmental Regulations.
- (2) The applicant shall provide an analysis of the impact upon Township roads and the weight of trucks shall be indicated.
- (3) The applicant shall provide a plan for dust abatement. The applicant shall describe how mud and dust will be controlled during operations.

B. **Setbacks.**

- (1) No stockpiles, waste piles or active processing equipment may be closer than 1,000 feet to a residential district.
- (2) No part of the quarry pit, private access road, truck parking area, scales or operational equipment, may be closer than 500 feet to a residential district.
- (3) No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment or truck parking area may be closer than 100 feet to a public street line.
- (4) No part of a quarry pit, stockpiles, waste piles or processing equipment may be closer than 200 feet to a property line.

C. **Buffering.**

- (1) The buffer yard requirements of §27-806 of this Chapter shall apply.
- (2) At locations specified by the Planning Commission, a tree plantation of 100 foot width shall be established.

(Ord. 3/9/1993B, §503; as amended by Ord. 12/10/2001)

§27-505. Institutional.

1. **Clubhouses.** Within the O/R district, clubhouses are permitted as a conditional use subject to the following requirements:
 - A. The clubhouse shall be for seasonal use only by its members and guests.
 - B. The building shall be at least 100 feet from the road right-of-way and at least 50 feet from adjoining property line.
 - C. The minimum parking requirement shall be established by the Planning Commission.

- D. Existing trees and plants shall be retained wherever possible and the buffer requirements of §27-806 of this Chapter shall be adhered to.
- 2. **Municipal/Public Buildings.** Township municipal buildings including administration buildings, police facilities, recreation buildings, libraries, museums or road maintenance facilities shall be a permitted use within the R-1, VC and RRC districts and as a special exception in the AG district subject to the following requirements.
 - A. The buffer requirements of §27-806 of this Chapter shall be met.
 - B. Parking requirements shall be determined by the Planning Commission for permitted uses and by the Zoning Hearing Board for special exceptions.
- 3. **Place of Worship.** A structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto, shall be permitted as a conditional use in the R-1, R-2, VC and AG districts and as a permitted use in the RRC district subject to the following requirements:
 - A. If located in the village center (VC) district, the establishment shall be of a scale, style and setback to complement existing buildings.
 - B. Parking. One off-street parking space for each four seats provided for patron use.
- 4. **Recreational Facility.** A recreational facility shall be permitted as a special exception use in the AG and O/R districts subject to the following requirements:
 - A. No outdoor active recreation area shall be located nearer to any lot line than 100 feet.
 - B. Outdoor play areas shall be sufficiently screened so as to protect the neighborhood from inappropriate noise and other disturbances. The buffer requirements of §27-806 of this Chapter shall be met.
 - C. Parking. One off-street parking space for each 100 square feet of gross area.
- 5. **School.** Schools are permitted as a conditional use in the R-1, R-2, AG and VC districts subject to the following requirements:
 - A. Access shall be taken from an arterial or collector street.
 - B. Dimensional requirements.

Minimum lot area	10 acres
Minimum lot width	200 feet
Minimum front yard	75 feet

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Minimum side-yards 100 feet

Minimum rear yard 100 feet

- C. Dimensional requirements may be reduced for proposed small-scale schools located in the village center (VC) district.
- D. Outdoor play areas shall be 75 feet from side and rear property lines.
- E. Outdoor play areas shall be sufficiently screened to protect the neighborhood from inappropriate noise and other disturbances. The buffer requirements of §27-806 of this Chapter shall be met.
- F. Parking. One space for each employee, plus two spaces per classroom.

(Ord. 3/9/1993B, §504)

§27-506. Residential.

- 1. **Day Care Center.** Day nursery, nursery school, kindergarten or other agency providing day care for children shall be permitted as a use of special exception within the R-1 and R-2 districts subject to the following requirements:
 - A. The maximum number of children shall be 15 children per acre.
 - B. The minimum yard, setback and lot width requirements for permitted uses in the applicable zoning district shall be met.
 - C. An outdoor play area of at least 200 square feet shall be provided for each child. This area shall be fully enclosed by a 4 foot high fence and shall be located to the side or rear of the lot.
 - D. The buffer requirements of §27-806 of this Chapter shall be met.
 - E. Prior to final approval of this use by the Zoning Hearing Board and the granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs.
 - F. An existing residential building may be used and occupied as a single family residence for the owner or an employee of the owner of the day care center.
 - G. Parking. At least one off-street parking space for each teacher, administrator, and maintenance employee plus two additional spaces per classroom. Parking shall be adequately screened when situated within 50 feet of land zoned for or in residential use.

2. **Echo Housing.** Within the R-1 and AG districts, echo housing is permitted by special exception subject to the following criteria:
 - A. The elder cottage may not exceed 900 square feet of floor area.
 - B. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum requirement for the zoning district in which the elder cottage is located.
 - C. The elder cottage shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption.
 - D. The elder cottage shall be occupied by a maximum of two people.
3. **Family Day Care Facility.** Within the R-1, R-2, VC and AG districts, family day care homes are permitted by special exception subject to the following requirements:
 - A. A family day care facility shall offer care and supervision to no more than 6 minors during any calendar day.
 - B. All family day care homes shall furnish a valid registration certificate issued by the Pennsylvania Department of Public Welfare.
 - C. An outdoor play area no less than 400 square feet in area shall be provided. Such play area shall not be located within the front yard or parking lot. Outdoor play areas shall be setback at least 25 feet and screened from adjoining property. The outdoor play area shall be enclosed by a 4 foot high fence and must include shaded areas.
 - D. Passenger "drop-off" and "pick-up" areas shall be provided.
4. **Group Home.** Group homes which accommodate mentally handicapped, physically handicapped, or emotionally handicapped persons are permitted in the R-1, R-2, VC and AG districts subject to the following requirements:
 - A. The number of persons living in such a group home shall not exceed seven and shall include at least one onsite support staff member who shall not be included in the maximum number.
 - B. Group homes shall have the appearance of a conventional, single-family residence and shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable zoning district.
 - C. A group home must be licensed by either the County or the State. Proof of licensing shall be submitted with applications for the group home use. Proof of compliance with all applicable County or State regulations shall be furnished to the Township Zoning Officer.

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- D. No group home shall be constructed within a ½ mile radius of any other group home.
5. **Home Occupation.** Home occupations are permitted as accessory uses in the R-1, R-2, VC and AG districts subject to the following requirements:
- A. The home occupation shall be carried on only by a member of the immediate family or the operator residing on the lot where the home occupation will be located and a maximum of two nonresident employees.
- B. The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or structure normally accessory to a dwelling. Display of products may not be shown so as to be visible from outside the dwelling or the accessory structure. A sign or nameplate not larger than 4 square feet in area shall be permitted. It must be illuminated only by indirect lighting.
- C. Not more than 25% of the habitable floor area of a dwelling unit may be devoted to a home occupation.
- D. In addition to the required parking for the dwelling unit, two off-street parking spaces are required unless the specific customer base is determined by the Planning Commission to require a different number of spaces. Parking requirements for home occupations are subject to periodic review by the Zoning Officer and possible adjustment by the Planning Commission.
- E. The premises must at all times be kept neat and orderly.
- F. The use will not result in a substantial increase in traffic. A 20% increase in traffic shall be regarded as substantial. For this purpose, measurement of traffic increase shall occur on the nearest non dead end or non cul-de-sac street.
- G. The use will not involve any waste product other than domestic sewerage or municipal waste.
- H. The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, bake shops, handcraft shops, are examples of the type of uses which normally will meet this requirement.
- I. The use will not involve any dimensional alteration to any existing building, use of any building constructed or placed after January 1, 1992, or construction or placement of any new building.
- J. The use will not involve any outside storage.

- K. The use will not involve noise audible to neighboring residents between 6 p.m and 7 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation or other action, the application shall not be approved.
 - L. The use will not be one which tends to create dust, heat, glare, smoke, vibration or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted.
 - M. Copies of these requirements will be attached to the use certificate.
6. **Mobile Homes on Individual Lots.** A mobile home may be permitted on an individual lot where any single-family residence is permitted. The Zoning Officer shall utilize the following criteria and may require additional information to be submitted where it is necessary in order to adequately protect the health, safety and welfare of the Township residents.
- A. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the district in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.
 - B. Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized.
 - (1) **Permanent Foundation.** A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing.
 - (2) **Stand or Pad.** A pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons, may be utilized particularly in situations where a permanent foundation is not practical or a temporary foundation is desirable.
 - C. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a minimum wind velocity of at least 90 miles per hour.

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- D. Each mobile home shall have a continuous wall around its entire perimeter. The wall shall be constructed in accordance with one of the following methods:
- (1) **Permanent Walls.** A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e., the extension of a permanent foundation.
 - (2) **Skirting.** If a masonry wall is not used, each mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose or other impervious, moisture resistant materials, and shall not include bales of hay, straw, interior plywood, unfinished woods or like materials.
- E. Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- F. Every unit to be used as a dwelling unit must contain a minimum of 650 square feet of habitable floor area.
- G. The buffer requirements of §27-806 of this Chapter shall be met.
- H. Parking. Two off street parking spaces for each mobile home unit.
- I. **Mobile Homes in Floodplain.**
- (1) Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
 - (2) Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
 - (a) Placed on a permanent foundation.
 - (b) Elevated so that the lowest floor is 1½ feet or more above the elevation of the 100 year flood.
 - (c) Anchored to resist flotation, collapse or lateral movement.
7. **Multi-Family (Unit) Dwellings.** Multi-family (unit) dwellings, which are defined as a single structure designed for and constructed to contain three or more dwelling units, shall be permitted as a conditional use in the R-1 and AG districts and as a permitted use in the R-2 district. Every such structure shall also meet the requirements outlined below:

- A. **Site Plan Specifications.** Application and appropriate data must also be submitted to the Township Planning Commission in accordance with §22- 505 of the Subdivision and Land Development Ordinance [Chapter 22].
 - B. **Traffic Access and Parking Facilities.** Each multi-family structure must access onto a public street. All new streets or access drives shall be designed and constructed in accordance with the road standards contained in the Lamar Township Subdivision and Land Development Ordinance [Chapter 22]. The number of parking spaces available on the site shall equal no less than 1½ spaces per dwelling unit.
 - C. **Sewage and Water Facilities.** The developer must provide adequate sewage and water facilities, in accordance with §§22-416 and 22-417 of the Subdivision and Land Development Ordinance [Chapter 22].
 - D. **Drainage.** All plans for multi-family structures shall include a stormwater management plan as required in §22-409 of the Township Subdivision and Land Development Ordinance [Chapter 22].
8. **Residential Development in Agricultural District.** In the AG district single-family dwelling units shall be located so as to utilize the least agriculturally productive land feasible in order to minimize interference with agricultural production.
- A. Land would be considered of low quality for agricultural use if:
 - (1) The land cannot feasibly be farmed due to existing features of the site such as rock outcroppings, surface rock that inhibits plowing, heavily wooded areas or slopes in excess of 15%.
 - (2) The land consists of soil classes III, IV or V.
 - (3) Identified as such by the County Conservation District.
 - B. Single-family dwelling units shall be permitted in that part of the tract containing lower quality agriculture land as defined above, subject to the following sliding scale formula:

Size of Tract	# of Dwelling Permitted
2-5 acres	2
6-15 acres	3
16-30 acres	5
31-50 acres	7

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Size of Tract	# of Dwelling Permitted
51-75 acres	8
76-100 acres	10
101-120 plus 1 each additional 10 acres	12

- C. The minimum lot size per dwelling shall be 1 acre.
 - D. Prime farmland, soil classes I and II, shall not be used for residential development except in the case where (1) the size or shape of the parcel will not permit efficient use of farm machinery or (2) no other land on the tract can be used for residential development.
 - E. In any case, the maximum number of units which can be located on prime farmland shall not exceed one single-family residence for every 15 acres.
9. **Retirement Village.** This residential use, intended to encourage the development of communities for people of retirement age, shall be permitted as a conditional use in the R-1 and R-2 districts. In addition to any other applicable provisions of this Chapter, the following standards must be met in order to qualify for this use:
- A. The density, open space, minimum site area and impervious surface standards for the applicable district shall be met.
 - B. All dwelling units shall be limited to two bedrooms or less.
 - C. Residents must be at least 55 years of age, with no children at home under the age of 18.
 - D. A multipurpose community center for the residents of the development is permitted when part of the village.
 - E. The buffer requirements of §27-806 of this Chapter shall be met.

(Ord. 3/9/1993B, §505)

PART 6

PLANNED RESIDENTIAL DEVELOPMENT

§27-601. Purposes.

The following are the purposes of the planned residential development:

- A. To respond to the growing demand for housing of all types and design.
- B. To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design and layout of buildings.
- C. To encourage the conservation of natural features and more efficient use of auxiliary open space.
- D. To provide greater opportunities for better housing and recreation to all citizens and residents of this Commonwealth.
- E. To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may benefit those who need homes.
- F. To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

(Ord. 3/9/1993B, §600)

§27-602. Applicability of Comprehensive Plan and Community Development Objectives.

All provisions and all amendments thereto adopted pursuant to this Part shall be based on and interpreted in relation to the statement of community development objectives of the Township Comprehensive Plan.

(Ord. 3/9/1993B, §601)

§27-603. Performance Zoning Alternative.

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The performance zoning standards of Part 8 may be used as an alternative by the Planning Commission in evaluating planned residential developments. The performance zoning standards shall in that case supersede the specific requirements of this Part.

(Ord. 3/9/1993B, §602)

§27-604. Powers of the County.

The power of the County to enact, amend and repeal planned residential development provisions shall not supersede any local planned residential development, zoning or subdivision and land development ordinance which is already in effect or subsequently becomes effective in the Township provided that a certified copy of such provisions is filed with the County Planning Commission. However, all applications for tentative approval of planned residential development of land shall nevertheless be referred to the County Planning Commission for study and recommendation and the County Planning Commission shall be required to report to the Township within 30 days of such referral or forfeit the right to review.

(Ord. 3/9/1993B, §603)

§27-605. Permitted Uses.

1. Planned residential development is permitted in the following zoning districts subject to the requirements and procedures of this Part.
 - A. R-1- Residential.
 - B. R-2 - Residential.
 - C. AG - Agricultural.
 - D. VC - Village Center.
2. Permitted uses and accessory uses in planned residential development shall consist of the following:
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Multi-family dwelling.
 - D. Recreation areas to serve residents of the development.

- E. Customary accessory uses and buildings including: private garages and carports, home gardening, garden houses, tool sheds, private swimming pools and essential services provided by public utilities.

(Ord. 3/9/1993B, §604)

§27-606. Special Exception Uses.

Special exception uses shall consist of the following:

- A. Model homes.
- B. Home occupations.
- C. Temporary structures.

(Ord. 3/9/1993B, §605)

§27-607. Density Regulations.

The density standards of the table below shall be adhered to.

	R-1 District	R-2 and VC Districts	AG District³
Minimum net average land area per dwelling unit	10,000 sq ft	6,000 sq ft	8,000 sq ft
Maximum land coverage by all development	30%	60%	20%
Common open space	25%	10%	50%

(Ord. 3/9/1993B, §606)

§27-608. Common Open Space.

1. A minimum of 25% of the total tract, except in the AG district, shall be set aside as common open space. In the case of the AG district, the open space requirement shall be 50% in order to maintain the open character of the agricultural land and a corresponding open space environment within the PRD.

³ Planned residential development in the AG district shall not be located on prime agricultural soils (class I and II) and shall conform to §27-506(5).

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2. It is the express intent that this requirement for open space be used to protect valuable resources of the Township. Where possible the PRD shall feature preservation of existing natural features. Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
 - A. Protection of important natural resources (e.g., streams, ponds, wetlands, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
 - B. Protection of important historical and/or archaeological sites.
 - C. Provision of usable play and recreation areas that are conveniently accessible to residents of the planned residential development and the Township.
 - D. Integration of green belts that link residences with nearby parks, schools or other similar features.
3. Common open space shall be subject to the following:
 - A. The Township may at any time accept or refuse to accept the dedication of land or any interest therein for public use and maintenance. The Township need not require, as a condition of the approval of a planned residential development, that land proposed to be set aside for common open space be dedicated or made available to public use.
 - B. The Township may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space.
 - C. The common open space shall not be disposed of, by sale or otherwise, without first offering to dedicate the same to the public.
 - D. In the event of public dedication, any Township costs including maintenance shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien upon the affected properties in the County Office of the Prothonotary.

(Ord. 3/9/1993B, §607)

§27-609. Design and Construction Standards.

1. All improvements for streets, driveways, utilities, landscaping, stormwater management, etc., unless otherwise excepted, shall be designed and constructed in conformance with the standards and requirements of the Subdivision and Land

Development Ordinance of the Township [Chapter 22]. All such improvements shall be guaranteed under the provisions of that Chapter 22.

2. All development shall also conform to the sensitive environmental area requirements including the following provisions of Part 4 of the Subdivision and Land Development Ordinance [Chapter 22]:

§22-412 "Floodplain"

§22-413 "Stream Corridor"

§22-414 "Hydrogeology"

§22-415 "Severe Soils"

(Ord. 3/9/1993B, §608)

§27-610. Water Supply.

If water is to be provided by other than individual onsite systems (wells owned and maintained by the individual lot owners), the final plan must include evidence that the subdivision or development will be supplied by one of the following:

- A. Certificated public utility.
- B. A bonafide cooperative association of lot owners.
- C. A municipal corporation, authority or utility.

Acceptable evidence of the above would include a copy of the certificate of public convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment to serve the area in question, whichever is appropriate.

(Ord. 3/9/1993B, §609)

§27-611. Staging of Development.

A planned residential development may be constructed in phases if the following criteria are met:

- A. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required.
- B. At least 15% of the dwelling units in the tentatively approved plan are included in the first phase.

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- C. The second and subsequent stages are completed consistent with the tentatively approved plan and in no stage contain less than 15% of the dwelling units receiving tentative approval.

(Ord. 3/9/1993B, §610)

§27-612. Enforcement and Modification of Plan Provisions.

Enforcement and any modification of the development plan as finally approved shall be subject to the following:

- A. The following provisions of the development plan shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law:
 - (1) The use, size and location of buildings and structures.
 - (2) The quantity and location of common open space.
 - (3) The density of residential units.
- B. All other provisions of the development plan shall run in favor of the residents of the planned residential development in accordance with the terms of the development plan, whether recorded by plat, covenant, easement or otherwise. The provisions may be enforced at law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf. However, no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development unless those portions of the development plan have been finally approved and recorded.
- C. Grants or easements relating to the service or equipment of a public utility may not be modified, removed or released by the Township except by written authorization of the utility.
- D. All provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released, subject to the following conditions:
 - (1) No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.

- (2) No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon findings by the governing body following a public hearing pursuant to public notice.
 - (3) Any modification removal or release of the development plan provisions shall:
 - (a) Be consistent with the efficient development and preservation of the entire planned residential development.
 - (b) Not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest:
 - (c) Not be granted solely to confer a special benefit upon any person.
- E. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

(Ord. 3/9/1993B, §611)

§27-613. Approval Sequence.

Whenever a land development is permitted as a special exception or conditional use, the zoning approval shall be obtained first. The applicant can be spared expenditures of plan preparation in the event the zoning application is denied. Once the developer has filed the zoning application for the special exception or conditional use, no intervening change or amendment to the zoning, subdivision or other governing ordinance may adversely affect the development plan.

(Ord. 3/9/1993B, §612)

§27-614. Application for Tentative Approval.

1. The application for tentative approval shall be filed with the Township Secretary and shall be accompanied with payment of application fee.
2. Application for planned residential development and any subsequent modifications shall be approved by the Board of Supervisors after review and recommendation by the Township Planning Commission.

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3. The Township shall forward applications to the County Planning Commission for review and recommendation.
4. **Information to Be Submitted.** Five copies of the plan shall be submitted consisting of the following:
 - A. A map showing the location, size and topography of the site.
 - B. A map showing sinkholes, sinkhole prone soils, and wetlands if any.
 - C. The proposed density for each area of the site to be developed.
 - D. The use and the approximate height, bulk and location of buildings and other structures.
 - E. The location and size of the common open space and the form of organization proposed to own and maintain it.
 - F. **Plans for Stormwater Management.** See §22-409 of the Subdivision and Land Development Ordinance [Chapter 22].
 - G. **Plans for Sewage Disposal.** See §22-416 of the Subdivision and Land Development Ordinance [Chapter 22].
 - H. **Plans for Water Supply.** See §22-417 of the Subdivision and Land Development Ordinance [Chapter 22].
 - I. The covenants, easements or other restrictions proposed to be imposed upon the use of the land and/or buildings, including proposed easements for public utilities.
 - J. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
 - K. The required modifications in the municipal land use regulations otherwise applicable to the subject property.
 - L. In the case of plans which call for development over a period of years, a schedule showing the proposed times for final approval application of all sections of the planned residential development are intended to be filed. This schedule must be updated annually, until the development is completed.
5. **Landowner Statement.** The application for tentative approval of the planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the Township Comprehensive Plan. The statement shall also state the landowner's interest in the land (whether an option, outright ownership, etc.).

6. **In Lieu of Procedures.** The application for and tentative and final approval of a development plan for a planned residential development prescribed in this Part shall be in lieu of all other procedures or approvals otherwise required pursuant to this Chapter and the Subdivision and Land Development Ordinance [Chapter 22] of the Township, unless otherwise referenced.

(Ord. 3/9/1993B, §613)

§27-615. Public Hearings.

1. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Part, a public hearing pursuant to public notice shall be held by the Board of Supervisors in the manner prescribed for an amendment to this Chapter.
2. The Board of Supervisors may continue the hearing from time to time, and where applicable, refer the matter back to the Planning Commission for a report; however, the public hearing process shall be concluded within 60 days after the date of the first public hearing.
3. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Part prior to final approval by the Board of Supervisors.

(Ord. 3/9/1993B, §614)

§27-616. The Findings.

1. Within 60 days following the conclusion of the public hearing, the Board of Supervisors shall by official written communication, to the landowner, either:
 - A. Grant tentative approval of the development plan as submitted.
 - B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
 - C. Deny tentative approval to the development plan.
2. Failure to so act within the 60 day period shall be deemed to be a grant of tentative approval of the development plan as submitted.
3. In the event, however, that tentative approval is granted subject to conditions, the landowners may, within 30 days, notify the Board of Supervisors of his refusal to accept the conditions. In this case, the Board shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within 30 days, notify the Board of Supervisors refusal to accept all said conditions,

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tentative approval of the development plan, with all conditions, shall stand as granted.

4. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:
 - A. Those respects in which the development plan is or is not consistent with the Township Comprehensive Plan.
 - B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - C. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control of vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - E. The relationship, beneficial or adverse, of the proposed planned residential development to the surrounding area.
 - F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development.
5. When a development plan is granted tentative approval, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

(Ord. 3/9/1993B, §615)

§27-617. Status of Plan After Tentative Approval.

1. The official written communication provided for in this Part shall be certified by the Township Secretary and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and shall be noted on the Zoning Map.
2. Tentative approval of a development plan shall not:
 - A. Qualify a plat of the planned residential development for recording.
 - B. Authorize development.
 - C. Authorize issuance of any building permits.

A development plan which has been given tentative approval (and provided that the landowner has not defaulted nor validated any of the conditions of the tentative approval) shall not be modified, revoked, or impaired by action of the Township without the consent of the landowner. However, application for final approval must be filed within the periods of time specified in the official written communication granting tentative approval.

3. Tentative approval shall be deemed to be revoked in the following instances:
 - A. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner abandons the plan and notifies the Board of Supervisors in writing.
 - B. In the event the landowner fails to file application or applications for final approval within the required period of time or times.
4. Such development plan whose tentative approval was revoked and for which final approval was not given shall be subject to those local ordinances otherwise applicable and the same shall be noted in the records of the Township Secretary.

(Ord. 3/9/1993B, §616)

§27-618. Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval for a section thereof. Said application shall be made to the Township Secretary within the time or times specified by the official written communication granting tentative approval.
2. The application shall include all documents specified in §27-608 and 27-612(D) of this Chapter, as well as any conditions set forth in the official written communica-

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tion at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof shall not be required provided the development plan, or the part thereof submitted for final approval, is in compliance with the development plan given tentative approval.

3. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by this Chapter and the official written communication of tentative approval, the Board of Supervisors shall, within 45 days of such filing, grant such development plan final approval.
4. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of its refusal and setting forth the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - A. Refile the application for final approval without the variations objected.
 - B. File a written request with the approving body that it hold a public hearing on the application for final approval.
5. If the landowner wishes to take either such alternate action he may do so within the period of time to which he is entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Part for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Part.
6. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded in the County Office of the Recorder of Deeds before any development shall take place. Upon the recording of the development plan, the zoning and subdivision regulations otherwise applicable shall cease to apply thereto. Upon final approval, the developer shall guarantee improvements and post financial security in accordance with §22-305 of the Township Subdivision and Land Development Ordinance [Chapter 22].

7. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors in writing; or, in the event the landowner fails to commence and carry out the planned residential development within a reasonable time, no development or further development shall take place on the property included in the development plan until after the property is reclassified by enactment of an amendment to this Chapter in the manner prescribed for such amendments.

(Ord. 3/9/1993B, §617)

§27-619. As-Built Drawings.

Whenever a developer installs or causes to be installed any sewer lines or water lines, the developer shall, as soon as practicable after installations are complete, furnish the Township with a copy of a drawing that shows the exact location of such lines. Such drawings must be verified as accurate by the service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

(Ord. 3/9/1993B, §618)

§27-620. Jurisdiction.

District justices shall have initial jurisdiction over proceedings brought under this Section. The enforcement remedies are as follows:

- A. Any person, partnership or corporation, who or which has violated the planned residential development provisions of this Chapter, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district Justice determines otherwise. All judgements, costs, and reasonable attorney fees collected for the violation of planned residential development provisions shall be paid to the Township.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.

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- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 3/9/1993B, §619)

PART 7
SIGN REGULATIONS

§27-701. General Regulations.

The following requirements apply to all signs.

- A. Signs must be constructed of durable material and maintained in good condition.
- B. No sign shall be maintained within the Township in such a state of disrepair or the appearance of complete neglect.
- C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises that such sign be made safe or removed within 5 days.
- D. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
- E. Each sign shall be removed when the circumstances leading to its erection no longer apply.
- F. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- G. No sign shall be of the intermittent flashing or rotating type.
- H. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- I. Signs must be positioned so that they do not interfere with a clear sight triangle or create a traffic danger.
- J. No loud, vulgar, indecent or obscene advertising matter shall be displayed in any manner.
- K. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- L. No sign shall be permitted which is permanently attached to public utility poles or trees within the right-of-way of any street.

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- O. In cases where signage is required by a franchiser, the minimum required sign shall be permitted.
- P. Any advertising sign on a premise must advertise goods/services which represent a significant portion of the business conducted at the site.
- Q. **Determination of Size.** The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between the letters, figures and designs shall be included. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and at no point more than 3 feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal size.

(Ord. 3/9/1993B, §700)

§27-702. Specific Regulations.

In addition to the general sign regulations listed in the preceding Section and specific sign requirements that appear in the supplementary uses section of this Chapter, the following sign regulations shall also apply to the specific case and maintenance standards listed below. In the event there is conflict between the provisions of this section and the particular supplementary use categories in Part 5, the supplementary use requirement shall apply.

- A. Real estate sale-sold-rent-development signs when placed on the property to be sold, rented or developed.
 - (1) These signs shall not exceed 6 square feet in area for each 100 feet of frontage, and provided further that no sign shall exceed 24 square feet in area.
 - (2) All such signs shall be removed within 5 days after final transactions are completed.
- B. **Open House Signs.**
 - (1) These signs shall not exceed 6 square feet in area, and no more than one such sign shall be permitted per open house.
 - (2) No such sign may be erected earlier than 7 days prior to the open house, and must be removed no later than 1 day after the conduct of the open house.

- (3) Open house signs need not be located on the premises of the open house; however, no open house sign shall be located within any street right-of-way.

C. Temporary (Special Event) Signs and Banners.

- (1) One such sign may be permitted per lot for 1 period not exceeding 30 days during any calendar year.
- (2) Temporary signs shall be limited to a maximum 64 square feet in total sign area.
- (3) Special event signs must be removed within 24 hours of the event.

D. Clinton County Fairground Signs.

- (1) One sign may be erected on the roadway approach to the Fairgrounds, SR 2008, and may be used on a year-round basis for publicizing fairground related activities conducted at the site.
- (2) The sign may be one- or two-sided.
- (3) The size of said sign shall not exceed 100 square feet.
- (4) The sign may be illuminated by overhead or base mounted incandescent lights.

E. Billboards.

- (1) Billboards shall be permitted by special exception within the LI district.
- (2) No billboard shall be located within 1,000 feet of another billboard.
- (3) All billboards shall be a minimum of 50 feet from all side and rear property lines.
- (4) All billboards shall be setback at least 35 feet from any street right-of-way lines.
- (5) All billboards shall be setback at least 100 feet from any land within a residential district.
- (6) No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- (7) No billboard shall exceed an overall size of 300 square feet, nor exceed 25 feet in height.

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(Ord. 3/9/1993B, §701)

§27-703. Classification by Construction.

Signs shall, be divided into the following types of construction and shall be subject to the specific regulations listed therewith:

A. Ground Sign.

- (1) A ground sign is any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign.
- (2) Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.
- (3) No ground sign shall project to a point nearer than 20 feet from the edge of a street right-of-way, unless obstructing the motorists' view, at which time further setback is required.
- (4) No support for any ground sign shall be located nearer than 12 feet to any property line. Such signs shall not exceed 20 feet in height nor exceed 80 square feet in total sign area.

B. Flat Wall Sign.

- (1) A flat wall sign is a sign erected or displayed on or parallel to the surface of a building.
- (2) Flat wall signs may have a maximum area of 15% of the wall area of the wall on which the sign is to be erected.
- (3) Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.
- (4) Flat wall signs shall not project more than 12 inches from the building wall and must be located so that the lower edge is a minimum of 8 feet above grade where the sign projects from the wall more than 3 inches.

C. Wall Projecting Sign.

- (1) A wall projecting sign is any sign mounted upon a building so that its principal face is at right angles to the building wall.

- (2) Projecting signs shall be located upon the building so that the lower edge is a minimum of 10 feet above grade.
- (3) Projecting signs may project a maximum of 10 feet from the building wall, provided however, that no sign shall project to a point nearer than 12 feet from the street right-of-way.
- (4) No projecting sign shall extend more than 6 feet above the top of the wall upon which it is mounted.
- (5) Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of the canopy or marquee.

D. Roof Signs.

- (1) A roof shall be defined as any sign erected or displayed upon the roof of any building or structure or a wall-mounted sign that projects above, a portion of which exceeds the height of the building.
- (2) No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof.
- (3) No sign erected upon the roof of any building shall project beyond the edges of said roof in any direction.
- (4) Roof signs may extend above the roof, or top of wall, a distance equal to $\frac{1}{4}$ the height of the wall or 6 feet, whichever is the smaller height.
- (5) Roof signs may have a maximum area of 15% of the wall area to which the sign is attached.
- (6) No roof sign parallel to a building shall extend in length a distance greater than $\frac{1}{3}$ the length of the wall to which it is parallel and in no case may exceed 15 feet in length.

(Ord. 3/9/1993B, §702)

§27-704. Permit Requirements.

1. The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:
 - A. Official traffic signs.

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- B. Professional, accessory use or name signs.
 - C. Real estate sale-sold-rent-development signs, not exceeding 6 square feet in area.
 - D. That announce a function or event.
 - E. Signs within buildings, not visible from outdoors.
2. All other signs shall require the issuance of a permit prior to erection or installation of the sign.
 3. Applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
 - A. Dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected.
 - B. Size, dimensions and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation.
 - C. Any other information which may be required of the applicant by the Zoning Officer.
 4. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Chapter.
 5. No sign permit shall be issued except in conformity with the regulations of this Chapter, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.
 6. Permits shall be granted or refused within 45 days from date of application, or within 15 days from the date of the Zoning Hearing Board's decision (where applicable).

(Ord. 3/9/1993B, §703)

§27-705. Signs Excluded from Regulation.

The following signs are permitted without a zoning, special use, conditional use or sign permit. However, such signs shall conform to the requirements set forth below:

- A. Signs erected in connection with elections or political campaigns. Such signs shall be removed within 3 days following the election or conclusion of the campaign. No such sign may exceed 16 square feet in surface area.

- B. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is to take place on the lot where the sign is located. Such signs may be erected not sooner than 2 weeks before the event and must be removed not later than 3 days after the event.
- C. Temporary signs of contractors, architects, mechanics and artisans.
 - (1) The signs shall be displayed only while actual work is in progress, and shall not exceed 6 square feet in area, and provided further that such signs must be removed promptly upon completion of work.
 - (2) Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.
- D. Government mandated signs.

(Ord. 3/9/1993B, §704)

PART 8

PERFORMANCE ZONING

§27-801. Authority and Purpose.

1. The Municipalities Planning Code makes provisions for waiving standards to promote better land development. This change incorporates similar language into the purpose of the local ordinance.
2. It is the intent of this Chapter to encourage flexibility, economy and creativity in layout and design of subdivisions and land development (mobile home parks) and planned residential developments. The Planning Commission should have the authority to alter site requirements in order to encourage sound site planning and development practices that are consistent with contemporary planning concepts and principles and the Pennsylvania Municipalities Planning Code.

(Ord. 3/9/1993B, §800)

§27-802. Definition.

Performance zoning is a method of regulating land use based upon flexibility and creativity. When this approach is used, it supersedes the standards of conventional zoning districts. Under performance zoning, land uses are permitted based upon meeting certain site criteria rather than upon their location in a specific zoning district. The increased flexibility of performance zoning enables the landowner to work with the constraints of the site and to buffer adjoining uses. Performance criteria include site capacity, evaluation and buffer standards which are described in §27-804, 27-805 and 27-806 of this Chapter.

(Ord. 3/9/1993B, §801)

§27-803. Design Standards.

These standards may be used at the discretion of the Planning Commission to evaluate major subdivision and land development and planned residential developments as an alternative to specific standards and requirements of the particular zoning district. Performance zoning, when applied by the Planning Commission, shall supersede the specific zoning requirements for the district, or districts, in which the development-project is located.

(Ord. 3/9/1993B, §802)

§27-804. Site Capacity Calculation.

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1. Each site has physical features which are unique and not found elsewhere. Portions of some sites may not be usable due to steep slope, wetland or other sensitive areas.
2. A minimum of buildable land also should be reserved for recreation and open space. The purpose of this Section is to establish the appropriate intensity of use to which a specific tract may be put. For each tract, the developer shall submit the following calculation with the initial plan:

A. **Base Site Area.** That portion of the tract which is not usable for the activities proposed for the site shall be subtracted from the site area to determine base site area. Use the following formula to determine the base site area:

1. Site area of the development as determined by actual onsite survey. _____ Ac.
 2. Subtract: all land within the ultimate right-of-way used for existing roads and utility rights-of-way or easements. _____ Ac.
 3. Subtract: land which is not contiguous; i.e.,
 - a. A separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the development, and/or;
 - b. Land which is cut off from the main parcel by a road, railroad existing land uses, or major streams so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes. _____ Ac.
 4. Subtract: land which in a previously approved subdivision was reserved for resource reasons such as flooding or recreation. _____ Ac.
 5. Subtract: land used or zoned for another use; i.e., land which is used or is to be used for commercial or industrial uses in a residential development, or land in a different zoning district than the primary use. _____ Ac.
- Total: Equals BASE SITE AREA _____ Ac.

B. **Resource Protection Land.** All land within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it. On the form below identify the amount of land in each resource and then multiply the open space ratio that has been determined for that resource.

DETERMINATION OF RESOURCE PROTECTION AREA

Resource	Open Space Ratio	Acres of Land in Resource	Land (Acres in Resource x Open Space Ratio)⁴
Floodplains	1.00		
Floodplain soils	1.00		
Lakes or ponds	1.00		
Wetlands	1.00		
Steep Slope (25% or more)	.85		
Forest	.80		
Pond Shore	.80		
Lake Shore	.70		
Steep Slope (15-25%)	.70		
Steep Slope (8-15%)	.60		
Agricultural Soils Class I	.90		
Agricultural Soils Class II	.85		
Agricultural Soils Class III	.75		
Total Land with Resource Restrictions			
Total Resource Protection Land			

- C. **Recreation Land.** In order to provide for usable public or common open space as near to each development as possible, the following specific guidelines are intended to assure that a minimum amount of land, not included in the chart above, is retained for open space and recreational purposes:

Take	Base site area	_____
Subtract	Total land with Resource Restriction	- _____
Equals	TOTAL UNRESTRICTED LAND	= _____

⁴ The open space ratio appears in the first column.

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D. In determining the recreation or open space requirement, or set aside, for a particular type of development, use the following formula:

Multiply	Total Unrestricted Land by:	x _____
	1. Zero (0) for single-family detached uses where permitted as part of a major subdivision.	
	2. Two-tenths (0.20) for single-family cluster or performance subdivision in residential districts.	
	3. Two-tenths (0.20) for commercial projects using the performance standard.	
	4. Zero (0) for all uses in the agricultural district.	
Equals	TOTAL RECREATION LAND	= _____

E. **Determination of Site Capacity.** Individual site capacity is determined by calculating the net buildable site area. For single-family performance subdivisions, the number of allowable dwelling units is determined by multiplying the net density by net buildable site area. The calculations are as follows:

Take	Resource Protection Land	_____ Ac.
Add	Recreation Land	+ _____ Ac.
Equals	TOTAL OPEN SPACE	= _____ Ac.
Take	Base Site Area	_____ Ac.
Subtract	Total Open Space ⁵	- _____ Ac.
Equals	NET BUILDABLE SITE AREA ³	= _____ Ac.
Multiply	by Net Density for project area	x _____ Ac.
Equals	NUMBER OF DWELLING UNITS (do not round up)	= _____ DU's

NOTE: For commercial projects the formula is intended to provide the developer and Planning Commission with the net buildable site area, including the resource protection and open space set aside, and does not relate to the number of building units.

(Ord. 3/9/1993B, §803)

pc **§27-805. Criteria for Evaluating Subdivisions, Mobile Home Park Developments and Planned Residential Developments And Land Developments.**

1. Once the developable site area has been determined as a result of the previous calculations, the project would be evaluated according to the criteria below. The intent is to produce a project which is compatible with the existing landscape,

⁵In the case of commercial projects, the net buildable site area is the final calculation.

adjoining land uses and structures, and which exhibits creativity in layout and design

2. The Planning Commission shall use a positive and negative rating criteria to evaluate the project in terms of all of the applicable criteria that appear on the site performance criteria and rating chart. In some cases where there are major qualitative factors involved, there are five rating categories, ranging from +4 to a -4; in other cases, there are three rating categories; +2, 0 and -2.
3. Some of the categories that deal with infrastructure, parking, and other physical requirements shall be considered absolute guidelines that must be met for the development, or project, to be approved.
4. The developer, or builder, may use the rating categories as a guide in preparing the site plan and should, during the review process, work cooperatively with the Planning Commission to address, correct or improve a negative rating.
5. The rating categories factors would be taken into account in approving major subdivisions, commercial projects, mobile home park developments and planned residential developments.
6. **Site Performance Criteria and Rating Factors.**

A. **Architectural Compatibility.** This criterion pertains to all areas of the Township, but principally to proposed structures in the villages of Mackeyville and Salona and to the rolling agricultural landscape and associated farm-houses, barns and outbuildings.

- (1) The proposed development maintains the general appearance of the small towns and farm landscape through the sensitive siting and design of new buildings and structures.

Rating Guidelines

- +4: Highly compatible and sensitive in terms of architectural, style, scale and design to existing landscape and architecture in surrounding area.
- +2: Compatible with adjoining uses.
- 0: Limited compatibility with adjoining architecture.
- 2: Incompatible with adjacent buildings and landscape.
- 4: Disruptive to the existing village or rural character.

For projects in the village center district of Salona and Mackeyville or in the agriculture district, this criteria shall be multiplied by 2.

_____ Rating Score

- (2) Proposed setback lines are consistent with adjacent buildings.

Rating Guidelines

- +4: Maintains similar setback and lot position as neighboring buildings.
- +2: Generally conforms to building setbacks in the immediate vicinity.
- 0: Meets setback requirements of this Chapter.
- 2: Proposed setbacks are inconsistent and incompatible with adjoining buildings and structures in the immediate vicinity.

For projects in the village center district of Salona and Mackeyville or in the agriculture district, this criteria shall be multiplied by 2.

_____ Rating Score

- B. **Land Use.** Proposed use does not conflict with existing uses in the district and conforms to the desired character and function of the district.

Rating Guidelines

- +4: High priority use of the site that is compatible with land use district guidelines and adjacent uses.
- +2: Compatible with district guidelines and adjacent uses.
- 0: Compatible with district guidelines.
- 2: Not compatible with district guidelines.
- 4: Extremely incompatible with the neighborhood.

For projects in the Village Center district of Salona and Mackeyville or in the Agriculture district, this criteria shall be multiplied by 2.

_____ Rating Score

- C. **Comprehensive Plan.** The proposed use is consistent with the Township's comprehensive plan in terms of community development objectives, existing land use patterns, and future land use recommendations.

Rating Guidelines

- +2: Project is highly compatible with goals and objectives of the comprehensive plan and the type of development(s) proposed for the district.
- 0: Compatible with some of the goals and objectives of the plan and some of the development(s) proposed for the district.
- 2: Incompatible with many of the goals and objectives of the comprehensive plan and future development for the district.

_____ Rating Score

D. **Open Space.** Open space is a principal consideration for all of the rural and agricultural areas in the Township and should be reflected in new residential and commercial projects in order to achieve harmony between the existing landscape and proposed new development activity.

- (1) Proposed use incorporates open space in such a way that the project relates well to the surrounding environment.

Rating Guidelines

- +2: Complementary relationship to surrounding landscape and preserves most of the natural linkage with surrounding land that existed before the project.
- 0: Complementary relationship to surrounding landscape and preserves some of the natural linkage with surrounding land.
- 2: Conflicts with adjoining open space areas and there is no continuity of landscape or negative material; or open space is sited or screened in such a way that it seems to be isolated from surrounding environment; or is inadequate for size and scale of project.

In the agricultural (AG) and open space/recreation (O/R) districts, this criteria shall be multiplied by a factor of 2.

_____ Rating Score

- (2) Proposed use demonstrates concern for environmental, scenic and other natural features of the site.
 - +4: Highly creative open space plan that exceeds spatial requirements and recognizes natural features in a sympathetic way.
 - +2: Good use of open space that preserves most natural and scenic features of the site; sound relationships between proposed use and open space.

- 0: Meets open space requirements of this Chapter.
- 2: Insensitive to some of the natural characteristics of the site and lacking in creativity.
- 4: Highly insensitive to natural features and environment; proposed use encroaches unnecessarily in the open space.

In the agricultural (AG) and open space/recreation (O/R) districts, this criteria shall be multiplied, by a factor of 2.

_____ Rating Score

- E. **Site Design.** Proposed use is compatible with the site in terms of building placement, infrastructure elements, design and layout and relate-well to existing roadways, adjoining land uses and terrain.

Rating Guidelines

- +2: Highly sensitive to characteristics of the site in terms of the layout of buildings, existing infrastructure; uses land planning concepts in creative way.
- 0: Proposed use addresses the needs of the site in an acceptable but uncreative way.
- 2: Highly insensitive to the site in terms of layout and placement of buildings, roads, and other infrastructure; very uncreative design.

_____ Rating Score

- F. **Infrastructure /Roads and Related Features.** Absolute criteria proposed use should provide for an adequate road network to service the project and other infrastructure features, such as culverts, small bridges, curbing and sidewalks should be appropriate for the particular site.

- (1) Roads and/or road network are sufficient in terms of width, construction and design to handle anticipated demands.

Rating Guidelines

- +2: Roads and/or road network exceed the standards and are designed for ease of maintenance.
- 0: Roads meet minimal standards for proposed use.
- 2: Roads and network are not adequate to service the project, demonstrate poor design and/or appear to invite future maintenance problems.

(-2 rating is not acceptable for the project to proceed)

_____ Rating Score

- (2) Other infrastructure elements such as bridges, culverts, sidewalk and curbing are sufficient to meet access and drainage demands of the site.

Rating Guidelines

- +2: Infrastructure elements meet requirements and address the site needs safely and in a creative way.
- 0: Addresses infrastructure needs of the project in an adequate manner.
- 2: Other infrastructure features are not well designed and fail to meet the requirements of the site.
- 4: Infrastructure is poorly designed and inadequately sized to meet the requirements of the site, high maintenance, unsafe conditions are likely to result.

(-2 rating is not acceptable for the project to proceed)

_____ Rating Score

- G. **Landscaping.** Proposed use recognizes the need for good landscaping to complement buildings and other structures, provides natural plantings within the project area, and establishes a complimentary relationship with the surrounding landscape.

- (1) Village-style landscaping and features are included in the proposed project. (All of the features below should be encouraged and can be rated cumulatively.)
 - +2: A fence or hedge of no more than 4 feet in height enclosing the front yard.
 - +2: Two canopy trees or three flowering trees located within the front yard.
 - +2: One canopy tree plus flowering shrubs located in the front or side yard.
 - +2: One canopy tree plus an arbor with climbing vines located in the front yard.

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- +2: An unenclosed porch at least 7 feet wide running across at least $\frac{3}{4}$ of the house front.

Rating Score

- (2) Landscaping relates to the rural character of the area.

Rating Guidelines

- +4: Provides a buffer yard of generous width and breadth consisting of trees. Has a harmonious relationship with the rural landscape. Utilizes existing hedgerows.
- +2: Utilizes trees and shrubs to achieve a good relationship between existing and proposed buildings, project terrain and surrounding environment.
- 0: Adequate use of landscaping to complement buildings and surrounding landscape.
- 2: Inadequate landscaping for size and scale of project. Does not relate well to existing buildings or landscape.
- 4: Poor design. Creates an abrasive relationship with the surrounding landscape.

(-2 rating is not acceptable for the project to proceed)

Rating Score

- H. **Recreational Facilities.** Recreational facilities reflect the general recreational needs of the project residents, are adequate to serve the population and are sited in an appropriate and accessible location.

Rating Guidelines

- +4: Well-sited facilities exceed requirements and creatively provide for both passive and active recreational needs of the project residents.
- +2: Facilities exceed requirements and are linked to needs of residents, positive site considerations.
- 0: Facilities meet requirements and are reasonably sited.
- 2: Facilities fail to meet requirements and are inadequately sited.
- 4: No facilities, or inadequate; poorly planned and sited.

_____ Rating Score

- I. **Parking: Absolute Criteria.** Proposed parking is adequate to service the project and is designed in such a way as to complement adjoining land uses.

Rating Guidelines

- +4: Meets parking requirements and establishes a creative, well designed area that is attractively landscaped and makes excellent use of the site.
- +2: Meets parking requirements and show some creativity in layout siting and buffering.
- 0: Meets minimum parking requirements.
- 2: Meets minimum standards but fails to adapt well to the site and/or adjoining land uses.

(-2 rating is not acceptable for the project to proceed)

_____ Rating Score

- J. **Building Height/Scale.** Buildings are scaled to adjoining land uses.

Rating Guidelines

- +4: Building height and scale are consistent with neighboring structures; setback and buffers are used effectively to provide complimentary relationship to adjoining structures and land uses.
- 0: Building height and scale are inconsistent with neighboring structures and land uses, but creative and effective use of buffers help to minimize the impact.
- 2: Building height and scale are inconsistent with neighboring structures and ineffectively buffered.

Note: Building shall not exceed the height limitations of the district in which they are located.

_____ Rating Score

- K. **Sewer and Water: Absolute Criteria.** Sewer and water facilities are adequate to serve the site as well as demonstrate capacity for future needs if subsequent expansion is anticipated.

- (1) **Sewer Facilities.**

Rating Guidelines

- +2: Community sewer or onlot system, including connecting lines where needed, is adequate to handle all current and expected demands and meets or exceeds DEP standards. [Ord. 12/10/2001]
- 0: Meets Township or DEP standards. [Ord. 12/10/2001]
- 2: System is inadequate to meet present needs and allows for no expansion.
- 4: System is inadequate and proposed project may threaten ground-water sources.

(-2 rating is not acceptable for the project to proceed)

_____ Rating Score

(2) **Water Resources.**

- +2: Water source is adequate for present and projected needs, including capacity, level of pressure and size of lines.
- 0: Water source is adequate to serve present needs.
- 2: Water supply is not adequate to serve the intended use and there is inadequate levels of pressure and/or undersize lines.
- 4: Inadequate water supply and proposed project may threaten groundwater sources.

(-2 rating is not acceptable for the project to proceed)

_____ Rating Score

- L. **Stormwater Management: Absolute Criteria.** Adequate drainage and erosion control is provided.

Rating Guidelines

- +2: Provides for onsite drainage and erosion control in a way that enhances the site and adequately controls the projected volumes of water following construction.
- 0: Meets the standards required by the Soil Conservation Service (SCS).
- 2: Fails to complement the site and is likely to increase the volume of water and/or fails to meet SCS standards.

-4: The proposed project may threaten the environment quality of the area.

(-2 rating is not acceptable for the project to proceed)

_____ Rating Score

SUMMARY TOTALS OF EVALUATIVE CRITERIA

- A. Architectural Compatibility
 - _____ 1. compatible character
 - _____ 2. setback
- _____ B. Land Use
- _____ C. Comprehensive Plan
- D. Open Space
 - _____ 1. related to environment and landscape
 - _____ 2. concern for scenic and other natural features
- _____ E. Site Design
- F. Infrastructure/roads and related features
 - _____ 1. adequate road network
 - _____ 2. sufficient infrastructure elements
- G. Landscaping
 - _____ 1. village style
 - _____ 2. larger rural landscape
- _____ H. Recreational Facilities
- _____ I. Parking
- _____ J. Building Height/Scale
- _____ K. Sewer and Water
 - _____ 1. sewer

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_____ 2. water

_____L. Stormwater Management

_____ TOTAL SCORE

The minimum total score for project approval shall be a +20; all absolute criteria, however, shall be met. The Planning Commission shall make comments as appropriate in support of the rating criteria, including a listing of specific inadequacies and/or problem areas in the proposed plan.

(Ord. 3/9/1993B, §804; as amended by Ord. 12/10/2001)

§27-806. Buffer Yard Screenings.

1. **Definition.** A buffer is a specified land area together with the planting and landscaping required on the land. A buffer may also contain a barrier, such as a berm or a fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.
2. **Purpose.** The provisions of this Section are provided for the following purposes:
 - A. To act as a guide in evaluating buffering criteria when the performance zoning approach is used.
 - B. To act as buffer design standards as referenced throughout Chapter when the conventional zoning district approach is used.
 - C. To provide flexibility to the developer by manipulation of four basic elements: distance, plant material type, plant material density and land forms.

The general purpose of a buffer is to ameliorate nuisances and unfavorable land use relationships. The required buffer is intended to minimize nuisances including incongruous land uses.

3. **Buffer of Agriculture Areas.** Where development is proposed adjacent to or within the agricultural zoning district, a buffer yard of trees shall be provided. This requirement shall supersede use of the design diagrams below, if at the discretion of the Planning Commission, a tree plantation better serves to preserve the larger rural landscape. Existing hedgerows and woodlots shall be preserved to the greatest extent possible and can be used toward the fulfillment of the buffer requirements.
4. **Location of Buffer Yards.** Buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. The buffer is normally calculated along the property line. However, design variations are allowed and may be calculated as shown on the "Design Option Chart," Table 1.

5. **Determination of Buffer Yard Requirements.**

- A. Existing hedgerows and woodlots, may be applied toward fulfillment of the buffer yard requirements. The Planning Commission may require that more trees be added to an existing hedgerow in order to increase the buffer density.
- B. To determine the type of buffer yard required between two adjacent parcels, the following procedure shall be followed:
 - (1) Identify the land use class of the proposed use by referring to Table 3, "Buffer Yard Requirements."
 - (2) Identify the land use class of each adjoining use by referring to Table 2, "Land Use Classification Chart."
 - (3) Determine the buffer yard requirements for side and rear lot lines or the portion thereof on the subject parcel by referring to Table 1, "Design Options." Retained natural woodland shall be preferred landscaping. The buffer yards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining buffer yards, except that the Planning Commission may take such existing buffering into consideration when determining the buffer yard requirements.
 - (4) When a developed use is proposed adjacent to vacant land, the owners of the affected properties may submit a contractual agreement whereby the buffer yard for the developed use is reduced or waived, provided that the owner of said property to be developed agrees to: (a) develop at no greater intensity than the specified land use class and (b) if an additional buffer is needed at a future time, it will be provided on the vacant land. This agreement or common consent, shall be recorded on the respective property deeds of all affected landowners.
 - (5) Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class 3 to Class IV), the Planning Commission shall determine, during the site plan review process, whether additional buffer yard is needed and if so to what extent and type.

Note: Buffer yard requirements are stated in terms of the width of the buffer yard and the number of plant units required per 100 linear feet of buffer yard. The requirements may be satisfied by any of the options indicated (Buffer Yard Type A through E).

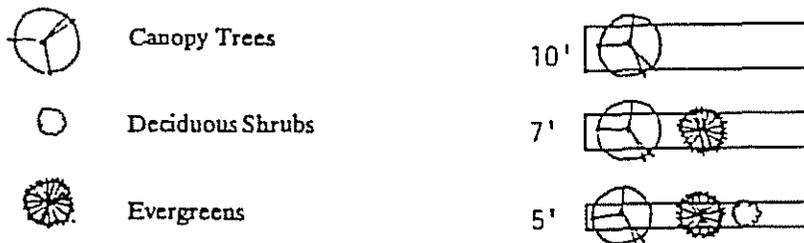
6. **Buffer Yard Use.** A buffer yard may be used for passive recreation. It may contain pedestrian, bike or equestrian trails provided that:

- A. Adequate plant material is retained as necessary to achieve the buffer effect.
- B. The total width of the buffer yard is maintained.

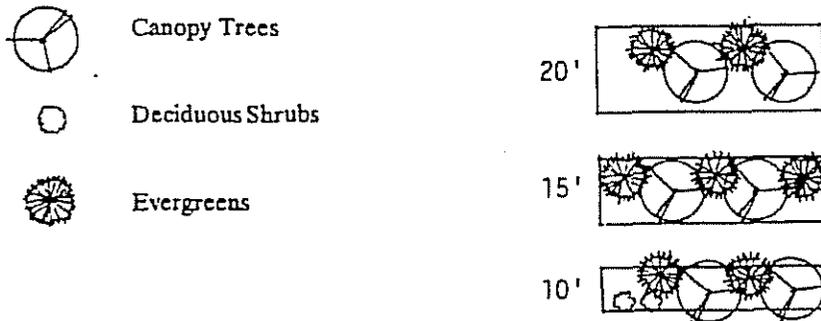
7. **Buffer Yard Maintenance.** It shall be the responsibility of the property owner to maintain required landscaping and buffer yards. Dead plant materials must be replaced within 1 year of their original planting. landscaped areas and buffer yards shall be kept free of noxious weeds and trash. Where natural plant growth changes the actual buffer effect over time, the Zoning Officer may require supplementary plantings to achieve the intent and purposes of this Chapter.
8. **Optional Landscaping Methods.** As a design option, the developer may propose to develop, with concurrence of the Planning Commission, an orchard, a grove of trees or similar vegetation in keeping with the rural character of the Township. For example, an earth berm with appropriate vegetation may be used to reduce the required number of plantings in the buffer yard design standards. Such reduction would be determined by the Planning Commission after review of the earth berm and proposed vegetative pattern.
9. **Buffer Yard Design.**
 - A. **Plant Materials.** All plant materials required within a specified buffer yard shall be planted to completion within 6 months from date of approval of the site plan and thereafter be properly maintained.
 - B. **Plant Types.** The following landscape/plant materials are suggested for inclusion in the required buffer yards:
 - (1) Canopy trees: maple, oak, birch, beech, linden, honey-locust, ash, ginko, sweetgum.
 - (2) Deciduous shrubs and shrublike trees: Russian olive, dogwood, redbud, flowering crab, hawthorn, magnolia, fruit (pear, cherry, plum, peach, honeysuckle, lilac, cotoneaster, forsythia, euonymus, hydrangea, privet, vibernum.
 - (3) Evergreens: pine, fir, spruce, hemlock, juniper, yew, arborvitae, rhododendron.
 - C. **Minimum Allowable Size/Trees.** Minimum 6 feet in height or not less than 1 inch in caliper.
 - D. **Required Number of Plantings.** The number of canopy trees, evergreens and shrubs is based on the depth of the buffer yard and the types of land uses to be buffered. To determine the required number, identify the adjoining land use (A-E) and buffer yard depth and then count the number of canopy trees, evergreens and shrubs in the respective block on the chart below.

BUFFER YARD DESIGN OPTIONS: TABLE 1

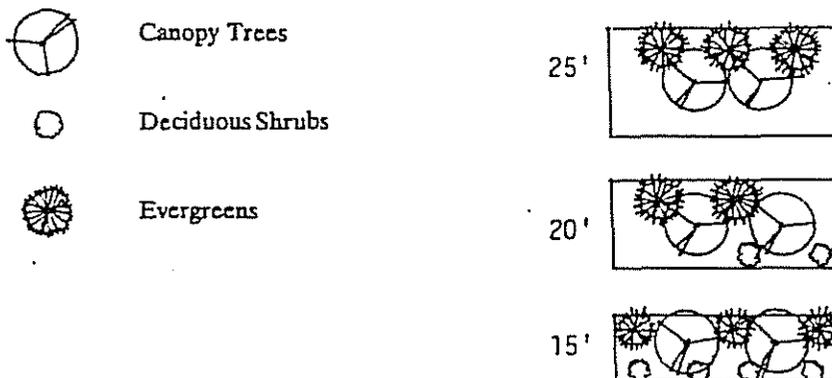
BUFFER YARD A



BUFFER YARD B

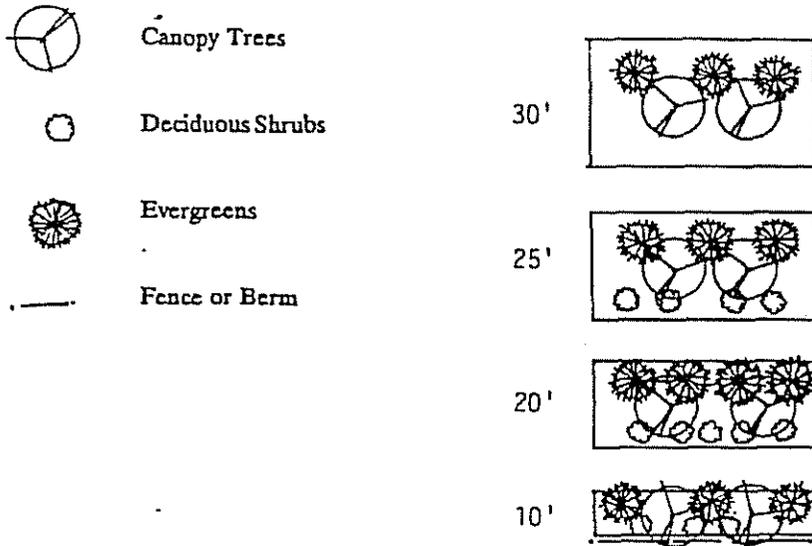


BUFFER YARD C

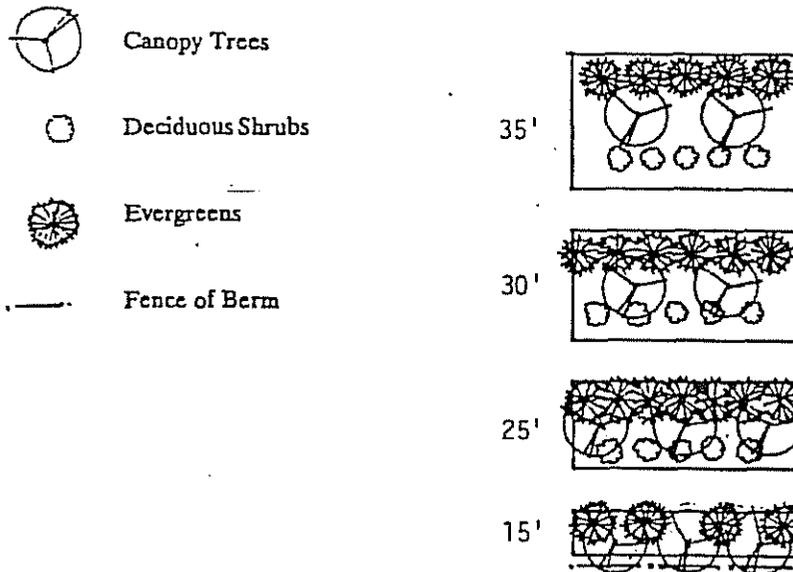


BUFFER YARD DESIGN OPTIONS -- TABLE 1 (CONT.)

BUFFERYARD D



BUFFERYARD E



LAND USE CLASSIFICATION -- TABLE 2

The following list shows the principal type of land uses in each class which are used to determine the buffer required between any particular class. See Table 3, "Buffer Yard Requirements."

CLASS I

- Agriculture
- Single-Family Detached Residences
- Open Space/Recreation Areas
- Forested Areas

CLASS II

- Performance Subdivision
- Recreational Facilities
- Institutional Uses
- Public Buildings/Public Service Installations
- Two-Family Dwellings

CLASS III

- Multifamily Dwellings
- Offices and Service Establishments
- Mobile Home Parks
- Convenience Retail Establishments
- General Retail Establishments
- Research and Development Use

CLASS IV

- Other Commercial Uses
- Wholesale and Warehousing

CLASS V

- Industrial Uses

BUFFER YARD REQUIREMENTS -- TABLE 3

Land Use Class	Adjacent Existing Land Use Class				Adjacent Vacant Land (Zoning District)									
	I	II	III	IV	V	R-1	R-2	VC	RRC	HI	GC	LI	AG	OR
I	--	A	C	D	E	--	A	--	A	C	C	D	--	--
II	A	A	B	C	D	A	B	A	B	B	B	C	A	A
III	C	B	B	C	C	C	C	C	B	B	B	B	C	C
IV	D	C	B	A	B	D	D	C	C	B	B	A	D	C
V	E	E	D	B	A	E	E	E	D	C	C	B	D	D

Interpreting Table 3

Table 3 is used to determine the type of buffer required for any project using the Performance Zoning Standard.

- A. To determine the land use class for any type of development, consult Table 2, "Land Use Classification." Classes are divided into five categories, based on the nature and character of the use. (Agriculture, for example, is in Class I, while industrial use is in Class V.)
- B. If the adjoining land parcel is occupied, identify the adjacent land use by class also (See horizontal heading entitled "Adjacent Existing Land Use Class" near the left of chart). Then, select the proposed land use class from the vertical column labeled "Land Use Class" at the extreme left of the chart in order to identify the type of buffer yard design required. A proposed land use IV, for example, that is adjacent to another land use IV property, would require an A type buffer yard design as described in Table 1. No buffer would be required between two Class I residential uses.
- C. When the adjacent land is vacant, the type of buffer yard design required depends on the zoning designation of the particular adjoining parcel. For instance, a project that qualifies as a land use Class 3 on Table 2 would require a C-type buffer in an (R-1) residential district and a B-type buffer in the (H-I) highway interchange district.

(Ord. 3/9/1993B, §805)

PART 9

NONCONFORMITIES

§27-901. Intent.

The following regulations shall apply to existing uses, structures, buildings, lots, and signs which do not conform to the provisions of this Chapter or to the provisions of any subsequent amendment hereto.

(Ord. 3/9/1993B, §900)

§27-902. Nonconforming Uses.

Except as provided in this Part, any use existing at the effective date of this Chapter, which does not conform with the provisions of this Chapter, shall comply with the following:

- A. **Continuation.** Any use of structure or of land legally existing on the effective date of this Chapter may be continued although such use may not conform to the provisions of this Chapter except as otherwise herein provided.
- B. **Expansion.** The following standards shall apply to nonconforming uses:
 - (1) No currently conforming use shall be enlarged or increased in a manner which will further violate any area, bulk and height regulations imposed by the zoning district in which it is located.
 - (2) No nonconforming use may be expanded unless it has been approved by the Zoning Hearing Board.
 - (3) The proposed expansion shall not exceed 50% of the area used at the time this Chapter became effective.
 - (4) The proposed expansion shall not cause an increased detrimental effect on surrounding properties.
 - (5) The proposed expansion shall conform to off street parking requirements.
 - (6) The proposed expansion shall not be detrimental to or alter, or intend to alter, the character of the existing neighborhood.
 - (7) No nonconforming use shall be enlarged or increased upon ground not owned, leased or under option to purchase at the time of the passage of this Chapter.

- C. **Change in Use.** Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:
- (1) The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where it is located, due to the peculiar circumstances presented by the lot, building or structure.
 - (2) The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
 - (a) Traffic generation and congestion.
 - (b) Noise, smoke, dust, noxious matter, heat, glare and vibration.
 - (c) Storage and waste disposal.
 - (d) External appearance.

(Ord. 3/9/1993B, §901)

§27-903. Nonconforming Buildings and Structures.

Except as provided in this Part, any building or structure existing at the time of passage or amendment to Chapter shall comply with the following.

- A. **Continuation.** Any nonconforming building or structure legally existing on the effective date of this Chapter may be continued.
- B. **Restoration.** Any nonconforming building or structure which has been damaged or destroyed by fire or some other calamity may be restored within the limits of the existing foundation and shall not exceed the height, width and depth dimensions of the original building. Restoration shall begin within 9 months from the date of damage or destruction and shall be carried on without interruption.
- C. **Extension.** Any nonconforming building or structure existing at the time of the effective date of this Chapter may be extended provided such extensions conform to the applicable area and building height requirements. The extension of any existing nonconforming building or structure shall require a special exception when the total floor area will be increased by more than 25% of the floor area of the nonconforming building at the time of the effective date of this Chapter. In granting a special exception, the Zoning Hearing Board shall consider the following:

- (1) It is clear that such extension is not materially or spatially detrimental to the character of the surrounding lots or the interest of the Township.
- (2) No more than one extension to a nonconforming building shall be granted.
- (3) The Zoning Hearing Board may specify appropriate conditions and safeguards as may be required.
- (4) The extension of the building or structure does not extend upon ground not owned, leased or under option to purchase at the time of the passage of this Chapter.

(Ord. 3/9/1993B, §902)

§27-904. Nonconforming Lots.

1. **Lots Included in Approved Plans.** Any lot shown on an approved and publicly recorded subdivision plan on the effective date of this Chapter which does not meet the minimum area and bulk requirements of the zoning district in which it is located may be used for any use permitted in that district provided that all yard, height, impervious coverage and common open space requirements shall be met. The Zoning Hearing Board may grant a variance from the yard and impervious coverage requirements as long as the provisions under Part 3 are satisfied.
2. **Lots Held in Single and Separate Ownership.** Any lot held in single and separate ownership at the effective date of this Chapter which does not meet the minimum area and building requirements of the zoning district in which it is located may be used for any use permitted in that district provided that all yard, height, impervious coverage and common open space requirements are met. If the plans for the proposed use shall be approved by the Zoning Hearing Board, after review of such plans to assure reasonable compliance with the spirit of the zoning regulations for the district, and the water supply and sewage disposal facilities are certified as adequate by the Township Engineer, a variance from the yard and impervious coverage requirements may be granted.
3. **Ownership of Adjacent Property.** In the event an applicant owns adjacent property sufficient to enable him to comply with the provisions of this Chapter, such property or portions thereof shall be combined prior to the erection or alteration of a building or structure. Such combination shall correct the nonconforming situation to the maximum extent possible and shall not create a nonconforming lot out of the adjacent property.

(Ord. 3/9/1993B, §903)

§27-905. Nonconforming Signs.

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Any sign existing at the effective date of this Chapter that does not conform to the provisions of Part 7 shall be considered a nonconforming sign.

(Ord. 3/9/1993B, §904)

§27-906. Displacement.

No nonconforming use building or structure shall be extended to displace a conforming use, building, or structure.

(Ord. 3/9/1993B, §905)

§27-907. Abandonment.

Whenever a nonconforming use of land or of a building or structure is abandoned, discontinued or left vacant for a continuous period of 1 year or more, subsequent use of such buildings or structure, or of land shall be in conformance with the provisions of this Chapter. Nonconforming signs, and signs associated with a nonconforming use shall be removed prior to the commencement of a subsequent use.

(Ord. 3/9/1993B, §906)

§27-908. Special Exception Criteria.

The following criteria shall be applied by the Zoning Hearing Board to special exception and variance applications involving a nonconforming use, building or structure or occur:

- A. The activity, building or structure shall not create further deviations from the area, bulk and height requirements of the applicable district.
- B. Public water and sewage disposal service have been certified as adequate by the Township Engineer.
- C. Sinkholes have been protected and groundwater supplies have been safeguarded.
- D. Emergency vehicles are provided direct access to the activity, building or structure, and to adjacent properties.

(Ord. 3/9/1993B, §907)

PART 10

ZONING HEARING BOARD

§27-1001. Creation of Zoning Hearing Board.

The Board of Township Supervisors shall create a Zoning Hearing Board, herein referred to as "Board," which shall consist of three residents of the Township appointed by resolution by the Supervisors.

(Ord. 3/9/1993B, §1000)

§27-1002. Membership of Board.

The Board shall consist of three residents of Lamar Township to be appointed by the Township Board of Supervisors. The terms of the initial appointees shall be for 1, 2 and 3 years from the date of appointment. Their successors shall be appointed for the term of 3 years after the expiration of the terms of their predecessors in office. A Board member may be removed by the appointing authority for just cause only after written charges are filed and only after a public hearing. Members of the Board shall hold no other office in the Township, except that no more than one member may also be a member of the Township Planning Commission.

(Ord. 3/9/1993B, §1001)

§27-1003. Removal of Board Members.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, for failure to attend three consecutive meetings of the Planning Commission without adequate notification and explanation, or for other just cause by a majority vote of the Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the Board member shall request it in writing.

(Ord. 3/9/1993B, §1002)

§27-1004. Vacancies on the Board.

The Board shall promptly notify the Board of Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

(Ord. 3/9/1993B, §1003)

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§27-1005. Organization of Board.

1. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all the members of the Board.
2. Meetings and hearings of the Board shall be held at the call of the chairperson of the Board and at such other times as determined by the Board by majority vote.
3. The Board shall, upon appeal of a decision by an administrative official, decide any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(Ord. 3/9/1993B, §1004)

§27-1006. Hearings.

The Board shall conduct hearings and make decisions in accordance with the following requirements.

- A. Public notice of all hearings shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Township Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.
- B. The Board of Township Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearing may include compensation for the secretary, notice and advertising costs and necessary administrative services connected with the hearing. The costs shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within 60 days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
- D. The decision, or in the case that no decision is called for, the findings shall be made by the Board. However, the applicant may, prior to the decision of the Zoning Hearing Board, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
- F. The chairperson of the Board or the hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Section, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on-the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this Section. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of omnipotent jurisdiction.
- J. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board

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shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 3/9/1993B, §1005)

§27-1007. Mediation Options.

1. Parties to proceedings authorized in this Part and by the Pennsylvania Municipalities Planning Code may utilize mediation as an aid in completing such proceedings. In no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Part.
2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure, that, in each case, the mediating parties, assisted by the mediator, as appropriate, develop terms and conditions for:
 - A. Funding mediation.
 - B. Selecting mediators who at a minimum, shall have a working knowledge or municipal zoning and subdivision procedures and demonstrated skills for mediation.
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized in this Chapter and in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by the applicant or municipal decision-making body if either is not a party to the mediation.
 - E. Identifying all parties and affording them the opportunity to participate.
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Pennsylvania Municipalities Planning Code.
3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement shall be admissible as evidence in any subsequent judicial or administrative proceedings.

(Ord. 3/9/1993B, §1006)

§27-1008. Applicability of Judicial Remedies.

Nothing contained in this Part shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091.

(Ord. 3/9/1993B, §1007)

§27-1009. Variances.

The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development or adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(Ord. 3/9/1993B, §1008)

§27-1010. Special Exceptions.

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1. The Board may grant special exceptions only for such uses as are provided for in Part 3, the district regulations, and pursuant to the express standards and criteria outlined in Part 3. In making such determinations, the Board may attach reasonable conditions and safeguards, in addition to those already expressed in this Chapter. The Board's decision to grant a permit for a special exception shall be made only after public notice and hearing.
2. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate special exception use.
3. In reviewing requests for special exceptions, the Board shall take into account the following requirements applicable in this Chapter and in the Subdivision and Land Development Ordinance [Chapter 22].
 - A. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
 - B. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - C. That the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
 - D. That adequate landscaping and screening is provided.
 - E. That adequate off-street parking and loading is provided and ingress and egress is adequately designed.
 - F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for planned residential developments.
 - G. The provisions for protecting stream corridors are provided, as specified in §22-413 of the Township Subdivision and Land Ordinance [Chapter 22].
 - H. That areas with existing or potential sinkholes receive the required consideration as specified in §§22-413 and 22-414 of the Township Subdivision and Land Ordinance [Chapter 22].
4. **Filing Requirements.** In addition to the required building permit information each special exception application shall include the following:
 - A. Ground floor plans and elevations of proposed structures.
 - B. Names and address of adjoining property owners including properties directly across a public right-of-way.

- C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
 - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.
5. **General Requirements.** In reviewing requests for special exceptions, the Board shall take into account the following requirements along with those found in Part 3 and in other applicable Sections of this Chapter:
- A. The proposed use shall be consistent with the purpose and intent of this Chapter.
 - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
 - C. The proposed use will not substantially change the character of the subject property's neighborhood.
 - D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access and etc.).
 - E. For development within the floodplain zone, that the application complies with those requirements identified in the Township's Floodplain Ordinance [Chapter 8].
 - F. The proposed use shall comply with those criteria specifically listed in Part 4 of this Chapter. In addition, the proposed use must comply with all other applicable regulations contained in Chapter.
 - G. The proposed use will substantially support the integrity of the Township's Comprehensive Plan.

(Ord. 3/9/1993B, §1009)

§27-1011. Jurisdiction.

- 1. The Board shall have exclusive jurisdiction in the following matters:
 - A. Hears and decides challenges to the validity of this Chapter or Zoning Map.
 - B. Makes interpretations of this Chapter.
 - C. Hears and decides zoning appeals.
 - D. Hears and decides applications for special exceptions.

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- E. Hears and decides applications for variances.
2. The Supervisors shall have exclusive jurisdiction in the following matters:
- A. Hear and decide applications for conditional use under the express provisions of this Chapter.
 - B. Amend this Chapter and Zoning Map pursuant to Part 14 of this Chapter.
 - C. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Part 14.

(Ord. 3/9/1993B, §1010)

PART 11
CONDITIONAL USE

§27-1101. Applicability.

The Township Board of Supervisors shall have the power to approve conditional uses when this Chapter specifically requires the obtaining of such approval and for no other purpose.

(Ord. 3/9/1993B, §1100)

§27-1102. General Conditions for Conditional Uses

1. In granting a conditional use, the Board of Supervisors shall make findings of fact consistent with the provisions of this Chapter. The Board of Supervisors shall not approve a conditional use except in conformance with the conditions and standards outlined in this Chapter.
2. The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board of Supervisors shall among other things require that any proposed use and location be:
 - A. In accordance with the Township Comprehensive Plan.
 - B. In the best interests of the Township, the convenience of the community, and the public welfare.
 - C. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with the existing character of the general vicinity.
 - D. In conformance with all applicable requirements of this Chapter and all Township ordinances.
 - E. Suitable in terms of effect on highway traffic and safety.
 - F. In accordance with sound standards of land development practice.
3. The Board of Supervisors may impose whatever conditions it deems necessary to ensure that any proposed development will secure substantially the objectives of this Chapter.
4. **Review by the Planning Commission.** The Board of Supervisors shall request an advisory opinion from the Planning commission on any application for a conditional

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use, the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Board of Supervisors on an application. The Planning Commission may request a report from the Township Engineer or consultant.

(Ord. 3/9/1993B, §1101)

§27-1103. Application Requirements for Conditional Use.

1. The landowner shall make a written request to the Board of Supervisors that it hold a hearing on his application. The request shall contain a statement reasonably informing the Board of Supervisors of the matters that are at issue.
2. The application shall be accompanied by plans and other materials in accordance with §27-1010(4).
3. The Board of Supervisors shall hold a hearing upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension.

(Ord. 3/9/1993B, §1102)

§27-1104. Review Procedures for Conditional Uses.

The Board of Supervisors shall conduct hearings and make decisions in accordance with the procedures set forth in this Chapter and the Pennsylvania Municipalities Code.

(Ord. 3/9/1993B, §1103)

PART 12

ADMINISTRATION

§27-1201. The Zoning Officer.

1. **Appointment.** The Zoning Officer shall be appointed by the Board of Supervisors. The Zoning Officer shall not hold any elective office in the Township.
2. **Compensation.** The compensation for the Zoning Officer shall be determined by the Board of Supervisors.
3. **Qualifications.** The Zoning Officer shall meet the requirements established by the Township and shall be able to demonstrate a working knowledge of municipal zoning.
4. **Duties and Responsibilities.** The Zoning Officer shall have all the duties and powers conferred by this Chapter in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms to the literal requirements of this Chapter. Specifically, the Zoning Officer shall:
 - A. Receive and process all applications for zoning permits, occupancy permits, variances, special exceptions, conditional uses and appeals.
 - B. Receive and process complaints, only if received in writing.
 - C. Issue zoning permits and certificates of compliance for construction and uses which are in accordance with the regulations of this Chapter and subsequent amendments; or through the Board of Supervisors for conditional uses; or through the Zoning Hearing Board; or through court approval. Zoning permits and occupancy permits shall not be issued if subdivision and land development regulations have not received the required approval.
 - D. Record and file all applications for zoning permits and occupancy permits together with accompanying plans and documents.
 - E. Maintain the zoning map showing the current zoning classifications of all land and the zoning text including all amendments.
 - F. In the case of a conditional use or special exception, the Zoning Officer shall conspicuously post a notice of public hearing on the affected property whenever the Zoning Hearing Board or the Board of Supervisors schedules a public hearing.

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- G. Participate in all proceedings before the Zoning Hearing Board and the Planning Commission and as requested provide facts and records which will assist such bodies.
 - H. Submit a quarterly report to the Board of Supervisors of all permits and occupancy permits issued and violations and stop work orders recommended or promulgated.
5. In addition, the Zoning Officer may prepare a map and register showing the identity and location of nonconforming uses and structures.

(Ord. 3/9/1993B, §1200)

§27-1202. Zoning Permits.

1. **Requirements.** It shall be unlawful to commence the excavation, construction or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. No permit shall be required for repair, maintenance or interior remodeling provided it does not change the use or otherwise violate the provisions of this Chapter.
2. **Form of Application.** The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee. Application shall be made by the owner, lessee or the agent of either. However, if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner that the proposed work is authorized by this owner.
3. **Description of Work.** The application shall contain a general description of the proposed work, use and occupancy of all parts of the building, structure, land or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, use or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
4. **Issuance of Zoning Permit.** The Zoning Officer shall determine whether the plans conform to the provisions of all pertinent local laws. In the event they do not, he shall reject the application and state the reasons for doing so in writing. The Zoning Officer shall inform the applicant of the right of appeal to the Zoning Hearing Board in the event the application is rejected. When the Zoning Officer is satisfied that the proposed work and/or use conforms to the provisions of this Chapter and all laws and ordinances applicable thereto, he shall issue a permit.
5. **Notice of Starting Work.** The Zoning Officer shall be given at least 24 hours notice by the applicant prior to commencement of work.

6. **Expiration of Permit.** The permit shall expire after 1 year from the date of issuance unless work at the site has commenced within such period. All work must be completed within 2 years. For the purposes of this Chapter, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, erection of temporary forms, the installation of pilings under proposed subsurface footers or the installation of utilities
7. **Completion of Work.** Upon completion of the work and prior to use or occupancy, the permit holder shall notify the Zoning Officer. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved and has issued an occupancy permit.
8. **Revocation of Permits.** The Zoning Officer may revoke a permit in case of any false statement or misrepresentation of fact in the application or on the plans or for any other cause set forth in this Chapter.
9. **Posting of Permit.** A true copy of the permit shall be kept on the site of operations open to public inspection until completion of the work.

(Ord. 3/9/1993B, §1201)

§27-1203. Occupancy Permit.

1. **Requirements.** It shall be unlawful to use and/or occupy any structure, building, sign and/or land or portion thereof for which a permit is required until an occupancy permit has been issued by the Zoning Officer.
2. **Time of Application.** When the use of premises involves a new building or structure or additions to an existing building or structure, the application for an occupancy permit shall be made at the same time application is made for a zoning permit. When no construction or alteration is involved, application to occupy and use land may be made at any time.
3. **Form of Application.** The application for an occupancy permit shall be in such form as the Zoning Officer may prescribe. The application shall contain the intended use and/or occupancy of any structure, building, sign and/or land or portion thereof for which a permit is required.
4. **Issuance of Occupancy Permit.** The Zoning Officer shall inspect any structure, building, sign and/or use of land within 10 days of notification that the work has been completed. Should the Zoning Officer determine that the work is in conformity and compliance, he shall issue an occupancy permit, a true copy of which shall be kept available for official inspection at all times.

PART 13
ENFORCEMENT

§27-1301. Jurisdiction.

Unless otherwise provided by law or in this Chapter no building or structure shall be constructed, erected, or extended, and no building, structure or land shall be used or occupied, except for the purposes permitted herein.

(Ord. 3/9/1993B, §1300)

§27-1302. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Chapter, the Board of Supervisors, or the Zoning Officer with the approval of the Board of Supervisors, may institute in the name of the Township any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises. The rights and remedies provided in this Chapter are cumulative and are in addition to all other remedies provided by law.

(Ord. 3/9/1993B, §1301)

§27-1303. Enforcement Notice.

An enforcement notice shall be prepared and sent to the owner of the parcel on which the violation has occurred. The notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The specific date for compliance.
- E. That the recipient of the notice has the right to appeal to the zoning hearing board and the time period of appeal.

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- F. That failure to comply or failure to appeal will result in clearly described sanctions.

(Ord. 3/9/1993B, §1302)

§27-1304. Payment of Fees.

No permit shall be issued until the applicable fee(s) have been paid. A schedule of fees have been established by resolution of the Board of Supervisors. In certain cases, additional fees may be applied. Such additional fees shall be at the discretion of the Township and shall cover, in whole or in part, costs associated with review of large scale land development.

(Ord. 3/9/1993B, §1303)

§27-1305. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 3/9/1993B, §1304; as amended by Ord. 12/10/2001)

PART 14

AMENDMENTS

§27-1401. Powers of Amendment.

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal Chapter including the zoning map. Such shall be done in accordance with the following procedure:

- A. **Definition.** The words "amend," "amendment," "amendments" or "amended" in this Chapter shall be deemed to include any modification of the text or phraseology of any provisions or amendments thereof, or any repeal or elimination of any such provision or part thereof, or any addition to this Chapter or to any amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any part of such map, and, in addition to such map, any new map or maps or any other change in the maps or any map.
- B. **Initiation of Amendments.** Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Township Planning Commission, or by petition of one or more owners of property, to the affected by the proposed amendment, subject to the following provisions:
 - (1) **Proposals Initiated by the Board of Supervisors.** The Board of Supervisors shall refer every proposed amendment, supplement, change, modification, or repeal originated by them to the Township Planning Commission. Within 30 days of the submission of said proposal, the Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.
 - (2) **Proposals Originated by the Township Planning Commission.** The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this Chapter.
- C. **Hearing.**
 - (1) Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon. No such amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing on an amendment, the proposed amendment is revised, or further reviewed, to include land previously not affected by it, the

Board shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. [Ord. 12/10/2001]

- (2) Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place where copies of the entire proposed ordinance or amendment may be examined, in addition to the time and place of hearing.
- (3) No hearing shall be held before or during the 30 day period in which the Township Planning Commission has been directed to review and report its recommendations to the Board of Supervisors.
- (4) At least 30 days prior to the public hearings on the proposed amendment, the Township Planning Commission shall submit the amendment to the Clinton County Planning Commission for review and recommendations.

D. Procedure Upon Curative Amendments.

- (1) A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided. The Board of Supervisors shall commence a hearing on the amendment within 60 days of the request. The curative amendment shall be submitted to the Township and County Planning Commissions for review and recommendations at least 30 days prior to the public hearing on the proposed amendment. Public notice shall be given and hearings shall be conducted in accordance with the Pennsylvania Municipalities Planning Code, §609.
- (2) A fee, to be determined by resolution of the Board of Supervisors, shall be paid at the time of submission of a written request for the amendment of this Chapter in order to cover costs incurred by the Township. No request for amendment shall be considered unless it is accompanied by the required fee. Funds in excess of actual costs shall be returned to the applicant.

(Ord. 3/9/1993B, §1400; as amended by Ord. 12/10/2001)

PART 15

DEFINITIONS

§27-1501. Interpretations.

The following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not optional.

(Ord. 3/9/1993B, §1600)

§27-1502. Definitions.

ABANDONED - the apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of a nonconforming use without its replacement or the replacement of the non-conforming use or structure.

ACCESS DRIVE - a durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g., a driveway.

ACCESSORY USE or STRUCTURE - a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADULT BOOKSTORE - a store or shop with more than 15 square feet of floor area devoted to the display and selling of pornographic materials consisting of pictures, drawings, photographs or other depictions, or printed matter and paraphernalia, which, if sold knowingly to a child under 18 years of age, would violate the criminal laws of the Commonwealth of Pennsylvania.

AGRICULTURE - the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the accessory uses for packing, treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

ALTERATION - any major change in or addition to a structure.

AMENDMENT - a change in use in a district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

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AMUSEMENT USES - activities operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of establishments, but excluding adult entertainment facilities.

APPLICANT - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

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

APPOINTING AUTHORITY - the Board of Supervisors.

AUTHORITY - a body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

AUTOMOBILE REPAIR BODY SHOP - a building on a lot that is used for the repair or painting of bodies, chasses, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles for convenience.

BED AND BREAKFAST - a residence or commercial structure used to provide sleeping accommodations and breakfast for overnight guests.

BOARD - the Zoning Hearing Board of Lamar Township.

BUFFER - a buffer, or screen, is an open space of vegetation and/or fencing which acts as a transition area and partial barrier between differing land uses, as specified in §27-806 of this Chapter.

BUILDABLE AREA - that portion of a lot bounded by the required front, side and rear yards.

BUILDING - any structure having a roof supported by columns or walls, which is used for the housing or sheltering of persons, animals or property.

BUILDING COVERAGE - that percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports and breeze-ways, but excluding open patios, parking or loading areas.)

BUILDING HEIGHT - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys, towers or similar projections.

BUILDING LINE - the required setback (front, side or rear) of a building from a property or street line.

BUILDING SETBACK LINE - a line parallel to the street line located at a distance which is equal to the front yard requirement for the district in which the lot is located, i.e., front yard setback.

CAMPGROUND - a tract of ground used for camping purposes, with or without a fee charged for renting or occupying such space.

CAR WASH - a building on a lot used primarily for the washing and polishing of vehicles and accessory services.

CELLAR - a story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONDITIONAL USE - a use permitted in certain districts, as provided for in Part 2, of this Chapter which may only be authorized by the Township Supervisors as set forth in Part 11 of this Chapter.

CONVERSION APARTMENTS - dwelling units created by the conversion of a large building (such as single-family homes or barns) into a residential structure.

COTTAGE INDUSTRY - an accessory commercial or industrial use of a residential or agricultural tract of ground which is clearly secondary to the use of the premises as a residence or farm. [*Ord. 8-13-2007A*]

COVENANT, RESTRICTIVE - a contract between two or more parties usually specifying limitations or obligations relating to the use of property.

CURATIVE AMENDMENT - a process by which a landowner or the Township may challenge this Chapter on substantive grounds because of a restricted or prohibited use of the land.

CUSTOMER/PATRON ACCESS AREA - the sum of all portions of any building(s) and structure(s) which patrons or attendees of special events or activities are allowed to utilize.

DAY CARE CENTER - a private facility enrolling more than six children between the ages 2 and 6 years of age and where tuition, fees or other compensation is charged and which is licensed and approved to operate as a child day care center by the Pennsylvania Department of Public Welfare.

DENSITY, GROSS - the total number of dwelling units per acre in a development divided by the total site area in acres.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission

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of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving or excavation.

DEVELOPMENT PLAN - the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, easements, parking facilities, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

DWELLING - any building or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as:

DWELLING, MULTI-FAMILY - a building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

DWELLING, SEASONAL - a dwelling intended for occupancy only occasionally during the year, including dwellings intended for summer or winter recreational use such as cottages, hunting cabins and mobile homes.

DWELLING, SINGLE-FAMILY ATTACHED - a building designed and occupied exclusively as a residence for one family and having a party wall on each side in common with an adjacent dwelling; i.e., a townhouse.

DWELLING, SINGLE-FAMILY DETACHED - a detached building designed for or occupied exclusively by one family.

DWELLING UNIT - one or more rooms containing a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by one family for living and sleeping purposes. Travel trailers, recreation vehicles and similar facilities for transient lodging shall not be considered as dwelling units.

EASEMENT - a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

ENCROACHMENT - a structure or activity which changes, expands or diminishes the course, current or cross-section of a watercourse, floodway or body of water. Any development within 50 feet of waterways or wetlands, and requiring a permit from DEP and the US Army Corps of Engineers. [Ord. 12/10/2001]

ENCLOSED USE - a use which is located entirely within a structure.

ESSENTIAL SERVICES - the provision by public utilities, municipal or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and

storm sewer facilities and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental units or for the public health, safety or general welfare. Such uses shall not be enclosed within a building and shall exclude communication antennae, towers, or equipment buildings and wind energy facilities. [*Ord. 05-06-2013*]

FAMILY - one person, or two or more persons related by blood, foster relationship, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof. A roomer or boarder shall not be considered a member of the family.

FAMILY DAY CARE HOME - a family residence where care is provided for up to six young children by an occupant of the home and which is registered by the Pennsylvania Department of Public Welfare. Such facility may be permitted by the Township as a home occupation.

FARM - any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Chapter, a farm shall not include a raising of fur bearing animals, riding academy, livery or boarding stables or dog kennels.

FARM BUILDING - any building used for storing agricultural equipment or farm produce, housing livestock or poultry or processing dairy products.

FENCE - any facility constructed of wood, metal, wire mesh, masonry blocks or similar material or any landscaping which consists of plants located close together (i.e., a hedgerow), erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Chapter, a fence shall not be considered a structure.

FILTER STRIP - an existing or new buffer of vegetation along a stream, pond, lake or sinkhole, which serves to remove sediment and other pollutants from runoff thereby protecting water quality. It can take the form of an existing hedgerow, uncultivated field or newly established grass.

FIREPROOF PARTY WALL - a common wall shared by two tenants or property owners that is designed and constructed of material which is capable of withstanding fire or preventing damage caused by fire.

FLOOD - a temporary inundation of normally dry land areas.

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

FLOOD INSURANCE RATE MAP (FIRM) - an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the 100 floodplain and the special and risk premium zones applicable to the community.

FLOOD FRINGE - that portion of the 100 year floodplain outside the floodway.

FLOOD, 100 YEAR - a flood that on the average is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

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FLOODPLAIN - a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage. (See Lamar Floodplain Ordinance [Chapter 8].)

FLOODWAY - the designated area of a floodplain required to carry and discharge flood waters of a 100 year flood without cumulatively raising the flood elevation more than 1 foot at any point.

FLOOR AREA - for the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising or service type uses, shall mean the gross floor area used by tenants, or for service to the public or clients, including areas occupied by fixtures or equipment used for display or sales of merchandise. (See also "habitable floor area.")

FREEBOARD - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

GARAGE, PRIVATE RESIDENTIAL - an accessory building designed or used for the parking or storage of not more than four vehicles owned and used by the occupants of the building to which it is accessory and which is not a separate commercial enterprise available to the general public.

GARAGE, REPAIR - a building used primarily for making major repairs to motor vehicles, including overhauling, body work, refinishing and upholstering and incidental servicing.

GOVERNING BODY - Lamar Township Board of Supervisors.

GROUP HOME - a residential facility for mentally retarded or mentally ill individuals not related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit and licensed by the County or State.

GROUP QUARTERS - a dwelling that houses unrelated individuals.

HABITABLE FLOOR AREA - any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area.

HEAVY MANUFACTURING - a manufacturing or industrial operation that produces a substantial amount of noise, smoke, odor, dust, vibration or glare.

HEIGHT OF BUILDING - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys or similar projections.

HIGH DENSITY DEVELOPMENT - the establishment of five or more permanent dwelling units per acre.

HOME OCCUPATION - an accessory use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (See §27-506(40) of this Chapter.)

HUD CODE - manufactured home construction and safety standards enacted by the U.S. Department of Housing and Urban Development in 1976. A uniform construction code which classifies mobile homes as manufactured homes. The HUD Code preempts State and local building regulations.

INDUSTRIAL PARK - a tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

INTERSTATE HIGHWAY SYSTEM - that portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or Federal Departments of Transportation.

JUNK - any used or discarded material, including but not limited to household appliances, furniture, rags, metal, glass, building materials, machinery, vehicles or parts thereon with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

JUNKYARD - an area of land, with or without buildings, used for storage, collection and/or sale of used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage, sale or other use or disposition. Storage of two or more abandoned motor vehicles, or the major parts thereof, for a period exceeding 120 days, shall be deemed a junkyard and must be licensed by the Township.

JUNK VEHICLE - an unlicensed and uninspected vehicle which has been abandoned or not moved for 6 months.

LAND DEVELOPMENT - any of the following activities:

- A. The improvement of one or more contiguous lots or tracts of land for any purpose involving:
 - (1) Two or more residential or nonresidential buildings (whether proposed initially or cumulatively) or a single nonresidential building on a lot regardless of the number of occupants or tenure.

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- (2) The allocation of land or space (whether initially or cumulatively) among two or more existing or prospective occupants for streets, common areas, leaseholds, condominiums, buildings, mobile homes or other features.

B. A subdivision of land.

LAND DEVELOPMENT EXCLUSIONS -

- A. The conversion of an existing single-family detached dwelling into not more than three residential units, unless they are intended to be a condominium.
- B. The addition of any accessory building, including farm buildings, subordinate to an existing principal building.
- C. The addition or conversion of buildings or rides within an amusement park. An amusement park is defined as a permanent area used principally for amusement structures or rides.

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIGHT MANUFACTURING - a manufacturing or industrial operation that produces a negligible amount of noise, smoke, odor, dust, vibration or glare as a result of operation of the activity.

LOGGING - the act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than 1 acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.

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

LOT AREA - the computed area contained within the lot lines, excluding any street right-of-way.

LOT DEPTH - the distance measured from the front lot line to the rear lot line.

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

LOT LINE - a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°.

LOT OF RECORD - any lot which individually or as part of a subdivision has been recorded in the office of the Clinton County Recorder of Deeds.

MANUFACTURED and MOBILE HOME SALES - an area, including a building, used primarily for the display or sale of manufactured and/or mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

MANUFACTURED HOME - a factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

MANUFACTURING - the act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MARKET VALUE - the fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

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

MINERAL EXTRACTION or SURFACE MINING OPERATIONS - the extraction of minerals from the earth or waste or stock piles, or from pits or banks, including but not limited to: strip, drift, auger and open pit mining, dredging, quarrying, leaching, mountaintop removal, box cutting and activities related thereto.

MINOR LAND DEVELOPMENT - development involving no new streets and no extension of public water or sewer and which consists of either a single non-residential building of less than 2,000 square feet or the placement of two single-family dwellings on a single lot.

MINOR SUBDIVISION - a subdivision of land of three or fewer new lots involving no new street and no extension of sewer and water facilities.

MINIWAREHOUSE - building or series of buildings used for the storage of goods and materials and leased to the general public.

MOBILE HOME - a single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976. (See "HUD Code.")

ZONING

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

MOBILE HOME PARK - a parcel of land which has been so designated and improved that it contains two or more mobile home lots. A mobile home park is the same as a manufactured home park if the units were built after 1976, were certified by the HUD Code, and lot parcels are rented.

MODULAR HOUSING - housing units designed and manufactured in two or more standard sections, which are shipped and joined into one integral unit on the site.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the act of May 2, 1945 ((P.L., 382, No. 164), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Township Engineer.

MUNICIPALITY - any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

NEW CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile homes), structure, and/or improvements (such as street utilities, etc.)

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or, amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part of a structure not in compliance with this Chapter, but where such structure lawfully existed prior to the enactment of this Chapter. Such nonconforming structures include nonconforming signs.

NONCONFORMING USE - a use which does not comply with the provisions in this Chapter but was lawfully in existence prior to the enactment of this Chapter.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure of other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

OFFICIAL MAP - a map adopted by ordinance.

OPEN SPACE - any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures or impervious surfaces.

PERSONAL SERVICE ESTABLISHMENT - a small business such as a barber or beauty shop.

PERFORMANCE ZONING - performance zoning is a method of regulating land use based upon flexibility and creativity. When this approach is used, it supersedes the standards of conventional zoning districts. Under performance zoning, land uses are permitted based upon meeting certain site criteria rather than upon their location in a specific zoning district. The increased flexibility of performance zoning enables the landowner to work with the constraints of the site and to buffer adjoining uses. Performance criteria include site capacity, evaluation and buffer standards which are described in §§27-804, 27-805 and 27-806 of this Chapter.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION - the Planning Commission of Lamar Township.

PLAT - a map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

PREMISES - any lot, parcel or tracts of land and any building constructed thereon.

PRINCIPAL BUILDING - a structure in which the principal use of the site is conducted.

PRINCIPAL USE - the primary purpose(s) for which a lot is occupied.

PRINCIPALLY ABOVE GROUND - at least 51% of the actual cash value of the structure, less land value, is above ground.

PRIVATE ROAD - a right-of-way which provides vehicular access to a maximum of five lots and which is not dedicated or maintained by the Township or State.

PROFESSIONAL OFFICE - the office of a member of a recognized profession. A professional office shall be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

PUBLIC - owned, operated or controlled by a government agency (Federal, State or local, including the Board of Public Education.)

ZONING

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

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

PUBLIC NOTICE - notice published once each week for 2 consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the date, time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days and the second publication shall be not less than 7 days from the hearing date.

PUBLIC SEWAGE SYSTEM - a system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT, TOP SOIL STRIPPING - a lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATIONAL VEHICLE - a vehicle less than 38 feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes. Such vehicles are permitted only in campgrounds or on private individual parcels.

RENEWABLE ENERGY SOURCE - any method, process or substance whose supply is rejuvenated through natural processes remains relatively constant, including geothermal energy, solar and wind energy and hydroelectric energy.

RETIREMENT COMMUNITY - a residential area for people of retirement age which may feature a variety of housing types.

SALE PARCEL - in planned residential development, that portion of a tract's gross acreage which may be sold for land development, while the remaining acreage is left undisturbed for common open space.

SEASONAL HOME - a dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages, cabins, second homes, travel trailers and forms of camping accommodations. Such uses shall be limited to hunting and fishing seasons, vacation time, weekends, retreats and other periodic visits.

SEMI-PUBLIC RECREATION - active and passive, indoor and outdoor activities such as but not limited to the County Fair, 4-H Club events and exhibits, agricultural or environmental displays, athletic or academic contests, youth or adult education or training

presentations, amusement rides, firework displays, tractor pulls, rodeos, races by horses, vehicles or persons or musical concerts for which attendees may pay an admission fee, be admitted free or by membership including the accessory, incidental, customary and necessary support functions, storage and maintenance or repair.

SCREENING - a barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs. (See §27-809 of this Chapter.)

SIGN - any object, surface, display, device or structure bearing lettering, pictorial or sculptured matter, designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of a government. (See Part 7 of this Chapter.)

SIGN AREA - the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN BILLBOARD - a sign which advertises a commodity, business, industry, or activity which is sold, offered or conducted at a location other than on the lot upon which such sign is located. For the purposes of this Chapter, billboards shall be freestanding structures.

SIGN, GROUND - a freestanding sign supported vertically by one or more up-rights placed in or on the ground which may be designed to be moveable. Such signs may advertise products or items offered for sale or that are directly related to the premises on which they are located, (e.g., business identification signs) or may advertise products or events located elsewhere, (e.g., billboards).

SIGN, WALL - a sign attached to a wall of a building directly related to the premises on which it is located.

SHOPPING CENTER - a group of stores planned and designed to function as a unit for the lot on which it is located with off street parking provided as an integral part of the unit.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of Part 10.

STORY - that portion of a building included between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between any floor and the ceiling immediately above it.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

ZONING

STRUCTURE - any combination of materials, other than a building which forms, a construction that is safe and stable, including but not limited to flagpole, stadiums, platforms, towers, sheds, storage bins, fences exceeding 4 feet in height, signs, sign posts, lights and light standards for other than residential use but excepting patios, driveways, walks and parking areas at yard grade.

SUBDIVISION - the division or redivision of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. However, the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - where in the judgment of the Township Engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (A) before the improvement or repair is started or (B) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (B) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSURFACE DRAINAGE - construction associated with the removal of ground water from under roadway or other surfaces designed to maintain firm, stable subgrades and structure foundations.

TAVERN - an establishment whose primary function is the serving of alcoholic beverages for onsite consumption and which is licensed by the State Liquor Control Board.

TOWNSHIP SUPERVISORS - the governing body of Lamar Township.

TRANSFERABLE DEVELOPMENT RIGHTS - the attaching of development rights to specified lands which are desired by a municipality to be kept underdeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the Township where more intensive development is deemed by the Township to be appropriate.

TRIANGLE, SIGHT - a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

TRUCK TERMINAL - a structure or group of structures owned and/or operated by a trucking firm intended to be used for loading, unloading, storage and/or transfer of truck-transported goods, including truck maintenance and fueling facilities.

USE - the specific purpose or activity for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use.

VARIANCE - a modification of the literal provisions of this Chapter which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

VEHICLE SALES LOT - an area used for the display or sales of new or used vehicles or trailers, and where minor and incidental repair work (other than body and fender) may be done.

WATERCOURSE - any channel or conveyance of surface water having a defined bed and bank, whether wet or dry, whether artificial or natural.

WETLANDS - land that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamps, bogs, marshes and marine meadows.

YARD - an open space which lies between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

YARD, FRONT - an open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.

YARD, REAR - an open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.

YARD, SIDE - an open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING HEARING BOARD - the Zoning Hearing Board of Lamar Township.

ZONING

ZONING MAP - the official Zoning Map of Lamar Township, together with all notations, references and amendments which may subsequently be adopted. The Zoning Map shall be considered a part of this Chapter.

ZONING OFFICER - the administrative officer charged with the duty of enforcing the provisions of this Chapter.

ZONING PERMIT - a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the district in which it is located.

(Ord. 3/9/1993B, §1601; as amended by Ord. 12/10/2001; by Ord. 8-13-2007A, 8/13/2007, §II; and by Ord. 05-06-2013, 5/6/2013, Art. I)

PART 16

ZONING MAP AMENDMENTS

Ord. Res.	Date	Description
7-15-02	7/15/2002	Rezoning tax parcel 17-02-01-0061 and 17-02-01-0061B from Agricultural AG to Highway Interchange HI.
8-13-2007B	8/13/2007	Rezoning tax parcel 04-01-0083-B from O/R - Open Space/Recreation to AG - Agriculture Zoning District.
11-12A-2007	11/12/2007	Rezone tax parcels 05-01-0022, 05-01-0022-A and 05-01-0022-E from Open Space/Recreation District to an Agriculture District.
06-08-2009	6/8/2009	Pertaining to the establishment of a Scenic Preservation Overlay Area within Agricultural Zoning District of the Township of Lamar, as depicted on the Official Zoning Map of Lamar Township dated October 14, 2002, as amended, is hereby deleted in its entirety. The subject properties which are hereby affected are the following properties identified and designated on the Clinton County, Pennsylvania, tax assessment for the Township of Lamar as:

<u>Parcel Identification No.</u>	<u>Map No.</u>
17-7582	02-01-0072-A
17-7570	02-01-0066
17-7573	02-01-0066-C
17-20808	02-01-0066-F
17-7575	02-01-0067-A
17-7583-72B	02-01-0072-B
17-7634-58C	02-01-0093
17-20809	02-01-0073-A
17-7509	02-01-0037
17-27065	02-01-0071-B
17-7576-69	02-01-0069
17-26055	02-01-0073-E1
17-7572-66B	02-01-0066-B
17-7580-72	02-01-0072
17-7580-71A	02-01-0072
17-7580-72	02-01-0072
17-7510	02-01-0038
17-8198	02-01-0068
17-8199	02-01-0068-A
17-24848-68B	02-01-0068-B
17-26652	02-01-0072-B1

ZONING

Ord. Res.	Date	Description	
		<u>Parcel Identification No.</u>	<u>Map No.</u>
		17-7540	02-01-0058-E
		17-25695	02-01-0073-E
		17-7578-71	02-01-0071
		17-7512	02-01-0040
		17-23650	02-01-0057-A

70:
7/24/02
[Handwritten signature]

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF LAMAR, CLINTON COUNTY, PENNSYLVANIA, AMENDING THE LAMAR TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 3/9/1993B, AS CODIFIED IN LAMAR TOWNSHIP CODE CHAPTER 27, ZONING, BY ADDING TO THE LISTING OF PERMITTED USES IN THE HIGHWAY INTERCHANGE (HI) ZONING DISTRICT ADDITIONAL PERMITTED USES OF LIGHT MANUFACTURING, PRINTING, PUBLISHING, LITHOGRAPHING, BINDING AND SIMILAR PROCESSES, RESEARCH AND DEVELOPMENT AND BUSINESS PARKS ON TRACKS OR PARCELS HAVING A MINIMUM SIZE OF FIVE (5) ACRES AND ADDING ADDITIONAL USES OF PROFESSIONAL ADMINISTRATIVE AND BUSINESS OFFICES AND COMPUTER CENTERS ON LOTS HAVING A MINIMUM SIZE OF TWO (2) ACRES. FURTHER, ESTABLISHING THE COMBINED MAXIMUM BUILDING COVERAGE AND IMPERVIOUS COVERAGE TO SEVENTY (70%) PERCENT SUBJECT TO THE CONDITION THAT APPROVAL OF IMPERVIOUS COVERAGE IN EXCESS OF FIFTY (50%) PERCENT SHALL REQUIRE REVIEW BY THE TOWNSHIP ENGINEER AND FURTHER, MODIFYING THE FRONT YARD SETBACKS FROM ONE HUNDRED (100) FEET TO FIFTY (50) FEET PROVIDED THAT SETBACKS ALONG PUBLIC HIGHWAYS AND ZONING DISTRICT LINES SHALL BE INCREASED TO ONE HUNDRED-FIFTY (150) FEET AND FURTHER, RE-ZONING TAX PARCEL 17-02-01-0061 AND 17-02-01-0061B FROM AGRICULTURAL (AG) TO HIGHWAY INTERCHANGE (HI).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Lamar, Clinton County, Pennsylvania, as follows:

1. Highway Interchange (HI) Zoning District shall be amended to include the following permitted uses:

A. Light Manufacturing, Printing, Publishing, Lithographing, Binding and Similar Processes, Research and Development and Business Parks:

Minimum Lot Size With Public Sewer	5 acres
Minimum Lot Size Without Public Sewer	5 acres

Minimum Lot Width at Building Line (feet)	200
Street Line (feet)	50
Combined Maximum Building Coverage and Impervious Coverage	50%
Setbacks in Feet:	
Front Yard All Buildings	100
Side Yard	100 feet cumulative side yards total with 30' minimum per side
Rear Yard	50
Use (feet)	50
Maximum Height in Feet	25

B. Professional, Administrative and Business Offices and Computer Center:

Minimum Lot Size With Public Sewer	2 acres
Minimum Lot Size Without Public Sewer	2 acres
Minimum Lot Width at Building Line (feet)	200
Street Line (feet)	50
Combined Maximum Building Coverage and Impervious Coverage	70% subject to condition that approval of impervious coverage shall require review by Township Engineer at property owner's expense
Setbacks in Feet:	
Front Yard All Buildings	50
Side Yard	100 feet cumulative side yards total with 30' minimum per side
Rear Yard	50
Use (feet)	50
Along public highways and zoning district lines	150 feet
Maximum Height in Feet	25

2. Clinton County Tax Parcels 17-02-01-0061 and 17-02-01-0061B are hereby re-zoned to Highway Interchange.

3. The Zoning Officer is instructed to secure a modification in the zoning map to reflect the zoning change described above.

4. In all other respects, the Zoning Ordinance, Ordinance No. _____ of Lamar Township is hereby reenacted and ordained.

5. The within ordinance shall take effect immediately upon adoption.

ENACTED AND ORDAINED this 15 day of JULY, 2002.

BOARD OF SUPERVISORS




LAMAR TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 51-21 -2009

AN ORDINANCE AMENDING CHAPTER 27 OF THE LAMAR TOWNSHIP CODE OF ORDINANCES ESTABLISHING MINI-WAREHOUSES AS A CONDITIONAL USE WITHIN THE RURAL ROADSIDE COMMERCIAL (RRC) ZONING DISTRICT.

WHEREAS, Part II of Chapter 27 of the Lamar Township Code of Ordinances divides the Township of Lamar into Zoning Districts of various different types; and

WHEREAS, Section 302 of Chapter 27 of the Lamar Township Code of Ordinances establishes specific use regulations pertaining to each Zoning District within the Township; and

WHEREAS, the Supervisors of the Township of Lamar desire to amend Section 302 of Chapter 27 of the Lamar Township Code of Ordinances to establish mini-warehouses as a Conditional Use within the Rural Roadside Commercial (RRC) Zoning District of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Lamar, Clinton County, Pennsylvania, as follows:

SECTION I. Establishment of Mini-Warehouses as Conditional Uses within the Rural Roadside Commercial (RRC) Zoning District.

Section 302 of Chapter 27 of the Lamar Township Code of Ordinances pertaining to specific use regulations accommodated by the Township's respective Zoning Districts is hereby amended to add mini-warehouses as Conditional Uses within the Rural Roadside Commercial (RRC) Zoning District.

SECTION II. Ratification.

Chapter 27 of the Lamar Township Code of Ordinances is hereby ratified and confirmed except insofar as the within amendment shall modify the same.

SECTION III. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION IV. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Lamar Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

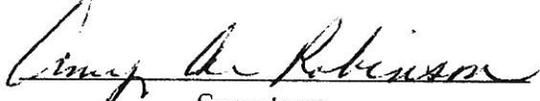
SECTION V. Effective Date.

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this 27th day of July 2009, by the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF LAMAR
CLINTON COUNTY, PENNSYLVANIA

ATTEST:


Secretary

BY:


Supervisor

BY: _____
Supervisor

BY: Larry D. Rhine
Supervisor

LAMAR TOWNSHIP
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 03-01 -2010 A

AN ORDINANCE AMENDING SECTION 302 OF CHAPTER 27 OF THE LAMAR TOWNSHIP CODE OF ORDINANCES PERTAINING TO USE REGULATIONS AND DIMENSIONAL REQUIREMENTS TO REDUCE THE REQUIRED FRONT YARD SETBACK TO SEVENTY-FIVE FEET (75') FOR ALL BUILDINGS UTILIZED FOR AGRICULTURAL PURPOSES WITHIN THE AGRICULTURAL ZONING DISTRICT OF THE TOWNSHIP OF LAMAR.

WHEREAS, Section 302 of Chapter 27 of the Lamar Township Code of Ordinances establishes specific use regulations and dimensional requirements for each respective Zoning District of the Township of Lamar; and

WHEREAS, Section 302 of Chapter 27 of the Lamar Township Code of Ordinances currently requires a one hundred foot (100') front yard setback for all buildings utilized for agricultural purposes within the Agricultural Zoning District of the Township of Lamar; and

WHEREAS, the Supervisors of the Township of Lamar believe that the aforesaid one hundred foot (100') front yard setback is excessive for buildings utilized for agricultural purposes within the Agricultural Zoning District; and

WHEREAS, the Supervisors of the Township of Lamar desire to amend Section 302 of Chapter 27 of the Lamar Township Code of Ordinances to reduce the required front yard setback for buildings utilized for agricultural purposes within the Agricultural Zoning District to a front yard setback requirement of seventy-five feet (75').

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Lamar, Clinton County, Pennsylvania, as follows:

SECTION I. *Amendment to Front Yard Setback Requirement for Buildings Utilized for Agricultural purposes within the Agricultural Zoning District.*

Section 302 of Chapter 27 of the Code of Ordinances of Lamar Township, Clinton County, Pennsylvania, is hereby amended to reduce the required front yard setback for all buildings utilized for agricultural purposes within the Agricultural Zoning District of the Township of Lamar from one hundred feet (100') to seventy-five feet (75').

SECTION II. *Confirmation and Ratification.*

Chapter 27 of the Lamar Township Code of Ordinances is hereby ratified and confirmed except insofar as the within amendment may modify the same.

SECTION III. *Repealer.*

All ordinances or parts of ordinance which are inconsistent herewith are hereby repealed.

SECTION IV. *Severability.*

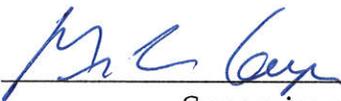
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Lamar Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION V. *Effective Date.*

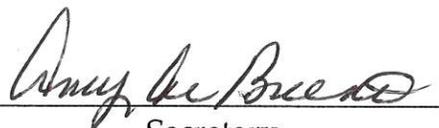
This Ordinance shall become effective as provided by law.

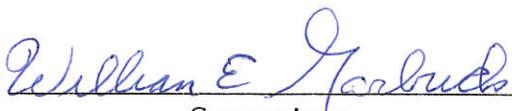
DULY ENACTED AND ORDAINED this 3rd day of March, 2010, by the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, in lawful session duly assembled.

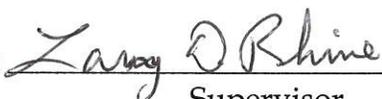
TOWNSHIP OF LAMAR,
CLINTON COUNTY, PENNSYLVANIA

BY: 
Supervisor

ATTEST:


Secretary

BY: 
Supervisor

BY: 
Supervisor

LAMAR TOWNSHIP
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 06 - 05 -2018 - A

AN ORDINANCE OF LAMAR TOWNSHIP
AMENDING CHAPTER 27 OF THE LAMAR
TOWNSHIP CODE OF ORDINANCES
ESTABLISHING ZONING DISTRICTS AND THE
REGULATIONS THEREOF TO RESTRICT ONE (1)
PRINCIPAL USE PER LOT IN RESIDENTIAL
ZONING DISTRICTS R-1 AND R-2 OF THE
TOWNSHIP.

WHEREAS, Chapter 27 of the Code of Ordinances of the Township of Lamar, Clinton County, Pennsylvania, provides for the establishment of Zoning Districts, the regulation thereof and the administration and enforcement of said regulation; and

WHEREAS, Chapter 27 of the Code of Ordinances of the Township of Lamar currently defines "Principal Use" as "the primary purpose(s) for which a lot is occupied" and accommodates more than one (1) Principal Use on any lot within Residential Zoning Districts R-1 and R-2 of the Township; and

WHEREAS, the Lamar Township Board of Supervisors desires to amend Chapter 27 of the Lamar Township Code of Ordinances as to the definition for "Principal Use" and to limit only one (1) Principal Use per lot in Residential Districts R-1 and R-2 of the Township,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Lamar, Clinton County, Pennsylvania, as follows:

SECTION I. *Amendment of Definition Term "Principal Use"* the definition of the term "Principal Use" as set forth in part 15 of Chapter 27 of the Lamar Township Code of Ordinances shall be amended to read as follows:

Principal Use - the main or primary purpose for which a building, other structure and/or land is used, occupied or maintained under this Chapter. All other structures or uses on the same lot which are supplement thereto and permitted under this Chapter shall be considered accessory uses.

SECTION II. Restriction of Principal Permitted Uses in Residential Districts R-1 and R-2

Section 27 - 302 of Chapter 27 of the Code of Ordinances of the Township of Lamar, Clinton County, Pennsylvania, is hereby amended as follows:

- A) Four (4) superscript asterisks (****) shall be inserted after the word "Permitted" in the column entitled "Use" in both the Rural Residential (R-1) Zoning table and the Moderate Density Residential (R-2) Zoning table;
- B) The following Text shall be added before the Moderate Density Residential (R-2) Zoning table and before the Village Center (VC) Zoning table:

****Only one (1) Principal permitted use per lot shall be permitted.

SECTION III. Ratification and Conformation.

Chapter 27 of the Lamar Township Code of Ordinances is hereby ratified and confirmed except insofar as the within Ordinance amends or modify the same.

SECTION IV. Effective Date.

This Ordinance shall become effective in accordance with law.

SECTION V. Saving Clause.

The provisions of the Lamar Township code of Ordinances, so far as they are the same as those ordinances and regulations enforced immediately

prior to the adoption of this Ordinance, are intended as the continuation of such ordinances and regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations except as otherwise provided by law.

SECTION VI. Severability.

It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the Judgment or Decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses and/or phrases of this Ordinance.

June DULY ENACTED AND ORDAINED this 5th day of June, 2018, by the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF LAMAR,
CLINTON COUNTY, PENNSYLVANIA

BY: William E. Hoekel
Supervisor

ATTEST:

Angie A. Yost
Secretary

BY: Wade C. Novada
Supervisor

BY: _____
Supervisor

LAMAR TOWNSHIP
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. ~~04-03~~ 2018

AN ORDINANCE AMENDING SECTION 302 OF CHAPTER 27 OF THE LAMAR TOWNSHIP CODE OF ORDINANCES PERTAINING TO USE REGULATIONS AND DIMENSIONAL REQUIREMENTS TO INCREASE FRONT YARD SETBACKS AS TO LOTS THAT FRONT CUL-DE-SAC STREETS IN THE RURAL RESIDENTIAL ZONING DISTRICT OF THE TOWNSHIP OF LAMAR.

WHEREAS, Section 302 of Chapter 27 of the Lamar Township Code of Ordinances establishes specific use regulations and dimensional requirements for each respective Zoning District of the Township of Lamar; and

WHEREAS, Section 302 of Chapter 27 of the Lamar Township Code of Ordinances requires a minimum lot width of 100 feet in the Rural Residential Zoning District of the Township of Lamar; and

WHEREAS, the Supervisors of the Township of Lamar recognize that compliance with the required minimum lot width of 100 feet is difficult to achieve by developers in regard to lots that front Cal-de-Sac Streets; and

WHEREAS, the Supervisors of the Township of Lamar desire to Amend Section 302 of chapter 27 of the Lamar Township Code of Ordinances to increase front yard setbacks for lots that front Cal-de-Sac Streets in the Rural Residential Zoning District of the Township to achieve the required minimum lot width at the Building Line.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of

Supervisors of the Township of Lamar, Clinton County, Pennsylvania, as follows:

SECTION I. Amendment to Front Yard Setback Requirement for Single Family Detached Dwelling Lots That Front Cal-de-Sac Streets.

Section 302 of Chapter 27 of the Code of Ordinances of the Township of Lamar, Clinton County, Pennsylvania, pertaining to the Rural Residential (R-1) Zoning District of the Township of Lamar is hereby amended as follows:

- A) Two (2) superscript asterisks (**) shall be inserted after the word "Bldg." in the column entitled "Front Yard All Bldg.";
- B) Three (3) superscript asterisks (***) shall be inserted after the word "at" in the column entitled "Minimum lot Width at"; and
- C) The following text shall be added immediately before the Moderate Density Residential (R-2) Zoning table;

***For single-family detached dwelling lots that entirely front a Cal-de-Sac Street, the front yard setback may be increased beyond the required front yard setback to achieve the required minimum lot width at the Building Line; and the required minimum lot width at the street line may be reduced to not less than thirty (30) feet.

SECTION II. Conformation and Ratification

Chapter 27 of the Lamar Township Code of Ordinances is hereby ratified and confirmed except insofar as the within amendment may modify the same.

SECTION III. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION IV. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, or illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of Lamar Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION V. Effective Date.

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this 3rd day of April, 2018, by the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF LAMAR
CLINTON COUNTY,
PENNSYLVANIA**

ATTEST:



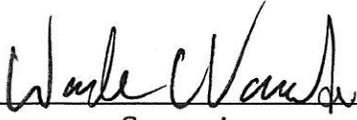
Secretary

BY: 

Supervisor

BY: 

Supervisor

BY: 

Supervisor

ORDINANCE NO. 03-25-2019

**AN ORDINANCE AMENDING LAMAR TOWNSHIP'S ZONING ORDINANCE BY
AMENDING A PORTION OF THE ZONING MAP**

WHEREAS, the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, having received a request that certain real estate be re-zoned from Open Space/Recreation (O/R) to Agricultural (AG); and

WHEREAS, the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, has reviewed such request and has examined the area/parcels in question; and

WHEREAS, the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, has held a Public Hearing concerning the proposed changes to the Zoning Map; and

WHEREAS, the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, believes it is in the best interests of the Township and its citizens to amend the Township's Zoning Ordinance by amending its Zoning Map.

NOW THEREFORE, the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: The Zoning Map of the Township of Lamar, Clinton County, Pennsylvania is hereby amended to provide for a change in classification from Open Space/Recreation (O/R) to Agricultural (AG) as to Tax Parcel No. 05-01-0033 owned by Jacob S. Beiler and Sadie E. Beiler, more particularly described in Clinton County Instrument No. 2018-0101; Tax Parcel No. 05-01-0033-001 owned by John F. Stoltzfus, more particularly described in Clinton County Instrument No. 2017-2331; Tax Parcel No. 05-01-0033-003 owned by Steven Stoltzfus and Martha Stoltzfus, more particularly described in Clinton County Instrument No. 2017-3345; Tax Parcel No. 05-01-0034 owned by Robert A. Snyder and Patricia A. Snyder, more particularly described in Clinton County Record Book 808, Page 32; and Tax Parcel No. 05-01-0034-A, owned by David M. King and Kathryn F. King, more particularly described in Clinton County Record Book 716, Page 179.

SECTION 2: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, said unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of Lamar Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 3: All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

SECTION 4: This Ordinance Amendment shall become effective on the earliest date provided by Township Law.

ORDAINED AND ENACTED by the Board of Supervisors of Lamar Township, Clinton County, Pennsylvania, this 25th day of March, 2019, in lawful session, duly assembled.

ATTEST:

TOWNSHIP OF LAMAR


Secretary

By: 
Supervisor

By: 
Supervisor

By: _____
Supervisor