

Delaware Township Zoning Ordinance

**Adopted
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DELAWARE TOWNSHIP

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ARTICLE I

TITLE, INTENT AND PURPOSES

§101. Title.

This Ordinance shall be known as and may be cited as the “Delaware Township Zoning Ordinance,” in accordance with and exercising the authority of the Pennsylvania Municipalities Planning Code, as amended, to accomplish the purposes as established in §102.

§102. Intent and Purposes.

This Ordinance is deemed necessary:

- A. To promote the public health, safety, morals and general welfare.
- B. To encourage practical and coordinated community development.
- C. To establish proper density of population in the various zoning districts and provide adequate light, air and amenity.
- D. To facilitate the fiscally responsible provision of adequate public highways and streets, vehicle parking and loading, public transportation, water supply, sewage disposal, public and private schools, parks and open spaces and other public requirements, such as public utilities and rights-of-way.
- E. To prevent the overcrowding or improper or incompatible development or use of land and to prevent blighting conditions and congestion or hazard in travel and transportation.
- F. To secure safety of health, life and lot from fire, flood, panic, noise, noxious fumes, explosion and other dangers.
- G. To conserve and stabilize lot improvements through encouragement of the most appropriate uses of land in relation to one another.
- H. To preserve forests, floodplains, steep hillsides, recreation and agricultural lands from conflict with intense development and from erosion, and to manage the release of stormwater to minimize downstream flooding.
- I. To facilitate generally orderly and compatible growth and expansion of the Township and public programming of improvements.

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§103. Arbogation.

It is not intended by this Ordinance to repeal, arbogate, other than enumerated in §104 herein or interfere with any existing ordinance or enactment or with any rule, regulation or permit adopted or issued. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance shall control.

§104. Repealer.

This ordinance repeals any prior zoning ordinances including, but not limited to, those contained in the Delaware Township Code of Ordinances.

§105. Severability.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

§106. Interpretation.

- A. In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.
- B. In interpreting and applying this Ordinance, its provisions shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.
- C. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Delaware Township, in favor of the landowner and/or developer and against any implied extension of the restriction.
- D. Where any provision of this Ordinance incorporates by reference the provisions of other chapters (or articles or sections thereof) of the Delaware Township Code of Ordinances, such referred to and incorporated by reference provisions shall be, for the purposes of this Ordinance, deemed to be fully applicable to the activities and usages regulated by this Ordinance in the same manner and to the same degree as if said referred-to and incorporated provisions of such other chapters (or articles or sections thereof) were set forth in at length herein in their entirety.

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ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

§201. Community Development Objectives.

A. As guidelines for conducting a planning program that embodies rather high ideals yet realistically approaches the problems facing the region, the Delaware Township Planning Commission proposes the following list of objectives:

1. Preserve and enhance a high quality environment for all residents by guiding the location and design of future development and insuring that varying land uses will complement one another.
2. Protect the natural environment from destruction by:
 - a. Promoting the conservation of earth resources
 - b. Protecting watercourses from pollution and impeded flow
 - c. Seeking to minimize noise and air pollution
 - d. Discouraging excessive alteration of the landscape
 - e. Encouraging the preservation of the natural beauty
3. Provide for a variety of housing types to meet the needs of all residents of the region emphasizing newly-formed households, growing families and senior citizens.
4. Promote the planned unit approach in all future development, encouraging design innovation and provisions for common open space.
5. Accommodate planned unit development which utilizes design innovation and provisions for common open space.
6. Protect the quality and character of the neighborhood and village centers by establishing realistic densities.
7. Expand and improve community services and facilities giving special consideration to utilities, recreation, health provisions, highway maintenance, police protection, cultural needs and provisions for the elderly.
8. Conserve and support agricultural activities in those areas of the region where soils and prevailing land use characteristics permit.
9. Anticipate and actively plan for growth.
10. Stimulate the local economy by encouraging and promoting controlled commercial, industrial, residential and recreational growth which will create local employment, shopping, and recreational opportunities leading to a strong local tax base.

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11. Coordinate policies, plans and programs both within the municipalities and on a regional level through intergovernmental cooperation among school, Borough, Township and County officials and special interest groups.

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ARTICLE III

DEFINITIONS

§301. Word Usage.

- A. For the purposes of this Ordinance, certain terms and words used herein are defined as follows:
1. Words used in the present tense include the future tense.
 2. The singular number includes the plural and the plural number includes the singular.
 3. The word “person” or the word “developer” or the word “landowner” includes a firm, association, partnership, trust, company or corporation as well as an individual.
 4. The word “shall” is mandatory; the word “may” is permissive.
 5. The word “lot” includes “plot”, “piece” or “parcel” of land.
 6. The words “used” or “occupied” include the words “intended, arranged, maintained or designed to be utilized or inhabited.”
 7. The word “land” shall include water surface.
 8. The word “person” includes individual, firm, corporation, association, trust, joint venture, partnership, estate, syndicate, fiduciary, government agency, two (2) or more persons having a joint or common interest, any combination of the preceding, and other similar entities.

§302. Interpretation.

- A. In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this Ordinance are at variance with requirements of any other lawfully adopted rules, regulations, codes, deed of restricting covenants or ordinances, then the most restrictive requirements or those imposing the highest standards shall govern.
- B. All requirements of this Ordinance shall apply uniformly to each class or type of land or structure and particularly as follows:
1. 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 unless in conformity with all the requirements of this Ordinance applicable to the district in which such use, building or structure is located.
 2. No building or other structure shall hereafter be erected or altered so as to exceed height limitations, accommodate a greater number of families, occupy a greater percentage of lot area or have narrower or smaller rear yards, front yards, side yards or open spaces than are required by this Ordinance and its provisions for the particular zoning district in question.

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3. All yard, open space, off-street parking or loading space requirements of this Ordinance are exclusive, and, unless specifically defined, a use or structure cannot share a part of a yard or open space or off-street parking or loading space required by this Ordinance.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. Where any provision of this Ordinance incorporates by reference the provisions of other chapters (or articles or sections thereof) of the Delaware Township Code of Ordinances, such referred to and incorporated by reference provisions shall be, for the purposes of this Ordinance, deemed to be fully applicable to the activities and usages regulated by this Ordinance in the same manner and to the same degree as if said referred-to and incorporated provisions of such other chapters (or articles or sections thereof) were set forth in at length herein in their entirety.

§303. Definitions.

ABANDONMENT - The relinquishment of the lot(s) or structure, or a cessation of the use of the lot or structure by the owner with the intention of neither transferring rights of the lot or structure to another owner or of resuming the use of the lot or structure.

ACCESSORY USE - A structure or use that (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use.

ADULT ORIENTED ESTABLISHMENT - Any adult retail establishment or adult nightclub or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to adult specified sexual activities or adult specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

ADULT NIGHTCLUB - Any commercial establishment, that may or may not dispense food and/or beverages for consumption on the premises, which features live shows for public viewing in which all or some of the performers, both men and women, are displaying nudity or are engaging in sexual conduct, sexual excitement or sadomasochistic abuse (e.g., topless dancers, strippers, etc.).

ADULT RETAIL ESTABLISHMENT - An establishment in which twenty (20) percent or more of the net retail floor area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT SPECIFIED ANATOMICAL AREAS - As used herein, specified anatomical areas means and includes any of the following: Less than completely and opaquely covered anal region, buttock, female

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breasts below a point immediately above the top of the areole, human genitals, pubic region, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

ADULT SPECIFIED SEXUAL ACTIVITIES - As used herein, specified sexual activities means and includes the following: (1) the fondling or other erotic touching of the anus, buttocks, female breasts, human genitals, or pubic region; (2) all sex acts, actual or simulated (e.g., intercourse, oral copulation, or sodomy); (3) masturbation, actual or simulated; or (4) excretory functions (e.g., human excretion, menstruation, urination, vaginal or anal irrigation, etc.) alone or as part of or in connection with any of the activities described above.

AGRICULTURE:

LOW INTENSITY - The production, principally for use or consumption of the landowner, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to: gardening, fruit production, and poultry and livestock products for household use only.

MEDIUM INTENSITY - The production principally for the sale to others of plants, animals, or their products, including but not limited to: forage and sod crops, grain and feed crops, dairy animals, and dairy products; livestock, including dairy and beef cattle, poultry, sheep, swine, horses, ponies, mules, and goats; including the breeding and grazing of all such animals; bees and apiary products; fruits of all kinds including grapes, nuts, and berries; vegetables; nursery, floral ornamental and greenhouse products, and other commodities and described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping. Medium intensity agriculture shall not include high intensity agriculture operations.

HIGH INTENSITY - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and bars, horse stalls, mink ranches and zoos, shall be considered to be high intensity agriculture. Pastures shall not be considered to be high intensity agriculture.

AGRICULTURAL PROCESSING:

ANIMAL - Activities involving a variety of operations on crops or livestock which may generate dust, noise odors, pollutants or visual impacts. These include but are not limited to slaughterhouses, and milk processing.

NON ANIMAL - The processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere. Animal products are not included. Any activities performed in the field with mobile equipment not involving permanent structures are not included.

ALL OTHER USES - Any principal use not otherwise listed in the Land Use Table.

ALLEY - A public thoroughfare not intended for general traffic circulation which may afford a secondary means for lot access.

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ALTERATIONS - Any change in a structure that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

AMENDMENT - A refinement to this Ordinance which includes revisions to the zoning text and/or the Official Zoning Map by ordinance of the Township Board of Supervisors.

ANICILLARY NON-RESIDENTIAL USE - A use other than residential and not otherwise defined as **OTHER USES NOT LISTED** which serves as a secondary use to the residential uses within a Planned Residential Development.

ANIMAL HOSPITAL - A business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals.

ANTENNA - Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any structure.

ANTENNA, SATELLITE DISH - A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, tapered rolling strip antennae (TAROS) and satellite microwave antennas.

ANTENNA HEIGHT - The vertical distance measured from the grade adjacent to the base of the antenna or support structure of the antenna, whichever is lower, to the top of the antenna support structure or antenna, whichever is higher. If the antenna support structure is on a sloped grade, then the lowest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - Any building, tower or structure used for the purpose of supporting an antenna.

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

APPURTENANCE - The visible, functional or ornamental objects accessory to and part of a structure.

ARCHITECT - An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

AS-BUILT PLANS - Construction or engineering plans prepared after the completion of construction, by the engineer, architect and /or landscape architects of record, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all buildings, structures, driveways, governor's drives, access drives, lighting, parking, grading, utilities, storm water management facilities, curbs, gutters, and sidewalks as defined by this Ordinance or other Township Ordinances.

AUTOMOBILE REPAIR AND OVERHAULING - A business establishment for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework,

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recapping/retreading of tires, welding and major painting service where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a Completely Enclosed Building.

AUTOMOBILE SALES OR RENTAL - A business establishment used for the display or sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles and/or or boats under twenty-six thousand (26,000) pounds gross vehicle weight (GVW), but not including any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code. Such use may also include the servicing or repair of vehicles of the brand of vehicles sold at the establishment.

AUTOMOBILE SALVAGE/JUNKYARD - A lot used for the storage of any scrap material or junk, including without limitation appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

AUTOMOBILE SERVICE STATION - The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles not excess of 7,000 pounds gross weight.

BAR - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as accessory use, where live entertainment (non-adult facility-oriented) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

BASEMENT - The space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purpose of height measurements unless one-half (1/2) or more of its height is above the finished lot grade level.

BED AND BREAKFAST - A business establishment that occupies a single-family dwelling and, if applicable, associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events such as weddings, parties, seminars and conferences.

BEVERAGE DISTRIBUTION - A use engaged in the distribution of manufactured beverages to the public. Beverages are stored at the establishment in quantities as provided by the manufacturer and are opened and/or consumed off site

BILLBOARD - An off-premises sign that advertises an establishment, activity, person, product, use or service that is unrelated to or unavailable on the premises where the off-premises sign is located.

BOARD - Any body granted jurisdiction under the Pennsylvania Municipalities Planning Code or a land use ordinance which has the authority to render final adjudications.

BOARDING HOUSE - A building arranged or used for overnight lodging by three (3) or more persons, but not exceeding ten (10) persons, with or without meals, for compensation by transient residents arriving upon their own accord. Overnight lodging occurs in individual sleeping rooms with no cooking facilities. A boarding house may include common areas and a common kitchen available for use by residents.

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BOUNDARY - A line which may or may not follow a visible feature that defines the limits of a geographic entity such as a block, a block numbering area, a census tract, a county, a municipality, a lot, a district, a property or a place.

BUFFERYARD - An area of land together with trees, grass, ground cover, shrubs, bushes, or other natural landscaping material, walls, berms or fences thereon, located between different land uses to minimize potential conflicts between them.

BUILDING - Any fully enclosed structure having a roof intended for the shelter, housing or enclosure of persons, animals, equipment or belongings and not including Heating, Ventilating, and Air Conditioning (HVAC), mechanical equipment, electrical equipment or trash.

BUILDING COVERAGE – The horizontal area measured within the outside of the exterior wall of the ground floor of all principal and accessory buildings on the lot as a percent of lot area.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the following points:

Flat Roofs. The highest point of the roof.

Mansard Roofs. The top of the roof.

Gable Roofs. The mean height between the eaves and ridge.

Hip Roofs. The mean height between the eaves and ridge.

Gambrel Roofs. The mean height between the eaves and ridge.

Other Types of Roofs. The highest vertical point.

BUILDING LINE - A line drawn along a facade of a building and extends to the lot lines on both sides.

BUILDING MATERIALS SALES OR STORAGE YARD - A business establishment specializing in the sale and/or short- or long-term storage of wholesale and/or retail construction supplies and materials for home improvement.

BUILDING, MULTI-USE - A building that incorporates commerce and residential uses within the same structure.

BUILDING PERMIT - A document issued by the Township which allows construction to proceed.

BUILDING, PRINCIPAL - The structure in which the lot's fundamental use is conducted.

BULK MATERIALS OR MACHINERY STORAGE - A place for short- or long-term storage, collection and/or distribution of heavy equipment, machinery or materials used in construction, farming or industrial operations.

BUSINESS OR PROFESSIONAL OFFICES - Any office of recognized professions, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others who, through training, are qualified to perform services of a professional nature.

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CAMPGROUND - A tract of land used or designed to be used for seasonal accommodation of individuals using tents, recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, sleeping purposes, or outdoor recreational activities.

CEMETERY - A lot used for, or intended to be used for, the burial of human and/or domesticated animal remains, including, but not limited to columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

COLLECTION AND RECYCLING FACILITY - A location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanges, packaged, disassembled, or handled from the public. Collection facilities may include reverse vending machines and small collection facility.

COMMUNICATIONS TOWER - A structure, including any guy wires, principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television or AM radio, including accessory equipment related to telecommunications. Telecommunications tower does not include antennae and supportive structures for private, noncommercial and amateur purposes, including but not limited to ham radios and citizen band radios.

COMMUNITY ORGANIZATION FACILITIES - A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages nor meals are normally dispensed or consumed.

CONCRETE OR ASPHALT BATCH PLANT - A plant for the manufacture of concrete, cement, asphalt, and concrete/cement products, including any apparatus and uses incident to such manufacturing and mixing.

CONDITIONAL USE - A use permitted in a particular zoning district by the Township Board of Supervisors upon satisfaction of all criteria enumerated in this Ordinance and of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

CONDOMINIUM - A lot or a portion of a lot where portion(s) of which are designated for separate ownership and the remainder of which is designated for common ownership solely controlled by the owners of the said portions.

CONSERVATION - Any parcel or area of undeveloped land preserved in its natural state.

CONSTRUCTION - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of manufactured/mobile homes.

CONVERSION, RESIDENTIAL - The alteration of a single family dwelling to create a multiple family dwelling.

CREMATORIUM - A building containing properly installed, certified apparatus intended for use in the act of cremation. The percentage of a lot area which is covered by buildings.

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DAY-CARE CENTER - A facility licensed by the Commonwealth of Pennsylvania, located within a building, which building is not used as a dwelling, for the care, during part of a twenty-four (24) hour day, of children or adults who are handicapped, elderly or otherwise require such supervision and care.

DECIBEL - A unit for measuring the relative intensity of sounds based on an expressed a ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

DENSITY - The measurement of compactness of residential development as to the number of dwelling units per one (1) acre or forty-three thousand five hundred sixty (43,560) square feet.

DENSITY , MULTI-FAMILY DWELLING - See MULTI-FAMILY DWELLING DENSITY.

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

DEVELOPER'S AGREEMENT - A contractual arrangement between a developer and the Township that establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, dedication of public facilities and improvements, covenants and restrictions of the land, home owners association by-laws and any other mutually agreed to terms and requirements.

DEVELOPMENT - Any man-made change to an improved or unimproved lot including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land or land development.

DEVELOPMENT PLAN - The provisions for development of land 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, driveways, sidewalks and parking facilities, common open space, and public facilities. The phrase "provisions of development plan," when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION CENTER - A building or lot where goods are received and/or stored for delivery to the ultimate customer at remote locations.

DISTURBANCE - Grading, excavation, construction and similar activities that have occurred or may occur on a lot.

DOMESTIC PETS - Animals normally found in a dwelling and kept for company or pleasure, including but not limited to dogs, cats, hamsters, parakeets or canaries, but not a sufficient number to constitute a kennel.

DRILLING - The digging or boring of a well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons.

DRIVE-IN SERVICES - Business establishments that are incidental to other uses on the same lot and that offer in-car service or take-out service, including but not limited to financial institutions, food stores, pharmacies and restaurants.

DWELLING - Any building or portion of a building designed and used as a residence and having separate living, cooking and sanitary facilities.

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ATTACHED DWELLING - A dwelling unit, located on its own lot, which shares one (1) or more common or abutting walls with one (1) or more dwelling units. Any common or abutting wall must be shared for at least fifty (50) percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units.

MULTI-FAMILY DWELLING - A suite of rooms or a single room in a building containing three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

SINGLE-FAMILY ATTACHED DWELLING - A dwelling unit designed and intended to be occupied by one (1) family that is attached to another dwelling unit.

SINGLE-FAMILY DETACHED DWELLING - A dwelling unit designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.

TOWNHOUSE DWELLING - A building which contains at least three (3) but no more than six (6) dwelling units, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

TWO-FAMILY DWELLING (DUPLEX) - A building containing only two (2) dwelling units, each of which are entirely separated from the other by a continuous, common wall extending from the basement to the roof with each dwelling unit having independent access directly to the outside.

DWELLING UNIT - One (1) or more rooms designed to be used or occupied by one (1) family for living purposes and containing private cooking, living, sanitary and sleeping facilities for use solely by one (1) family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

EASEMENT - A grant of one (1) or more property rights for a portion of land by the landowner to and/or for the use by the public, a corporation, or another person or entity.

ENGINEER - An individual licensed and registered to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ERECTED - Anything built, constructed, reconstructed or moved on or upon any lot.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers shall not be considered essential services for the purposes of this Ordinance.

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EXTRACTION OF MINERALS - Removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location; the initial step in the use of a natural resource; examples include petroleum and natural gas wells, shale and coal mines, gravel pits and timber cutting.

FAMILY - An individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;

It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;

Does not involve the housing of persons on a non-permanent basis;

Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;

Family shall not include persons living together in a Group Care Facility, Group Care Home, Boarding House, Personal Care Home, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

FARM MARKET - The offering for sale of fresh agricultural products directly to the consumer at an open air market and designated as a community activity.

FENCE - An artificially constructed barrier of specified material or combination of materials erected to enclose or screen areas of land or portions of buildings or structures.

FILL - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

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

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FUEL/ENERGY RECHARGE STATION - A business establishment that offers the sale of fuel / energy recharge for vehicles with or without convenience goods for sale, such as pre-packaged or limited prepared food items, tobacco, periodicals, and other household goods.

GARDEN CENTER - An enterprise which conducts the retail and/or wholesale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. Accessory items normally could include items such as pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, shovels, and the like.

GAS - Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS OR OIL PRODUCTION - The drilling and/or extraction of gas or oil.

GAS WELL - Any well drilled, to be drilled, or used for the intended or actual production of gas.

GAMBLING - Any building or structure and any part of which is used or intended to be used for the purpose of dealing, operating, maintaining or conducting any game of chance for the return of money, cash or prizes or anything that could be redeemed for money, cash or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under state law.

GOVERNING BODY - The Township Board of Supervisors of Delaware Township, Juniata County, Pennsylvania.

GOVERNMENT BUILDINGS - A structure housing the United States, Commonwealth of Pennsylvania, Juniata County or Delaware Township government or any department, commission, agency or instrumentality thereof; any school board or other special group, authority or governmental entity.

GROUP CARE FACILITY - A premise providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP CARE HOME - A facility licensed by the Pennsylvania Department of Public Welfare which houses six (6) or more residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, residential, commercial, industrial, institutional, mining, or agricultural operations and from community

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activities, or any combination of these factors which, because of its quantity, concentration or physical, chemical, or infectious characteristics may:

Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or

Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The term “hazardous waste” shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C. §§30.51-30.62). The term “hazardous waste” shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1-691.1001). The term “hazardous waste” shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act (33 U.S.C. §1342) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. §§2011 - 2394).

HEDGE - An artificially constructed barrier of naturally vegetated plant material installed to enclose or screen areas of land uses, buildings, structures, parking areas, private outdoor areas such as lawns and decks and/or storage areas.

HISTORIC STRUCTURE - Any building or structure that is:

Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

Individually listed on the PA State inventory of historic places which have been approved by the Secretary of the Interior.

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program.

HOME BASED BUSINESS, NO IMPACT - A business or commercial activity administered or conducted clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

The business activity shall be compatible with the residential use of the property and surrounding residential uses.

The business shall employ no employees other than members residing in the dwelling.

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There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.

No on-site parking of commercially identified vehicles shall be permitted.

The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.

The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

The business may not involve any illegal activity.

HOME BASED BUSINESS, LOW IMPACT - A service conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and is not classified as a home based business, no impact.

HOSPITAL - Building(s) used for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not be publicly or privately operated.

HOTEL - A business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. No cooking facilities, other than a microwave or toaster oven, may be permitted in any sleeping room. Accessory shops, restaurants, swimming pool, fitness center, spa, services and conference centers catering to the general public can be provided where conference rooms and banquet halls are also be available for rent. Supervision is provided in shifts twenty-four (24) hours a day by an on-site manager.

IMPERVIOUS SURFACE - Any material that prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel and other surfaces.

IMPERVIOUS SURFACE COVERAGE - The portion of the lot area covered by impervious surfaces; impervious surface coverage shall be measured as a percentage of the total lot area.

IMPROVED OPEN SPACE - Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the lot, but shall not include associated buildings.

IMPROVEMENTS FOR DEVELOPMENT (IMPROVEMENTS) - Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, swales, detention/retention basins, paving, curbing, street lights and signs, fire hydrants, water

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mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INDOOR RECREATION FACILITIES - A land use conducted entirely within a building, including an arcade, arena, health club, bowling alley, or billiard hall.

KENNEL - A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming or behavioral counseling, provided that overnight boarding is not permitted.

LAND DEVELOPMENT - Any of the following activities:

The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

C. Subdivision of land;

D. 'Land development' does not include development which involves:

1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) dwelling units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of a business establishment which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

LANDSCAPE ARCHITECT - An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

LAUNDRIES - A facility where patrons wash and dry clothing or where employees wash, dry or dry clean clothing or other fabrics, dye fabrics, or offer carpet and/or rug cleaning services.

LIBRARY - A public facility for the use, but not sale, of literary, musical, artistic or reference materials.

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LIVERY/RIDING ACADEMY - A building in which any horses are kept, whether or not for hire or sale. This use includes any establishment where horses are kept for riding, driving or stabling, whether or not for compensation. The establishment may be incidental to the operation of any club, association, ranch or similar establishment.

LOADING SPACE - An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

LOADING PLAN - A scaled graphical depiction of the proposed loading areas associated with the development of a lot, or a portion thereof that accurately depicts existing and proposed buildings, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities and setbacks ultimately representing how the development will meet minimum loading requirements.

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

LOT, ADJOINING - A lot which is directly adjoining to and on the same side of a street right-of-way as a subject lot.

LOT AREA - The area contained within the lot lines of a lot excluding space within any rights-of-way(s) of public streets and ways.

LOT, CORNER - A lot at the junction of and adjoining two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees or the radius of the street line is less than ten (10) feet.

LOT, DEPTH OF - The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE CORNER - A lot at the junction of and adjoining more than two (2) intersecting streets .

LOT, FLAG - A lot that is located at least partially behind another (intervening) lot and does not have the majority of its required lot width fronting a street. Flag lots access streets by narrow extensions of the lot (the pole) which connect to the street.

LOT, INTERIOR - A lot other than a corner lot with only one frontage on a street.

LOT LINES - The lines indicating the boundaries of the lot.

LOT LINE, FRONT - The boundary line separating the lot from the street. In the case of corner and through lots, front lot lines shall be established along each street.

LOT LINE, REAR - The boundary of a lot which is most distance and is most nearly parallel to the front lot line.

LOT LINE, SIDE - Any boundary of a lot which is not a front or rear lot line.

LOT OF RECORD - A lot which has been properly recorded in the Office of the Recorder of Deeds of Juniata County, Pennsylvania.

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LOT, SUBJECT - A lot on which development, infill, replacement and/or redevelopment is identified to occur.

LOT, THROUGH - A lot other than a corner lot with frontage on more than one (1) street.

LOT WIDTH - The horizontal distance between both side lot lines measured at the required minimum front setback.

LUMBER MILLS - Manufacturing, processing and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

MANUFACTURED HOME SALES - Sale and display of model units of factory-built, single family structures that are manufactured remotely, are transportable in one or more sections, built on a permanent chassis and are used as a place of permanent human habitation.

MANUFACTURING - The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

LIGHT - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities. Light Manufacturing plants are less than or equal to one hundred thousand (100,000) square feet of floor area and/or fewer than two hundred (200) employees on any shift.

HEAVY - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products not otherwise defined as light manufacturing. Heavy Manufacturing plants have more than one hundred thousand (100,000) square feet of floor area or more than two hundred (200) employees on any shift

MAUSOLEUM - A building containing above ground tombs for burial of human and/or domesticated animal remains.

MEDICAL OR DENTAL CLINIC - A building or structure where two (2) or more licensed medical professionals provide diagnostic health, medical, dental, surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses shall have access only from the interior of the building or structure, and provided further that any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall be considered a medical clinic use.

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MINI-WAREHOUSE - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property. No sales, service or repair activities other than the rental of dead storage units are permitted on the premises.

MIXED USE - A lot or building on or in which various residential and non-residential land uses are combined as an integrated development. A “single site” may include contiguous but unconsolidated lots.

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

MOBILE (MANUFACTURED) HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile (manufactured) home lots for the placement thereon of mobile homes.

MONOPOLE - An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

MOTEL - A building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street parking areas. Supervision is provided in shifts by twenty-four (24) hour on-site management.

MULTI-FAMILY DWELLING DENSITY:

LOW DENSITY - a density of four (4) to eight (8) dwelling units per acre.

MEDIUM DENSITY - a density of eight (8) to twelve (12) dwelling units per acre.

HIGH DENSITY - a density of twelve (12) or more dwelling units per acre.

MUSEUM/CULTURAL CENTER - A building serving as a repository for a collection of natural, scientific, or objects of interest, works of art and designed to be used by members of the public for viewing and other related activities.

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

NON-CONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

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NON-CONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions of the Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSING HOME - Building(s) used for the care of children or the aged or infirm or a place of rest for those persons suffering disorders requiring full-time nursing care, but not including facilities for major surgery or institutions for the care and treatment of narcotics addiction.

OBSCENE MATERIALS - Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or floodprone area, which may impede, or change the direction of the flow of water either in itself by catching or collecting debris carried by such water or is placed where the flow of water might carry the same downstream to the damage of life and a lot.

OCCUPANCY PERMIT - A certificate issued by the Zoning Officer, that the construction and use for which the permit applies, may be occupied.

OFFICIAL ZONING MAP - The map setting forth the boundaries of the Zoning Districts of the Township which shall be part of this Ordinance.

OIL or PETROLEUM - Hydrocarbons in liquid form at standard temperature of 60° F. and pressure 14.7 pounds per square inch absolute (PSIA).

OIL WELL - Any well drilled, to be drilled, or used for the intended or actual production of oil.

OPAQUE - Not transparent or translucent; impenetrable to light; not allowing light to pass through.

OUTDOOR RECREATION FACILITIES - A land use conducted entirely outdoors such as hiking, boating, golfing, horseback riding and picnicking.

PARKING LOT - Any public or private lot or portion of a lot, including access drive(s) that provide access to the parking spaces.

PARKING SPACE - An area of land reserved within a dedicated street right-of-way, public garage or a parking lot, for the parking or storage of one (1) motorized vehicle.

PARKING SPACE, OFF-STREET - An area wholly outside any public right-of-way, constructed to accommodate the storage of a vehicle as required by this Ordinance and, which is connected to a public street by a driveway.

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PARTY WALL - A common wall between two (2) attached structures, buildings or dwelling units.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) - The Pennsylvania Municipalities Planning Code, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and development as well as to govern the same by zoning, subdivision and land development ordinances, by official maps, to promote conservation of energy; to establish Planning Commissions, Planning Departments and Zoning Hearing Boards.

PERSON - An individual(s), partnership(s), co-partnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

PERSONAL SERVICES - A business establishment providing domestic commodities and services pertaining to the person, their apparel or personal effects including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, massage therapy establishments and related activities.

PLANNED RESIDENTIAL DEVELOPMENT - A lot or portion of land, controlled by a single landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond to the standard lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space regulations established in any one base zoning district under the provisions of this Ordinance

PLACE OF ASSEMBLY - A building and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a private club.

PLACE OF WORSHIP - A building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

PLANNING COMMISSION - The Township Planning Commission, appointed by the Township Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PLAT - A map or layout plan that indicates the location, boundaries, and ownership of any land, lot, tract, street or parcel that has been or is planned to be subdivided. The individual properties shall conform to lots as designated on the Official Zoning Map.

PRINCIPAL BUILDING - A building or structure on a lot containing the primary use.

PRINTING AND BINDING - A business for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include but are not limited to, photocopying, blueprint, and including offset printing.

PRIVATE - Not publicly owned, operated, or controlled.

PRIVATE GARAGE - An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

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PROFESSIONAL OCCUPATION - The practice of a licensed or certified professional including, but not limited to, attorney, accountant, actuary, financial planner, insurance agent, medical occupation, engineer, surveyor, architect, landscape architect, planner or similar profession as entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC - Owned, operated or controlled by a government or authorized entity (Federal, State, or local, including a school, corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Township Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

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," 53 P. S. §271 et seq.

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

RENEWABLE ENERGY - Any facility or installation such as a hydroelectric unit or solar collecting/concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight or geothermal heat, or from biomass, for onsite use.

REPAIR SERVICES -

LOW INTENSITY - An establishment primarily engaged in the provision of repair services to individuals and households rather than businesses, but excluding equipment repair use types.

HIGH INTENSITY - An establishment engaged in the provision of repair services to businesses and/or automotive and equipment repair use types.

RESEARCH AND DEVELOPMENT - A building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured solely when necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, biological, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids

RETAIL BUSINESS - Any establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products.

RIGHT-OF-WAY (ROW) - An area of land that is legally described for the public or private provision of access.

ROOF LINE - The top ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

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SALES OFFICE - Retail or wholesale sales of merchandise produced or manufactured on the same site as an accessory to the primary use.

SANITARY LANDFILL - A lot or part thereof used primarily for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or nontoxic waste material of any kind.

SCHOOL - A place of instruction operated by a public, private, non-profit or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate and/or graduate collegiate education. This definition shall not include privately operated, for-profit trade, vocation, avocation or business schools.

SEDIMENTATION - The process by which soil, mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is typically referred to as "sediment."

SETBACK - The minimum distance from a lot line required by this Ordinance where a building or structure may be built.

SIGN - Any letter, word, model, banner, flag, device, structure, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including the following types:

A-FRAME - Any sandwich board or sign structure with a triangular cross-section.

ADA SIGNS - Any sign needed for a facility or building to achieve compliance with the requirements of the American Disabilities Act.

AWNING SIGN - An awning with advertising and/or graphic content.

BANNER - A sign intended to be hung across or within a public right-of way, and includes pennant or streamer designs.

BILLBOARD - A sign with a changeable message or display which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

BULLETIN BOARD - A non-electronic structure constructed with flat face(s), used for posting notices.

DIRECTIONAL SIGN - A sign directing traffic but bearing no advertising matter.

DIRECTORY - A sign listing businesses or occupants of a building. A directory is located at or near an entrance to a building.

FLAG - A piece of cloth or bunting varying in size, color and design, used as a symbol, sign, signal, emblem or advertisement.

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GROUND SIGN - Any sign supported by uprights or braces placed upon the ground and not attached to any building or the structure, having no more than two (2) faces, and not exceeding ten (10) feet above the surrounding ground surface.

HOME OCCUPATION SIGN - A sign permitted in association with an occupation conducted on the premises within a dwelling unit occupied by the operator of the business.

ILLUMINATED SIGN - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

MOBILE SIGN - Signs on wheels, runners, casters, parked trailers, parked vehicles or other mobile devices.

MOTION SIGN - Any illuminated or non-illuminated sign on, or in, which the light source or elements of the sign itself are not constant or stationary.

POLE SIGN - A freestanding sign erected on a lot on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.

PROJECTING SIGN - A two (2) sided sign attached perpendicular to the building face.

RESIDENTIAL DISTRICT SIGN - A sign located in any residential zoning district.

ROOF SIGN - Any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building or the topside of a marquee with the principal support on the roof structure or the marquee.

TEMPORARY SIGN - A wall, window, awning, projecting or ground sign relating to brief activity but not to exceed fifteen (15) days.

WALL SIGN - Any sign painted on, attached to or erected against the wall of a building, the front or sides of a marquee or canopy with the exposed face of the sign in a plane parallel to the plane of the wall or the marquee or canopy so that only (1) side is visible.

WINDOW SIGN - A sign attached to, placed upon or painted on the interior or exterior of a window or door of a building or otherwise intended for viewing from the outside of the building.

SIGN PERMIT - A certificate issued by the Zoning Officer attesting that the proposal for the design, construction and maintenance of a sign has been reviewed and approved in accordance with the requirements of this Ordinance.

SIGNABLE AWNING AREA - That portion of an awning parallel with the building facade.

SIGNABLE WALL AREA - A continuous portion of a building unbroken by doors, windows, any other sign or architectural features extending more than twelve (12) inches from the face of the building on any one (1) face of the building. It is calculated by drawing a rectangle within the area and computing the square footage of the rectangle.

SITE PLAN - A scaled drawing that graphically depicts the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all

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buildings and structures, intensity of use or density of development, streets, driveways, drive-thru locations, sidewalks rights-of-ways, easements, parking facilities (including handicapped spaces), open space, public facilities and utilities, all required setbacks and materials and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

STREET GRADE - The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - The right-of-way line of a street.

STREET WIDTH - The distance between street lines measured at right angles to the centerline of the street.

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

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

SUBSTANTIAL DAMAGE - Damage from any cause sustained by a structure whereby fifty (50) percent or more of the gross floor area (GFA) of the structure has been damaged.

SUBSTANTIAL ENLARGEMENT - The increase in GFA occupied by the use of the structure by more than twenty-five (25) percent of the GFA existing on the date of enactment of this Ordinance.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, in which the finished floor area of the structure is increased, the cost of which equals or exceeds fifty (50) percent of the assessed value of the structure (as taken from the Juniata County Property Assessment) before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include any project to correct existing violations of State or local health, sanitary or safety and building codes specifications which have been identified by the Zoning Officer and which are the minimum necessary to assure safe living conditions.

SURFACE MINING - An area where natural resources are removed from the earth without the creation of tunnels or underground mines or by drilling for extraction. Natural resources are extracted via the removal of the ground covering the resources.

TAVERN - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as accessory use, where live entertainment (non-adult facility-

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oriented) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

TEMPORARY STRUCTURE - A structure without any foundation or footings and, which by the type and materials of its construction, is not permanent in nature.

UNDEVELOPED LAND - Any lot or portion of a lot which has not been graded, improved or prepared for the construction of a building, structure or improvement.

USE - The purpose or activity for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use of the principal structure and located on the same lot with such principal use or principal structure.

USE, PERMITTED - Any use allowed by right in a zoning district as regulated by this Ordinance.

USE, PRINCIPAL - The primary use of the lot, building or structure. There may be more than one (1) principal or main use on a lot when permitted by district regulations.

USE, TEMPORARY - A use requiring utilities, established for more than seven (7) but less than one hundred (100) consecutive days with the intent to discontinue upon the expiration of a specified time period.

UTILITY - A facility operated for the general public, for distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by means of a network of overhead or underground conduits and requiring at various locations, to maintain efficiency of the system, pumping, regulating, transforming, switching or other devices or structures, but not including business offices.

VARIANCE - Relief granted by the Zoning Hearing Board from requirements of this Ordinance and as authorized by the Pennsylvania Municipalities Planning Code.

WAREHOUSE - A building used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition. Incidental sales may occur on the lot.

WETLANDS - Those areas which are inundated by water, with sufficient frequency to support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to, swamps, marshes, bogs, sloughs, wet meadows, river floodplains, mud flats and wet prairies.

WIND ROTOR - The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion.

WINDMILL - Wind rotor mounted to a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

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YARD - The portion of a lot between the principal building/structure and the lot line. Where the configuration of a principal building/structure or a lot makes it difficult to discern the location of yards, the Zoning Officer shall establish such yards.

- A. **FRONT YARD** - The space extending the full width of the lot and situated between the front lot line and the front of the principal building/structure. In the case of a lot with multiple buildings/structures, the front yard shall be set in accordance with the principal building/structure in closest proximity to the front lot line.
- B. **REAR YARD** – The space extending the full width of the lot and located between the rear lot line and the rear of the principal building/structure. In the case of a lot with multiple principal buildings/structures, the rear yard shall be set in accordance with the building/structure in closest proximity to the rear lot line.
- C. **SIDE YARD** - The space located between the side lot line and the side of the principal building/structure and extending from the front yard to the rear yard. In the case of a lot with multiple principal buildings/structures, the side yard shall include any remaining area not defined as an internal yard, front yard or rear yard.

ZONING DISTRICT - A geographical area with boundaries that includes surface areas as indicated on the Official Zoning Map.

ZONING HEARING BOARD - The Township Zoning Hearing Board appointed by the Township Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ZONING OFFICER - The duly appointed Township official designated to administer and enforce this Ordinance.

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ZONING ORDINANCE

ARTICLE IV

ESTABLISHED ZONING DISTRICTS

§401. Establishment of Zoning Districts.

For the purposes of carrying out the provisions of this Ordinance, Delaware Township is divided into a series of Zoning District and Overlays, which are shown by the zoning district boundaries on the Official Zoning Map.

§402. General Intent of the Zoning Districts.

In order to maintain the Township's established integrity within all zoning districts, all proposed development shall maintain compatible building orientation, building form, parking, massing location, and circulation. The general intent of each zoning district is outlined below:

- A. Intensive Agriculture (IA). This district is intended to protect, preserve and enhance the character of rural township life and related agricultural practices and production.
- B. Agriculture-Forest (AF). This district is intended to encourage the preservation and conservation of the natural resources associated with agriculture and forest activities by providing reasonable standards for the development and use of land.
- C. Low Density Residential (LDR). This district is intended to provide for the orderly expansion of compatible, low density residential development and planned residential development in those areas where public services may not be readily available but are expected to be available in the future.
- D. Medium Density Residential (MDR). This district is intended to protect, preserve and enhance the existing character and lifestyle of moderate density single family residential development.
- E. High Density Residential-Commercial (HDR-C). This district is intended to protect, preserve and enhance the existing higher density housing opportunities and supporting locally-oriented commercial development.
- F. Commercial Industrial A (CI-A). This district is intended to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services, and, to provide for anticipated future needs for limited industrial activity compatible with surrounding residential and/or natural resource areas.
- G. Commercial Industrial B (CI-B). This district is intended to accommodate land uses for warehousing, manufacturing, agriculture and uses including those which require substantial amount(s) of open air storage or generally considered incompatible with other land uses.
- H. Flood Plain Overlay (FPO). This Overlay is intended to encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

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§403. General Zoning District Requirements.

- A. No building shall be erected, moved, altered, rebuilt, or enlarged nor shall any land or building be used or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements, and restrictions specified in this Ordinance for the District in which such building or land is located.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this Ordinance for the District in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.
- D. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of buildings complying with Local laws in force prior to this Ordinance, if the following is found to exist:
 1. A building permit shall have been duly issued prior to the date of first publication of notice of the public hearing on this ordinance.
 2. The entire building shall have been constructed in accordance with such plans as have been filed with the Township and shall have been completed within one year from the effective date of this Ordinance.
- E. In addition to the basic zoning requirements defined by this Ordinance, all uses by special exception and all conditional uses shall conform to all applicable requirements and provisions defined by this Ordinance.
- F. No building, structure or land within any zoning district may be used, and no building or structure may be erected, constructed, reconstructed or altered on or after the effective date of this Ordinance unless intended or designed to be used for any uses enumerated in Table 1.
 1. The letter “P” denotes a permitted principal use by right, subject to the requirements specified by this Ordinance.
 2. The letter “C” denotes a principal use that is conditional, subject to the requirements specified by this Ordinance.

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Table 1: Land Uses

Legend

- A Accessory Use
- P Permitted Use
- C Conditional Use
- S Uses by Special Exception

		Zoning Designation							
		A-F	IA	LDR	MDR	HDR-C	CI-A	CI-B	FP
A. Residential Use									
1	Accessory Use	P	P	P	P	P			
2	Boarding House				C	P	P		
3	Dwelling, Multi-family				P	P			
4	Dwelling, Single-family attached				P	P			
5	Dwelling, Single-family detached	P	P	P	P	P			
6	Dwelling, Townhouse				P	P			
7	Dwelling, Two-family				P	P			
8	Group Care Facility				C	C			
9	Group Care Home				C	C			
10	Home Based Business, Low Impact	C	C	C	C	C			
11	Home Based Business, No Impact	A	A	A	A	A			
12	Manufactured Home Park				C				
13	Nursing Home				C	P	P		
14	Planned Residential Development			C	C				
15	Other Uses Not Listed							C	
B. Non-Residential Use									
1	Accessory Use	P	P						
2	Adult Oriented Establishment							C	
3	Agricultural Processing, Animal						C	P	
4	Agriculture, Low Intensity	P	P	P	P	P	P		
5	Agriculture, Medium Intensity	P	P						P
6	Agriculture, High Intensity		P						
7	Animal Hospital	P	P				P		
8	Automobile Repair and Over-hauling						P		
9	Automobile Sales or Rental						P		
10	Automobile Salvage/Junk Yard							P	
11	Automobile Service Station						P		
12	Bar/Tavern							C	
13	Bed and Breakfast	P		P	P	P			

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Legend

- A Accessory Use
- P Permitted Use
- C Conditional Use
- S Uses by Special Exception

		Zoning Designation							
		A-F	IA	LDR	MDR	HDR-C	CI-A	CI-B	FP
14	Beverage Distribution					C	C		
15	Billboard							C	
16	Building Materials Sales or Storage Yard						P	P	
17	Bulk Materials or Machinery Storage						P	P	
18	Business or Professional Office					P	P		
19	Campground, Trailer or Recreation Vehicle Camp	P							P
20	Cemetery/Crematorium/Mausoleum	P		P					
21	Collection and Recycling Facility						C	P	
22	Communications Antennae	A	A	A	A	A	A	A	A
23	Communications Tower	C							
24	Concrete or Asphalt Batch Plant							C	
25	Conservation	P	P						P
26	Day Care	P		P	P	P	P		
27	Distribution Center						P	P	
28	Drive-in Services					A	A	A	A
29	Essential Services	P	P	P	P	P	P	P	
30	Farm market	P		P			P		
31	Federal, State and Local Municipal Buildings and Uses	P	P	P	P	P	P	P	P
32	Forestry	P	P	P	P	P	P	P	P
33	Fuel/Energy Recharge Station							C	
34	Hospital						P		
35	Hotel/Motel					P	P		
36	Indoor Recreation Facilities					P	P		
37	Kennel	P	P						
38	Laundries, Cleaning, Dying, Carpet and Rug Cleaning						P		
39	Library					P	P		
40	Livery, Riding Academy	P	P						
41	Loading Space	A	A	A	A	A	A	A	A
42	Lumber Mills	P					P	P	
43	Manufactured Home Sales						P		

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Legend

- A Accessory Use
- P Permitted Use
- C Conditional Use
- S Uses by Special Exception

		Zoning Designation							
		A-F	IA	LDR	MDR	HDR-C	CI-A	CI-B	FP
44	Manufacturing, Heavy						P	P	
45	Manufacturing, Light					P	P	P	
46	Mini-Warehouse							C	
47	Mixed Use					P	P	P	
48	Museums/Cultural Center					P	P		
49	Outdoor Recreational Facilities	P							P
50	Personal Service Shop/Store					P	P		
51	Places of Worship, Places of Assembly	P		C	C	P	P		
52	Printing and Binding						P		
53	Renewable Energy Source	A	A	A	A	A	A	A	A
54	Repair, High Intensity						P		
55	Repair, Low Intensity					P	P		
56	Research and Development						P	P	
57	Retail Businesses					P	P		
58	Sales office	A	A				A	A	
59	Sanitary land fills	C							
60	Schools			P	P	P	P		
61	Surface Mining	C		C					
62	Tourist Homes						P		
63	Warehouse						P	P	
64	Other Uses Not Listed							C	

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Table 2: Dimensional Standards.

Dimensional Criteria	A-F	I-A	LDR	MDR**					HDR-C*/**					CI-A*		CI-B*	
				Single Family Detached		Townhouse, Two-Family and Single-Family Attached	Multi-Family Dwelling	Group Care, Nursing Homes, Boarding House	Single Family Detached	Townhouse, Two-Family and Single-Family Attached	Multi-Family Dwelling	Group Care, Nursing Homes, Boarding House	Commercial	Commercial	Industrial	Commercial	Industrial
				Private Water and/or Sewer	Public Water and Sewer												
Lot Size (per Unit for Residential Uses; Min. Sq. Feet unless otherwise noted)	80,000	20 acres	40,000	30,000	20,000	5,400	3,600	11,000	20,000	2,700	2,200	11,000	40,000	40,000	80,000	40,000	80,000
Density (Dwelling Units per Acre)	0.55		1	1.45	2.18	8	12	4	2.18	16	20	4					
Lot Frontage (Min. Feet per unit)	200	500	150	125	100	25	10	100	100	10	10	100	150	150	200	150	200
Front Yard (Min. Feet per unit)	50	100	50	35	35	25	25	35	35	35	35	35	30	50	60	50	60
Side Yard (Min. Feet)	50	100	25	20	10	15	15	10	10	10	10	10	25	25	30	25	30
Rear Yard (Min. Feet)	50	100	60	35	35	15	30	35	30	30	30	35	30	25	30	25	30
Building Height (Max. Feet)	35	35	35	35	35	35	35	35	35	35	35	35	35	45	45	45	45
Lot Coverage (Max. %)	10	5	10	20	20	20	30	20	30	30	30	20	40	40	40	40	40
Distance Between End Units (Min. Feet)						15	15			40	40						

Notes

- * When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Sewage Enforcement Officer or Department of Environmental Protection for factors relating to health sanitation.
- ** Efficiency = 75 sq. feet; 1 bedroom = 100 sq. feet; 2 bedroom - 125 sq. feet; 3 or more bedrooms = 150 sq. feet
- *** Habitable Floor Area (Min. Sq. Feet) = 700

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§ 404. Bufferyards.

A. Bufferyards

1. Buffer Zones.

The buffer zone shall be measured from the District Boundary Line or a property line or right-of-way line, if not co-existent with the District Boundary Line.

- a. A minimum buffer zone of 100 feet in width shall be provided along any common property line between a non-residential use and a residential use or district (A-F, IA, LDR, MDR, and HDR-C).
- b. The buffer zone shall be maintained and kept clean of debris, rubbish, weeds, and other unsightly features.
- c. No building, structure, or physical improvement shall be permitted in the buffer zone except:
 - (1) An access drive;
 - (2) A stormwater facility;
 - (3) Off-street parking; and,
 - (4) A permitted sign.
- d. No less than the exterior half of the buffer area shall be planted and maintained with grass or ground cover, massed evergreens, and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least five feet in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises.
 - (1) Massed evergreens used in screen planting shall be at least four feet in height when planted and produce a complete visual screen year round.
 - (2) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
 - (3) The screen planting shall be so placed so that at maturity it will be no closer than three feet from any street or property line.
 - (4) A clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
 - (5) The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.

§405. Flood Plain District.

A. Purpose.

The purpose of the Flood Plain District (FP) is to prevent development in areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage to promote the health, safety, and welfare of residents and landowners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and developments as are compatible with these objectives.

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B. Definition of District and Terms.

The FP Flood Plain District is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as:

1. "Alluvial Soils" by the Soil Conservation Service, United States Department of Agriculture, in the Soil Survey of Juniata County, Pennsylvania, as amended.
2. "100 year flood plain" by the Flood Insurance Study prepared by the Federal Insurance Administration-Federal Emergency Management Agency and accompanying maps.
3. Zoning Map.
 - a. The FP Flood Plain District, as hereinabove defined, shall be included by reference to the documents and mapping described in this Section which is hereby made a part of this Ordinance. For the purpose of defining the application of the map to any specific area, the maps, data, and other sources of material described in this Section shall be available and shall be proof of the intended limits of the FP Flood Plain District. Any change in the FP Flood Plain District as may from time to time be determined to be proper as further information becomes available shall be forthwith reflected on said documents and maps. No changes shall be made in the 100 year flood plain designate in the Federal Insurance Administration-Federal Emergency Management Agency Flood Insurance Study without prior approval from the Federal Insurance Administrator.
 - b. The term development as used in this Section shall be defined as any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
 - c. The term new construction shall be defined as structures for which the "start of construction" commenced after the effective date of this Ordinance.
 - d. The term 100 year flood means the flood having a 1% chance of being equaled or exceeded in any given year.
 - e. The term start of construction means the first placement of permanent construction of a structure other than a manufactured home on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement of poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home Subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For manufactured homes within manufactured home parks of manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured

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home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- f. The term substantial improvement means 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 the 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, however, include either (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

C. Permitted Uses. See Land Use Table.

D. Prohibited Uses.

1. All structures and buildings including manufactured homes, with the exception of those specifically allowed by this Ordinance. All development in the Floodway portion of the Flood Plain District which would cause a rise in flood heights.
2. The filling of marshlands, removal of topsoil or damming, alternation, or relocation of any watercourses except with the approval of the Township Planning Commission and Pennsylvania Department of Environmental Protection. Adjacent affected communities, the Federal Emergency Management Agency-Federal Insurance Administration, and the Pennsylvania Department of Community Affairs should also be notified prior to any alteration or relocation of a watercourse. The flood carrying capacity of the altered or relocated portion of the watercourse must be maintained.
3. Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials.
4. On-site sewage disposal systems.
5. Any substantial alteration of the cross-sectional profile of a stream basin.

E. Area, Density, and Lot Width Regulations.

1. No minimum lot size shall be required for use except as otherwise provided herein.
2. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the 100 year flood level. All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to or above the 100 year flood level or together with attendant utility and sanitary facilities, be designed so that below the 100 year flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where

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floodproofing is utilized, a Registered Professional Engineer or Architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the 100 year flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Township. Within any identified floodplain area, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited.

3. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structures. Where permitted within any floodplain area, all manufactured homes, and any additions thereto, shall be:
 - a. Placed on a permanent foundation.
 - b. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100 year flood.
 - c. Anchored to resist flotation, collapse, or lateral movement.
4. No use shall be permitted within the floodway if any increase in flood levels during the 100 year flood discharge would result.
5. Variances shall only be issued upon: (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the Applicant, (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing Local laws or ordinances.
6. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard to afford relief.
7. The Applicant shall be notified that: (a) the issuance of a variance to construct a structure below the 100 year flood level will result in increased premium rates for flood insurance, (b) such construction below the 100 year flood level increases risks to life and property. Such notification shall be maintained with a record of all variance action.
8. A record of all variance actions, including justification for their issuance, shall be maintained and all variances shall be reported in the annual report submitted to the Federal Insurance Administrator.
9. Notwithstanding the provisions of this Article, no variance or special exception shall be granted for:
 - a. The commencement of any of the following activities or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals
 - (2) Nursing homes
 - (3) Jails or prisons

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- b. The commencement of or any construction of a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- c. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) or any of the following dangerous materials or substances on the premises:
 - (1) Acetone
 - (2) Ammonia
 - (3) Benzene
 - (4) Calcium carbide
 - (5) Carbon disulfide
 - (6) Celluloid
 - (7) Chlorine
 - (8) Hydrochloric acid
 - (9) Hydrocyanic acid
 - (10) Magnesium
 - (11) Nitric acid and oxides of nitrogen
 - (12) Petroleum products (gasoline, fuel oil, etc.)
 - (13) Phosphorus
 - (14) Potassium
 - (15) Sodium
 - (16) Sulphur and sulphur products
 - (17) Pesticides (including insecticides, fungicides, and rodenticides)
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated

F. Permits Required.

- 1. A zoning certificate shall be required for all development.
- 2. The permit application shall include the lowest floor, including basement, elevation and the level to which the structure will be floodproofed. It shall also include all necessary permits from those governmental agencies from which approval is required by Federal or State law as amended, including Section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33, U.S.C. 1334, the Pennsylvania Sewage Facilities Act, the Dam Safety and Encroachment Act, and the Pennsylvania Clean Streams Act.

§ 406. Accessory Building Regulations.

- A. An accessory building in a Low Density Residential District, a Medium Density Residential District, or a High Density Residential-Commercial District and not attached to the principal structure may be located in any required side or rear yard provided:
 - 1. Such building shall not exceed more than 20 feet in height.
 - 2. Such buildings shall be setback five feet from any lot line.
 - 3. All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear or side yard.

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- B. Accessory buildings for principal uses in an Agricultural-Forest District, an Intensive Agricultural District, or either Commercial-Industrial District (CI-A and/or CI-B) shall be located not closer than 10 feet to any side or rear property line.
- C. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- D. An accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.
- E. No accessory building shall project nearer to the street on which the principal building fronts than the minimum building setback distance for the principal building.
- F. Fences located in the side or rear yards are exempt from property line setback requirements. Fences located within the front yard or otherwise located along a road or street are exempt from property line setback requirements, provided that: (1) such fences are not located in the Clear Sight Triangle, (2) such fences are located, constructed, and maintained so as not to obscure or impair the visibility of an operator of a motor vehicle exiting the property, and (3) such fences are see-through type fencing, being constructed of chain-link, post and rail, picket, or other similar type fencing material.
- G. A Building Permit must be obtained for all fences exceeding six (6) feet in height.

§407. Height Regulations.

- A. Where a lot has frontage on two or more streets or other public rights-of-way, the height limitation shall apply only as measured from the curb level along the street or way with the higher elevation above sea level.
- B. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this Ordinance provided their location is not in the required yard. The exemption provided in this paragraph shall not be applicable to personal wireless or cellular telecommunication facilities as regulated in this Ordinance.

§408. Private Outdoor Swimming Pools.

- A. A building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:
 - 1. Such pool may be erected in the required rear yard, but not in the required side yard or front yard.
 - 2. The water edge of such pool shall not be located nearer than twenty (20) feet to any lot line for an in-ground pool or nearer than 15 feet for an above-ground pool.
 - 3. Any such pool with a depth in excess of two feet shall be completely surrounded by a fence or wall that is not less than four feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent accidents. However, if said pool is located more than four (4) feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected. The Delaware Township Supervisors shall be notified within thirty (30) days of completion of construction so a final inspection can be made.
 - 4. Conventional wading pools less than the area and depth requirements of Item 3 above shall be exempt.

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ARTICLE V

PERFORMANCE STANDARDS

§501. Site Considerations.

A. Drainage

No stormwater or natural drainage which originates on the property or water generated by the activity, (e.g., air conditioners, swimming pools) shall be diverted across property lines unless transported in an approved or existing drainage system.

B. Electricity.

Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.

C. Glare.

No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.

D. Radioactivity.

Any proposed activity in this District shall not emit any dangerous radioactivity at any point of the site.

E. Vibration.

There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

F. Fire and Explosion Hazard.

1. All activities shall be carried out in buildings, structures, outdoor storage areas, and improvements which conform to the standards of the National Board of Fire Underwriters.
2. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground except in structures according to Commonwealth and Federal specifications.
3. All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in buildings or containers which are adequate to eliminate such hazards in accordance with all Commonwealth of Pennsylvania and Federal requirements.
4. No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, oil, waste oil, and chemicals which can contaminate a stream or water source or render such stream or water source unusable or undesirable as a source of water supply or recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water source by natural causes or forces, or by rupture or storage containers or accidental discharge.

G. Traffic Control.

All design traffic volumes shall be determined by accepted procedures of the Pennsylvania Department of Transportation. The design hourly volume shall be used as a basis of computation. Geometric design features shall be consistent with the design speeds and capacities of streets serving the site. Minimum stopping, turning, and passing sight distances shall be determined. Grades, alignments,

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lanes, slopes, clearances, and other street standards shall be consistent with the Delaware Township Subdivision and Land Development Ordinance. Traffic control devices (signs, signals, pavement markings, etc.) shall be consistent with the Manual on Uniform Traffic Control Devices, American Association of State Highway Officials, in cooperation with the Pennsylvania Department of Transportation. Anticipated traffic generation shall not exceed the design volume of the street or streets serving the site and surrounding area, unless appropriate provisions to upgrade and to construct necessary street provisions consistent with Delaware Township and the Pennsylvania Department of Transportation Road Specifications.

H. Noise Control.

The sound level of any use within this District shall not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels shall be projected in accordance with similar or identical operations or uses and shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.

I. Dust, Fumes, Vapor, and Gas Control.

The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise shall exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as set forth above, measurement procedures shall follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

J. Liquid and Solid Wastes.

No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Such evidence of approval shall be provided.

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ARTICLE VI

CONDITIONAL USES

§601. General Provisions.

- A. All conditional uses shall be reviewed with the standards and criteria of this Ordinance. In granting a conditional use, the Township Supervisors may attach such reasonable conditions and safeguards, as necessary to implement the purposes of this Article and the Pennsylvania MPC.
- B. The following general criteria shall be used in granting all conditional uses.
 1. The developer or owner shall maintain the attributes of the historical nature of the existing neighborhood including but not limited to massing, building heights, and exterior historic characteristic.
 2. Parking areas shall be located, arranged, constructed and designed to minimize the impact of vehicles and lighting on the right of way and adjoining residential lots.
 3. A traffic impact study acceptable to the Township Engineer, shall be submitted where the proposed development, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes according to the Institute of Transportation Engineers (ITE) standard.

§ 602. Specific Provisions – Residential.

- A. Boarding House.
 1. No more than one exterior sign shall be permitted on the premises.
 2. Overnight guests shall not occupy the facility for more than three (3) consecutive months in a twelve (12) month period.
 3. To protect the surrounding uses from detrimental noise, dust and other disturbances, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective lot line shared with a residential use.
 4. The owner of said use shall be a permanent resident on the site.
- B. Group Care Facility
 1. The Applicant of said use shall file a detailed statement of intent with the Township Supervisors describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to the surrounding lots and neighborhood.
 2. Twenty-four (24) hour supervision of residents by a facility employee approved by the Pennsylvania Department of Public Welfare shall be required.
 3. The minimum lot size shall be one (1) acre.

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C. Group Care Home

1. The Applicant of said use shall file a detailed statement of intent with the Township Supervisors describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to the surrounding lots and neighborhood.
2. Twenty-four (24) hour supervision of residents by a facility employee approved by the Pennsylvania Department of Public Welfare shall be required.

D. Home Based Business, Low Impact

1. All active and operational home-based businesses shall file an application with the Zoning Officer when changes are made.
2. The home occupation shall be carried out completely within the dwelling unit or accessory building/structure.
3. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed on the premises.
4. As demonstrated by the floor plan(s) of the structure(s) on the lot, no more than twenty-five (25) percent of the total floor area of the principal and/or accessory structure(s) shall be devoted to a home occupation.
5. Parts sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty-five (25) percent of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted.
6. There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. One (1) exterior sign of not more than two (2) square feet shall be permitted and shall comply with Article VIII "Signage Regulations".
7. As regulated by Article V "Performance Standards," no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
8. A home occupation shall, under no circumstances, be interpreted to include retail goods, kennels or any occupation where the principal activity involves sales offered across the counter.

E. Manufactured Home Park (Mobile Home Park)

1. The site of a mobile home park shall be serviced by public water or Pennsylvania Department of Environmental Protection (PA DEP) approved private water system and public sewers or PA DEP approved private sewage disposal system.
2. The site of a mobile home park shall have frontage on and direct vehicular access to an arterial or collector street.

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3. Support and Anchoring: Individual mobile homes shall be placed upon suitable supports to insure that the unit will remain level and free from structural damage. Each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces. Such anchoring shall be equivalent to or exceed NFPA Standard No. 501A-1974 (ANSI A129.3-1975)
4. Skirting: Each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit the formation of moisture and decay.
5. Common Facilities: No less than ten percent (10%) of the mobile home park site shall be devoted to common facilities for passive and active recreation limited to use by the residents of the mobile home park. Such common facilities may include, but shall not be limited to, community clubs, swimming pools, tennis courts, parks, playgrounds, shelters, hiking trails, hobby areas, laundries and service buildings for resident uses.
6. Screening: All property lines adjoining residential use or Zoning District classification shall be screened by a Bufferyard twenty-five (25) feet in width.
7. Sidewalks at least four (4) feet in width shall be provided along both sides of the interior streets.
8. Parking shall be provided based on the ratio of two (2) parking spaces per mobile home, one (1) of which shall be required to be on the mobile home lot and one (1) of which may be located in a common parking area which shall be located within three hundred (300) feet of the mobile home it is intended to serve.
9. Interior streets shall be lighted in accordance with the requirements of the Township Subdivision Ordinance.
10. Interior streets that are not to be dedicated to Township shall be constructed in accordance with Township Specifications.
11. Gross Lot Requirements.
 - a. Gross lot:

Fifteen (15) contiguous acres minimum.
 - b. Front and rear yards of gross lot:

Seventy-five (75) feet minimum from any mobile home berth to any lot line.
 - c. Side yards of gross lot:

Fifty (50) feet minimum from any mobile home berth to any lot line.
 - d. Landscaping, parking and recreational facilities may project into the required perimeter yards if they are at least twenty (20) feet from the exterior property line bounding the site.

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12. Maximum structure heights:

- a. Thirty-five (35) feet for all principal structures.
- b. Fifteen (15) feet for all accessory structures.

13. Net Lot Requirements.

- a. Berth size shall be a minimum of six thousand (6,000) square feet area and sixty (60) feet wide.
- b. Interior yards:
 - (1) Twenty-five (25) feet from interior access roads minimum.
 - (2) Thirty (30) feet between parallel ends or sides of mobile homes or other principal buildings minimum.
 - (3) Fifteen (15) feet between mobile homes and any other accessory buildings minimum.

F. Nursing Home

- 1. The minimum lot size shall be at least one (1) acre.
- 2. A useable open space area of one hundred (100) square feet per bed shall be provided exclusive of the front setback, bufferyards and parking area.
- 3. The lot shall be served by frontage on a public street.
- 4. Off-street access and areas for discharging and picking up guests shall be provided.
- 5. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet from grade.
- 6. If the parking area adjoins a residential use or contains more than ten (10) parking spaces the following shall apply:
 - a. An additional ten (10) foot setback from the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential property development.
 - (1) One and one-half (1.5) times the required number of plants for buffering off-street parking and loading areas; or
 - (2) A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
- 7. The facility shall meet all state requirements for nursing/convalescent care facilities (or identified equivalent) in addition to those defined in this subsection.

G. Planned Residential Development. See §604 and §605.

H. Other Uses Not Listed (Residential)

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1. Impacts on the surrounding development and adjacent streets, circulation and lots shall be equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - a. The floor area of the building, gross area of the lot and/or scale of development in devoted to the proposed use.
 - b. The type of products, materials, equipment and/or processes involved in the proposed use.
 - c. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.
 - d. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, and/or redevelopment is proposed.
 - e. Elevations and site plans must be provided with the application.
2. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
3. Is in general conformity with other Township planning initiatives and harmony with the area in which it is proposed.
4. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed is in compliance with all other standards of this Ordinance and all other applicable Township Ordinances.

§ 603. Specific Provisions – Non-residential.

A. Adult Oriented Establishment

1. Classifications. Adult oriented establishments are classified as follows:
 - a. Adult arcades;
 - b. Adult bookstores or adult video stores;
 - c. Adult cabarets;
 - d. Adult motels;
 - e. Adult motion picture theaters;
 - f. Adult theaters;
 - g. Escort agencies;
 - h. Nude model studios;
 - i. Sexual encounter centers.
2. Permit Required.
 - a. No person may operate or be employed at an adult oriented establishment without the appropriate license issued by the Township pursuant to the Township Adult Business Licensing Ordinance. See the Township Code of Ordinances.

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3. Location of Adult oriented establishments.
 - a. A person is guilty of a violation of this Ordinance if he operates or causes to be operated an adult oriented establishment outside of the district in which an adult oriented establishment is a permitted use. No adult oriented establishments shall be located outside a district in which an adult oriented establishment is a permitted use.
 - b. A person is guilty of a violation of this Ordinance if he operates or causes to be operated an adult oriented establishment within one thousand (1,000) feet of:
 - (1) A place of worship.
 - (2) A public or private pre-elementary, elementary or secondary school.
 - (3) A public library.
 - (4) A child care facility or nursery school.
 - (5) A public park adjacent to any residential district.
 - c. A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of an adult oriented establishment within five thousand (5,000) feet of another adult oriented establishment.
 - d. A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment or maintenance of more than one (1) adult oriented establishment in the same building, structure or portion thereof; or the increase of floor area of any adult oriented establishment in any building, structure or portion thereof containing another adult oriented establishment.
 - e. For the purpose of this Article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented establishment is conducted to the nearest lot line of the premises of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility or nursery school; or to the nearest boundary of an affected public park.
 - f. The distance between any two adult oriented establishments shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - g. Any adult oriented establishment lawfully operating on the date of enactment of this Section that is in violation of this Section shall be deemed a non-conforming use. Such non-conforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two (2) or more adult oriented establishments are within five thousand (5,000) feet of one another and otherwise in a permissible location, the adult oriented establishment which was first established and continually operating at a particular location is the conforming use and the later-established business is non-conforming.
 - h. An adult oriented establishment lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the adult oriented establishment permit, of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility, nursery school or public park within one thousand

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(1,000) feet of the adult oriented establishment. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

- i. No adult oriented establishment shall be located within two hundred (200) feet of a front setback line of a dwelling located in a residentially zoned district. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented establishment is conducted to said front setback line.

B. Agricultural Processing, Animal.

1. A business shall have one point of ingress and egress to a public road right-of-way. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicular.
2. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
3. All processing and storage of materials involved in processing shall occur in a building's interior.
4. The storage of combustible materials shall be limited to twenty-five (25) feet in height with available fire defense measures as approved in accordance with the Universal Construction Code or approved equivalent. The storage of non-combustible materials shall be limited to thirty (30) feet in height. In order to minimize:
 - a. The risk of fire.
 - b. Visibility from adjacent properties.
 - c. Noxious odors to adjacent properties and/or right of ways.
5. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
6. The owner(s) and operator(s) of the facility shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
7. The minimum distance between buildings shall be thirty (30) feet.
8. The maximum length of any building shall be no more than three hundred (300) feet.
9. Screen walls.
 - a. An eight (8) foot high screen wall shall be constructed around the perimeter of a storage area if equipment and/or materials are not contained within an enclosed building/area. The screen

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wall shall be measured from the average grade of the adjacent ground, unless otherwise defined by the Township Planning Commission.

- b. The screen wall shall be eighty percent (80%) opaque and composed of one of the following:
 - (1) Finished masonry or wood.
 - (2) Black or green vinyl-coated chain link fencing with eight (8) foot high evergreen plantings located on the exterior side of the fence, where as no fence components may be visible from an adjacent lot or right-of-way.
 - (3) The landowner and/or developer shall provide evergreen plantings with a minimum height of eight (8) feet in quantity and spacing as approved by the Township Planning Commission.
 10. Excessive noise, dust, odor, vibration or light shall not be generated to disturb the surrounding neighborhood.
 11. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel fuel and oil for the operation and maintenance of motorized vehicles and equipment.
 12. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
 13. The hours of operation for material pick-ups, delivery processing and manufacturing operations may be limited by the Township in order to minimize negative impacts on surrounding development.
 14. No more than one (1) sign shall be permitted; said sign shall be a ground or a wall sign.
- C. Bar/Tavern.
1. A tavern, bar or pub shall comply with the minimum distance separation requirements as defined by the Pennsylvania State Liquor Control Board (PA LCB).
 2. The owner(s) and operator(s) of a tavern/bar/pub shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by the patrons.
- D. Beverage Distribution.
1. Beverage distribution shall comply with requirements as defined by the Pennsylvania State Liquor Control Board (PA LCB).
 2. The owner(s) and operator(s) of beverage distribution shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by the patrons.

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3. A plan for circulation shall be submitted for review to ensure the safety of all vehicle traffic and separation of customer and loading activities as necessary.

E. Billboard.

1. Number permitted: one (1) per lot.
2. Minimum lot size: six thousand (6,000) square feet.
3. Minimum lot width: sixty (60) feet.
4. Setback requirements:
 - a. Front: fifty (50) feet.
 - b. Side: abutting an industrial zoning district twenty-five (25) feet; abutting a residential zoning district, two hundred (200) feet; abutting all other zoning districts, one hundred (100) feet.
5. Maximum height of billboard: twelve (12) feet above the ground level upon which the billboard is located or twelve (12) feet above the elevation of the centerline of pavement of the closest adjacent public street at the point nearest the sign.
6. Maximum size of billboard:
 - a. Non-electronic: one hundred twenty (120) square feet.
 - b. Electronic: seventy-five (75) square feet.
7. No billboard shall be located within five hundred (500) feet of any other billboard.
8. Any electronic billboard shall not be externally illuminated.
9. A non-electronic sign face that rotates to display multiple sign face images shall be permitted providing that each image is displayed for at least thirty (30) consecutive seconds every time it is shown.
10. Lettering and other images on the billboard shall be displayed for at least thirty (30) consecutive seconds every time it is shown.
11. Landscaping Requirements:
 - a. Height of landscaping shall be measured from grade.
 - b. A five (5) foot deep landscaped strip of native plants measuring at least one half (1/2) the height of the billboard's supporting structure shall be located immediately adjoining the supporting structure of the billboard in all directions.
 - c. The rear side of a single-faced billboard shall be of one (1) color and screened by existing or otherwise new native evergreen species at least six (6) feet tall.

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F. Collection and Recycling Facility.

1. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris and dust shall not be created.
2. Materials shall be stored in such a manner as to discourage the presence of rodents and other disease carrying animals. If after operations commence, the Township Zoning Officer determines that a vermin problem exists, the operator of the facility shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.
3. Adequate off-street loading areas shall be provided for loading and unloading of recyclable materials. Under no circumstance shall loading vehicles or other business vehicles be parked on a public right-of-way.
4. All materials shall be stored within a completely enclosed building or screened from adjacent lots and public rights of way with an eight (8) foot high opaque fence.
5. A collection and recycling facility shall have direct access to a collector or arterial road with sufficient capacity to handle traffic generated by the facility.
6. The Township Board of Supervisors may impose restrictions on access to the facility, hours of operation or other such matters as they deem necessary to insure that there is not adverse impact upon the functioning of the Zoning District or adjacent lots.

G. Communications Tower

1. A telecommunication tower more than twelve (12) feet in height or that is not mounted to an existing structure is only permitted as a conditional use in designated Zoning Districts.
2. Ground transformer, generator and related ground equipment are permitted on the same lot as said tower but ancillary uses such as business office, vehicular storage and maintenance buildings are prohibited unless otherwise permitted in said zoning district.
3. The height of any antenna on said tower shall not exceed the height of the structure by more than twelve (12) feet. If the antenna is to be mounted on an existing tower, a permit shall not be required.
4. The owner of the communication tower must demonstrate by competent expert testimony and submitted, signed and sealed statement that the location of the tower (or antenna, whatever the case may be) is necessary to prevent a gap in reasonable and acceptable transmission or reception service under prevailing industry standards.
5. For all new tower installations.
 - a. It is required to demonstrate that it contacted the owners of tall structures within a one (1) mile radius of the lot proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Township may deny the

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application to construct a new tower if the Applicant has not made a good faith effort to mount the antenna on an existing structure.

6. Tower Height.
 - a. The Applicant shall submit justification that the proposed tower does not exceed the minimum height required to function according to reasonably acceptable industry standards. Industry standards shall be submitted as part of the conditional use application. The height of the tower shall be determined by the distance from grade to top of the support tower.
7. Tower setbacks.
 - a. If a new communication tower support structure is constructed, the minimum distance between the base of the support structure and any lot line or street right-of-way shall be one hundred fifteen (115) percent of the tower's height but in no case less than thirty (30) feet. Associated supports and guide wires shall not be located within the required setbacks.
8. The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards and the Applicant must submit certification by a duly licensed engineer, competent in the field, that the tower is structurally sound for the purposes intended. The communication tower shall be securely anchored in a fixed location on the ground, and the Applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The Applicant shall also demonstrate that the proposed tower and support structure are safe and adequate clear area according to industry standards is available in case of support structure failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the FCC. All of the foregoing shall be certified by a duly licensed engineer, competent in the field, and by an expert competent in radio emission standards.
9. The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public. Fencing shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Ordinance.
10. The Applicant shall submit a site plan or survey of the lot certified by an Engineer or Architect.
11. Only one (1) communication tower shall be permitted per lot.
12. The Applicant shall have the burden of proof to demonstrate a high degree of probability that the placement and use of the tower will not endanger the health, safety and welfare of the public.
13. The Applicant will provide, at the Township's request, copies of FCC licenses for all users of the facility. Conditional use approval is contingent upon the maintenance of FCC licenses for all users. Any grant of conditional use hereunder will automatically expire if said license ever expires.
14. Communication tower owners shall be responsible for removing all antennas whose licenses have expired. Removal of the tower shall occur within six (6) months following the expiration date of the license(s). Such activity shall be subject to bonding as defined by the Township.

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15. Landscaping. Outside of the required fencing, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required on all sides of said fencing except where an opening/access way exists.
16. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies and other public and emergency management entities. The Applicant, its successor(s) or assign(s) shall file written certification that said requirements will be complied with and agrees that if the Applicant fails to do so, the conditional use shall become null and void.
17. Communication tower and support structures fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support structure are located within an existing woodland setting, the communication tower and support structure shall be painted dark green.
18. Additional Standards. In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:
 - a. Inspection. The Township Supervisors may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
 - (1) Monopole Towers - at least once every three (3) years;
 - (2) Self-Support Towers - at least once every three (3) years;
 - (3) Guyed Towers - at least once every three (3) years.
 - b. Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Township. Based upon results of an inspection, the Township may require repair or removal of a communication tower.
19. Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The Applicant shall provide a written statement describing anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the lot abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway with parking inside the fence boundaries must also be constructed.
 - a. When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
 - b. Review letters from Juniata County and/or FAA shall be submitted that determine any flight path hazards, prior to the site plan approval.
 - c. Applicants will be required to execute a Developers Agreement with the Township Supervisors in a form acceptable to the Township Solicitor. Such Agreement may be subject to bonding as defined by the Township.

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H. Concrete or Asphalt Batch Plant

1. The minimum lot area for a plant shall be fifty (50) acres.
2. An inventory of toxic corrosive flammable carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and 911 Service.
3. The perimeter of a plant including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape bufferyards, fences or walls with a minimum opacity of eighty (80%) percent.
4. A plant shall have one (1) point of ingress and egress and shall be from an arterial road.
5. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.
6. Emissions shall meet the minimum requirements of this Ordinance as well as all applicable state and federal regulations.
7. The height of towers, smoke stacks, chimneys or other structures shall not exceed one hundred (100) feet in height.
8. Such uses shall be located at least five hundred (500) feet from any property line of an adjoining residential lot use and at least two hundred (200) feet from any other property line or public right of way as defined by this Ordinance.
9. No plants should be located within one thousand (1,000) feet of an existing public or parochial school, daycare center, nursing home, hospital, place of worship, place of assembly, public playground, and public park.

I. Fuel/Energy Recharge Station

1. A Fuel/Energy Recharge Station (Retail) shall have a maximum of two (2) points of ingress/egress to an arterial or collector street.
2. A Station shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections. Unless otherwise defined by the Township said distances shall be forty (40) feet from an intersection.
3. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
4. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
5. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
6. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (with a minimum height of eight (8) feet if the

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dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).

7. A Fuel/Energy Recharge Station shall have a maximum of two (2) points of ingress/egress to a major street as defined by this Ordinance unless otherwise prohibited by this Ordinance.
8. Fuel pumps and/or energy recharge access points shall not be located between a building facade and street right-of-way.
9. An Hours of Operation Plan shall be submitted for Township review and approval to ensure use does not negatively impact adjacent lot activity specifically as related to noise, light and/or traffic.

J. Mini-Warehouse

1. The storage of hazardous materials such as toxic or explosive substances is prohibited.
2. Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
3. The maximum size of the individual storage units shall be five hundred (500) square feet.
4. All areas designed for circulation shall be paved in accordance with Township paving standards.
5. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
6. The lot shall have direct ingress/egress to a public collector or arterial road, as defined by this Ordinance, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is single-family dwellings.
7. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage and which meets the requirements of Subsection B above.
8. All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.
9. All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
10. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
11. A minimum eight (8)-foot fence with a self-latching gate shall be placed on the interior side of each bufferyard. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
12. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eight (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.

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13. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
14. The maximum length of any storage building shall be two hundred (200) feet.
15. Maximum lot coverage by all buildings shall be forty percent (40%).
16. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
17. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in by this Ordinance and any other applicable Ordinance as enacted by The Township.
18. Storage units shall not be equipped with water or sanitary sewer service.
19. No business activity other than rental of storage units shall be conducted on the premises.

K. Places of Worship/Places of Assembly

1. The landowner and/or developer shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.
3. If the parking area is adjacent to a residential use, the following shall apply:
 - a. An additional ten (10) foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential use.
 - (1) One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - (2) A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. To ensure best management practices for stormwater management and other site impacts, no bare soil shall be exposed on the berm, and a minimum of fifty percent (50%) of the berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
4. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties. The landowner and/or developer shall provide a signed and sealed engineer's stormwater management plan approved by the Township Engineer and compliant with the stormwater ordinance.

L. Sanitary Landfill

1. The minimum lot area for a sanitary landfill shall be two hundred (200) acres.

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2. An inventory of toxic, corrosive, flammable, carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and 911 Service.
3. The perimeter of a sanitary landfill including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties and public right of ways as defined by this Ordinance. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape buffer areas, fences or walls with a minimum opacity of eighty (80%) percent.
4. A sanitary landfill shall have one (1) point of ingress and egress and shall be from an arterial road.
5. A sanitary landfill shall operate between 5:00 A.M. and 10:00 P.M. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.
6. Back filling and cover operations shall be completed on a daily basis and all operations shall meet the minimum requirements of this Ordinance as well as all applicable State and Federal regulations.
7. Such uses shall be located at least two hundred (200) feet from any property line of an adjoining residential lot and at least one hundred (100) feet from any other property line or public right of way as defined by this Ordinance.
8. No sanitary landfill should be located within five hundred (500) feet of an existing public or parochial school, daycare center, hospital, nursing home, place of worship, place of assembly, public playground, public park or residence.

M. Surface Mining

1. The minimum lot area for quarry or other extraction operation shall be one hundred (100) acres.
2. A minimum setback of one hundred fifty (150) feet shall be provided along all property lines or public right of ways as defined.
3. An inventory of toxic, corrosive, flammable, carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and 911 Service.
4. The perimeter of a quarry or other mineral operation including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties and public right of ways. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape bufferyards, fences or walls with a minimum opacity of eighty (80%) percent.
5. A quarry or other extraction operation shall have one (1) point of ingress and egress and shall be from an arterial road.
6. A quarry or other extraction operation shall operate between 5:00 A.M. and 10:00 P.M. No deliveries, operations or processing shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.

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7. Such uses shall be located from any property line of an adjoining a residential lot and from any other property line or public right of way as defined by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.
8. No quarry or other extraction operation should be located within five hundred (500) feet of an existing public or parochial school, daycare center, hospital, nursing home, place of worship, place of assembly, public playground, public park or residence.
9. The use of explosives shall be reviewed and approved by the Municipal and/or County Engineer. All blasting shall meet applicable State and Federal regulations.
10. No vehicle utilized for the transportation of quarry-related materials shall be permitted to stage or park along any public roadway prior to 5:00 A.M.

N. Other Uses Not Listed (Non Residential)

1. Impacts the surrounding development and adjacent streets, circulation and lots shall be equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - a. The number of employees.
 - b. The floor area of the building, gross area of the lot and/or scale of development in devoted to the proposed use.
 - c. The type of products, materials, equipment and/or processes involved in the proposed use.
 - d. The magnitude of walk-in trade.
 - e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.
 - f. The hours of operation.
 - g. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
 - h. Elevations and site plans must be provided with the application.
2. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
3. Is in general conformity with the other Township planning initiatives and harmony with the area in which it is proposed.
4. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed is in compliance with all other standards of this Ordinance and all other applicable Township Ordinances.

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§ 604. Application for PRD Preliminary Approval.

§ 604.1. Purpose.

A. The purpose of the PRD is to:

1. Encourage innovations in residential development to meet the growing demand for housing;
2. Encourage greater variety in type, design and layout of dwellings;
3. Conserve open space and encourage a more efficient use of land and public services;
4. Insure increased flexibility of land development regulations;
5. Accommodate changes in land development technology; and
6. Provide a procedure to relate the type, design and layout of residential development to the characteristics of a particular lot.

B. The authority for enacting these Planned Residential Development provisions is Article VII of the Municipalities Planning Code. All procedures and requirements of Article VII of the Municipalities Planning Code are incorporated herein.

§ 604.2. Design Standards.

All design standards and improvements of the Development Plan for a proposed PRD shall also meet the requirements set forth in the Township Subdivision Ordinance, except as expressly stated in this Ordinance. If the provisions of this section are inconsistent with other provisions of this Ordinance, the provisions of this section shall apply.

A. Development Site.

1. The minimum number of acres that may be developed as PRD is fifteen (15) acres.
2. The site shall be serviced by public water and public sewers approved by the Pennsylvania Department of Environmental Protection (DEP).
3. Ancillary non-residential uses may be permitted in a PRD only if all of the following criteria are met:
 - a. Construction of the ancillary non-residential uses shall not be permitted until eighty percent (80%) of all proposed dwelling units in the PRD are constructed and occupied or ready for occupancy.
 - b. The ancillary non-residential uses shall be designed primarily to serve residents of the PRD.
 - c. The ancillary non-residential uses shall be limited to the ground or street floors of a residential building containing multi-family dwelling units or to a single freestanding building on the site of the PRD.
 - d. The total floor area devoted to the ancillary non-residential uses shall not exceed fifteen percent (15%) of the total floor area of all buildings devoted to residential use in the PRD.

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- e. Any freestanding building proposed to contain ancillary non-residential uses shall not be located within one hundred (100) feet of any existing or proposed single family dwelling within the PRD or outside the boundaries of the PRD site.
- f. The maximum surface area of any business identification sign for any ancillary non-residential use shall not exceed twelve (12) square feet. Such signs shall not be illuminated.
- g. Off-street parking for the ancillary non-residential uses shall be provided in accordance with the requirements of Article VII of this Ordinance for the uses.

B. Permitted Density.

1. The maximum permitted density of the PRD site shall be:
 - a. 1.25 units per acre LDR
 - b. 3 units per acre MDR single-family
 - c. 10 units per acre MDR townhouse
2. When calculating gross site density, a fractional unit of one half (0.5) or more shall be considered an entire unit, while a fractional less than one-half (0.5) shall be disregarded.

C. Minimum Lot Sizes.

1. The minimum lot areas required for residential uses in a PRD shall comply with the following standards:
 - a. 7,200 square feet per single-family lot.
 - b. 5,000 square feet for all other residential lot types.
2. A landowner and/or developer may propose to have more than one residential land use type and subsequently a variety of lot sizes as part of a Planned Residential Development so long as the minimum lot size of §604.2.C (1) are maintained.

D. Other Area and Bulk Regulations.

1. Development on a lot shall conform to the lot requirements outlined in Table 2,

§ 604.3. Variations in Density and Intensity of Land Use.

- A. In order to encourage flexibility of development, variations shall be permitted in the density and intensity of land use throughout the entire PRD. Greater concentration of density and intensity of land use may be permitted so long as the overall gross density of the overall development defined in this Ordinance is not exceeded.

§ 604.4. Common Open Space Reservation.

- A. Not less than twenty percent (20%) of the total site area shall be set aside for common open space. The common open space shall be so dedicated or otherwise preserved and maintained so as to remain open and available for use by the residents of the development area.

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- B. Common open space shall not include space devoted to streets or parking areas, but may include areas devoted to stormwater management facilities. Recreational facilities and structures located in common areas shall be considered common open space provided the total impervious surfaces constitute no more than five percent (5%) of the total open space.
- C. A minimum of thirty-five percent (35%) of the total required common open space area shall be less than twenty-five percent (25%) slope and shall be suitable for active recreation facilities such as game courts, playing fields and play apparatus. At least thirty percent (30%) or two hundred (200) square feet per dwelling unit, whichever is greater, of the common open space that is suitable for active recreation shall be improved so as to provide opportunities for intensive use suitable to the needs of the residents of the PRD. Active recreation facilities shall be conveniently located and possess adequate access for users of all abilities within the PRD site.
- D. Method of Ownership for Common Open Space.
 - 1. The land and facilities to be used for common open space shall be implemented in accordance with either of the two methods set forth below, or a combination of the two methods, as determined by the Township Board of Supervisors:
 - a. The land and/or facilities shall be conveyed to an organization established for the ownership and maintenance of the common open space.
 - b. The land and/or facilities shall be dedicated for public use to the Township and the Township agrees to operate and maintain the dedicated land and facilities for the originally intended use as common open space.
 - 2. The organization shall covenant to operate and maintain the land and facilities as a common open space; such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township.
 - 3. The Township shall not be obligated to accept the dedication of the common open space or any portion thereof, where the Township Board of Supervisors determines that such dedication is not in the interest of the Township.

§ 604.5. Failure to Maintain Common Open Space.

- A. In the event that the organization or any successor organization established to own and maintain the common open space shall at any time fail to maintain the same in accordance with the Development Plan and in reasonable order and condition, the Township shall have the right to maintain the same and assess the cost of such maintenance on a pro-rata basis and as a lien against the lots within the PRD that have a right of enjoyment of the common open space, pursuant to the authority and in accordance with the procedures and requirements contained in § 705(f)(2) through 705(f)(6) of the Pennsylvania Municipalities Planning Code [53 P.S. §10705(f)(2) through (6)], as amended.

§ 604.6. Landscaping, Signs, Parking and Loading Regulations.

- A. All portions of the Development Plan pertaining to landscaping, signs, parking or safety shall conform to the regulations in the Township Subdivision Ordinance and of this Ordinance.

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- B. No parking area shall be closer than fifteen (15) feet from a principal building, nor shall any parking interfere with recreational areas on the site. No parking areas shall be leased to persons who are not residents of the PRD. Parking may be provided in separate garages or on the lowest floor or floors of the principal building or buildings, provided such parking does not interfere with the basic residential use and character of the building or buildings involved. Individual garages shall be no more than two (2) stories in height and shall be no closer than fifty (50) feet from a residential building.
- C. Two (2) off-street parking spaces shall be provided within the PRD for each dwelling unit constructed. In addition, there shall be one-half (0.5) spaces per townhouse dwelling unit provided for visitor parking located within three hundred (300) feet of the dwelling units they are intended to serve. Parking spaces in driveways, which block access to integral garages in townhouse dwellings, shall not be permitted.
- D. All sidewalks, lighting and stormwater management facilities shall be designed and constructed in accordance with the requirements of the Township Subdivision Ordinance. Adequate numbers and spacing of fire safety fixtures or equipment shall be installed in accordance with requirements as defined by the Township Board of Supervisors.
- E. All uses which require off-street loading shall comply with the requirements of this Ordinance.

§ 604.7. Vehicular and Pedestrian Access.

- A. Principal vehicular access to the PRD shall be at a minimum of two (2) points from streets and roads capable of supporting existing traffic and the traffic that will be generated by the development, unless otherwise approved by the Township Board of Supervisors. Access points shall be spaced a minimum of one hundred fifty (150) feet on center. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Streets or roads within the PRD shall be designed in such a manner as to discourage use of minor streets as through streets.
- B. Sidewalks shall be provided along the frontage of residential lots in accordance with the requirements of the Township Subdivision Ordinance. If, in addition, walkways are proposed within the site of a PRD to provide access to or communication through common open space or common facilities, walkways shall form a logical, safe and convenient system. These walkways shall be located to minimize contacts with normal automotive traffic, with street crossings held to a minimum. The walkway system shall be constructed of an all-weather, durable hard surface approved by the Township.
- C. All structures within the PRD shall be set back from the right-of-way of any public road or vehicular way within or exterior to the Development and shall be set back from the right-of-way of any private road or vehicular way within the Development according to the following standards established in Article II of this Ordinance:

DWELLING TYPE	SETBACK
Single Family Dwelling	20 Feet

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Two Family Dwelling	20 Feet
Townhouse	20 Feet
Freestanding Commercial	20 Feet

Setbacks for townhouses shall be measured from the edge of the curb of the common parking areas serving the dwellings, where the common parking areas intervene between the dwellings and the public or private street right of way. Where there is no intervening common parking area, the setback shall be measured from the edge of the public or private street right of way.

- D. Upon dedication by the developer of the streets or roads to the Township, the Township agrees to maintain the streets and roads dedicated to the Township.
- E. Specifications for Street Construction. All streets in a PRD, whether public or private, shall be constructed to the specifications of the Township Subdivision Ordinance for public streets.

§ 604.8. Screening.

- A. If topographical or other barriers are not sufficient to assure the privacy of the PRD and abutting lots, the following requirement shall be imposed at all places where there are buildings, structures or parking areas within one hundred (100) feet of the PRD's perimeter lot line.
 - 1. Structures on the perimeter must be set back at least thirty (30) feet from the rear lot line and neighboring to protect their privacy and amenity.
 - 2. The perimeter of the PRD shall be screened at a minimum by Bufferyards in accordance with §404 of this Ordinance so as to protect the Development. No fences or walls inconsistent with the Township Ordinances in effect with regard to such structures shall be permitted.
 - 3. Bufferyards between different types of dwelling units within the site of the PRD shall be provided at a depth in accordance with those setbacks defined in §604.7 of this Ordinance.

§ 604.9. Building Spacing.

- A. The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access.
- B. The minimum distance between the nearest points of any exterior building walls shall be not less than thirty (30) feet, except that for residential buildings not exceeding two (2) stories in height, exterior end walls with no openings therein shall be not less than twenty (20) feet apart.

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§ 604.10. Application For Tentative Approval.

A. Overview.

1. Combined Zoning Change and Development Plan Application. If an application for a zoning change is made simultaneously with the application for Development Plan Tentative Approval, the two (2) shall be considered together.
2. A PRD shall be permitted within the Overlay area defined as part of this Ordinance. Tentative approval of the Development Plan shall authorize the development of the lot(s) in accordance with the approved Development Plan, provided an application for Final Approval is submitted which complies with the application granted Tentative Approval. Failure to apply for Final Approval within twelve (12) months or to develop the Development Plan as indicated in § 605.7 shall cause the abandonment of the Development Plan.

B. Filing.

1. A landowner and/or developer shall submit an application for Tentative Approval of the Development Plan delivering five (5) copies of the completed application to the Zoning Officer and one (1) copy to the Township Engineer at least ten (10) working days prior to the Township Planning Commission's regularly scheduled meeting. The Township Land Use Administrator shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice which cites the specific requirements of this Ordinance which have not been met shall be sent to the applicant.
2. The date of the Township Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the sixty (60) day period for Township Planning Commission review and public hearing by the Township Board of Supervisors.

C. Fees. The application for Tentative Approval shall be accompanied by a filing fee in accordance with the schedule affixed from time to time by Resolution of the Township Board of Supervisors.

D. Information Required. The application shall contain in the form specified by the Township Planning Commission, the following information and such additional information as may be required by the Commission to perform its duties:

1. All data required for a preliminary plat, as specified in the Township Subdivision Ordinance.
2. The location, size, existing topography, proposed topography and the nature of the PRD proposed to be developed.
3. The density of land use to be allocated to parts of the site to be developed.
4. The location and size of the common open space and the form of organization proposed to own and maintain the common open space.

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5. The use and the approximate height, bulk and location of buildings and other structures.
6. The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater.
7. The substance of covenants, grants of easements/right-of-ways or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
8. The provisions for parking of vehicles and the location and width of proposed streets.
9. The location and design of all screening, bufferyards and landscaping indicating the type, location and height of all plantings.
10. Any conflicts with the Township land use regulations otherwise applicable.
11. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
12. In the case of Development Plans which call for development over a period of years, a description of each section and a schedule showing the proposed times within which applications for final approval of all sections of the PRD shall be filed, and this schedule must be updated annually, by the anniversary of its previous approval, until the development is completed and accepted.
13. Statement of Public Interest. A written statement by the landowner and/or developer setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Township Comprehensive Plan.
14. True and correct copies of the complete text of all covenants, easements, rights of way, and other restrictions applicable to the common open space; private roads, walkways and/or private parking facilities; recreational facilities; and all other land and/or facilities included in the Development Plan to be held in common by an appropriate organization or dedicated for public use.

§ 604.11. Application for Tentative Approval.

One (1) copy of the application shall be submitted to the County Planning Agency, one (1) copy shall be submitted to the Township Engineer and one (1) copy shall be submitted to each member of the Township Planning Commission. The Township Planning Commission shall review the application at a public meeting and shall forward written recommendations to the Township Board of Supervisors prior to the public hearing conducted by the Township Board of Supervisors on the application. One (1) copy of the application for Tentative Approval shall be forward by the Township Planning Commission to the Township Board of Supervisors with their recommendations.

§ 604.12. Public Hearings.

- A. Within sixty (60) days of the official date of filing of an application for Tentative Approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Township Board of Supervisors.

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- B. The Chairman, or, in his absence, the acting Chairman, of the Township Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- C. All procedures governing the conduct of the public hearing shall be in accordance with the procedures specified by Article IX of the Municipalities Planning Code for Township Zoning Hearing Board hearings and all references to the Board in that Article shall be to the Township Board of Supervisors for the purposes of interpreting this section.
- D. The Township Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Township Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

§ 604.13. Grant or Denial of Approval.

- A. Action by Township Board of Supervisors. The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing provided for in this Ordinance by official written communication to the applicant shall either:
 - 1. Grant Tentative Approval of the Development Plan as submitted;
 - 2. Grant Tentative Approval subject to the specified conditions not included in the Development Plan as submitted; or
 - 3. Deny Tentative Approval to the Development Plan.
- B. Failure to Act. Failure to so act within sixty (60) days shall constitute Tentative Approval of the Development Plan as submitted.
- C. Approval with Conditions. If Tentative Approval is granted subject to conditions, the applicant may refuse to accept the conditions, in which case the Township Board of Supervisors shall be deemed to have denied approval of the Development Plan. The applicant shall reject these conditions by written notification to the Township Board of Supervisors of his decision within thirty (30) days after receiving a copy of the decision of the Township Board of Supervisors. If the applicant does not, within the prescribed period, notify the Township Board of Supervisors of his refusal to accept all the conditions, Tentative Approval of the Development Plan, with all attached conditions, shall stand as granted.

§ 604.14. Criteria for Approval.

- A. A Development Plan may be tentatively approved only if it is found to meet the following criteria:
 - 1. The proposed Development Plan shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 - 2. It shall be fully served by public utilities without reducing the level of service to the remainder of the Township.
 - 3. It shall organize vehicular ingress, egress, and parking to minimize traffic congestion in the neighborhood.

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4. It shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent owners, and to the fullest extent possible, shall preserve the scenic, aesthetic, and historic features of the landscape.
5. It shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other lot or persons.

§ 604.15. Findings of Fact.

The decision granting or denying Tentative Approval shall be accompanied by or include a detailed analysis containing findings of fact and relating to the following criteria:

- A. A detailed itemization of aspects in which the proposed PRD is consistent with the Township Comprehensive Plan and the aspects in which it is not so consistent.
- B. Any aspects in which the proposed PRD departs from zoning requirements for similar development in other districts and Subdivision Ordinance otherwise applicable to the subject lot, 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 proposed PRD, 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 purpose, density and type of residential development.
- D. The physical design of the proposed PRD and the aspects in which said design does or does not make adequate provision for public services, provided adequate control over vehicular traffic, and further amenities of light and air, recreation, and visual enjoyment.
- E. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established; and
- F. The sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the PRD and the integrity of the Development Plan.

§ 604.16. Timing.

If a proposed PRD is granted Tentative Approval, with or without conditions, the Township Board of Supervisors shall set forth in the decision the time within which an application for final approval shall be filed. In the case of a Development Plan that provides for development over a period of years, the periods of time in which applications for final approval of each part thereof shall be filed may also be established in the official written communication. Only with the consent of the applicant may the time between grant of Tentative Approval and application for final approval be less than three (3) months, and in the case of development over a period of years, the time between applications for final approval of each part of a plan shall not be less than twelve (12) months.

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§ 604.17. Certification of Decision.

The decision shall be in writing, signed by the Chairman of the Township Board of Supervisors, attested by its Secretary and filed in the office of the Secretary and a certified copy shall be mailed to the applicant.

§ 604.18. Status of Plan after Tentative Approval.

A. Consent to Revoke. Tentative approval of a Development Plan shall not qualify a plat of the PRD for recording, authorize development, or authorize the issuance of any land use permits. A Development Plan that has been given Tentative Approval as submitted or with conditions accepted by the applicant shall not be modified or revoked, by action of the Township pending an application or applications for final approval. If the application for final approval is filed within the periods of time specified in the decision granting Tentative Approval, the Township shall act to modify or revoke the Tentative Approval only for one (1) or the other of the following reasons:

1. Default or violation by the applicant of any of the conditions of Tentative Approval.
2. Consent by the applicant to the modification or revocation.

B. Revocation of Tentative Approval. The Tentative Approval of the Development Plan may be revoked for either of the following reasons:

1. The applicant notifies the Township Board of Supervisors in writing of the intention to abandon the plans; or
2. The applicant fails to file application for final approval within the required time period.

- (a) When Tentative Approval is revoked, all areas included in the Development Plan not granted final approval shall be subject to all Township ordinances as though no application had been filed.

C. Plan after Tentative Approval: A Development Plan granted Tentative Approval should be considered the overall site plan of the development. This plan may not be altered without the consent of the applicant and the Township Board of Supervisors. The filing of an application for final approval of the entire development or an approved phase shall be consistent with the plan granted Tentative Approval.

§ 605. Application for PRD Final Approval.

§ 605.1. Filing.

A. A landowner and/or developer shall submit an application for final approval of the Development Plan by delivering five (5) copies of the completed application to the Zoning Officer at least ten (10) working days prior to the Township Planning Commission's regularly scheduled meeting. The Township Planning Commission shall either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice that cites the specific requirements of this Ordinance which have not been met shall be sent to the applicant.

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- B. The date of the Township Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the forty-five (45) day period for review by the Township Planning Commission and action by the Township Board of Supervisors.

§ 605.2. Content of Application for Final Approval.

The application for Final Approval shall include a Development Plan, all required supplementary data as specified herein, and a Certificate of Completion of Improvements or a Completion Bond, as required by the Township Subdivision and Land Development Ordinance.

- A. The Development Plan shall include:
 - 1. All data required for a final plat, as specified in the Township Subdivision Ordinance;
 - 2. Accurately dimensioned locations of all proposed structures, parking areas, recreation areas and common open spaces;
 - 3. The use and number of families to be housed in each structure; and
 - 4. The Landscaping Plan, including the location of sidewalks, trails and bufferyards.
- B. Supplementary data shall include:
 - 1. In a form suitable for recording with the plat, any covenants, grants of easements, rights of way or other restrictions to be imposed on the use of the land and structures; and
 - 2. Provisions for the maintenance, ownership and operation of common open spaces, common recreation facilities and other improvements.

§ 605.3. Final Approval.

If the application for final approval has been filed with all drawings, specifications, other required documents in accordance with this Ordinance, and the official written communication of Tentative Approval, the Township Planning Commission shall recommend approval of said application to the Township Board of Supervisors. The Township Board of Supervisors shall, within forty-five (45) days of the filing of the application with the Township Planning Commission, grant such Development Plan final approval.

§ 605.4. Denial of Approval.

If the Development Plan as submitted contains variations from the Development Plan given Tentative Approval, the Township Board of Supervisors may refuse to grant final approval. It shall, however, within forty-five (45) days from the filing of the application for final approval, advise the applicant of the refusal, setting forth in the notice why one (1) or more of the variations are not in the public interest. In the event of such refusal, the applicant may take action as provided for in the Pennsylvania Municipalities Planning Code.

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§ 605.5. Recording.

A Development Plan, or any part thereof, which has been given final approval shall be certified by the Township Board of Supervisors and recorded in the Office of the Recorder of Deeds before any development shall take place. Said plan shall be recorded within ninety (90) days of the date Final Approval is granted by the Township Board of Supervisors or Final Approval shall automatically be rescinded.

§ 605.6. Judicial Review.

Any decision of the Township Board of Supervisors granting or denying tentative or final approval of a proposed PRD shall be subject to appeal by the same procedures and with the same limitations as provided for zoning appeals by the Pennsylvania Municipalities Planning Code.

§ 605.7. Failure to Develop.

In the event that a Development Plan, or a section thereof, is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved: or, in the event the applicant shall fail to commence and carry out the PRD in accordance with the time provisions of § 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, or in the event that the applicant shall substantially fail to develop in accordance with the Development Plan given final approval, no development or further development shall take place on the lot included in the Development Plan until after the said lot is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments in the Pennsylvania Municipalities Planning Code.

§ 605.8. Enforcement Remedies.

Any person, partnership or corporation who or which has violated the PRD provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$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 be 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township. 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.

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.

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ARTICLE VII

PARKING

§701. Minimum Parking and Loading Requirements.

A. General Requirements for Parking.

1. Minimum Dimensions.

- a. Each parking space in a parking lot shall be at least nine (9) feet wide and eighteen (18) feet long. Each handicapped parking space shall be thirteen (13) feet wide by eighteen (18) feet long. The dimensions of van accessible spaces shall be provided in accordance with the Americans with Disabilities Act or equivalent provisions.
- b. The minimum dimension, including access lane, across a double loaded parking bay with parking spaces at right angles to the access lane shall be sixty-two (62) feet and for a single loaded bay forty-four (44) feet. Where parking spaces form a forty-five (45) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty (50) feet and across a single loaded bay thirty-one (31) feet. Where parking spaces form a sixty (60) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty-six (56) feet and across a single loaded bay thirty-six (36) feet.
- c. A parking bay, for purposes of this Ordinance, shall include the area within a parking lot containing an access lane and the parking spaces to which the lane provides access. A double loaded parking bay denotes parking spaces on both sides of an access lane.

2. Maximum Distances of Parking from Use.

- a. Parking to serve any multiple-family residential building shall be located so that no required space is more than two hundred (200) feet from the building such space is designed to serve.
- b. Parking to serve any non-residential use shall be located so that no required space is more than four hundred (400) feet from the building or use such space is designed to serve.

3. Enlargement or Change of Structure or Use.

- a. Whenever a structure or use is enlarged or changed, whereby twenty-five percent (25%) or more additional parking area is required to serve such enlargement or change, all parking areas shall be in accordance with this Article.
- b. Any change from a residential to commercial or industrial use shall comply in full with the requirements of this Article.

4. Where a structure or lot is of mixed uses, the total parking requirements for the various uses shall be added together to determine the total parking required on the lot.

5. On a single-family lot or townhouse lot a garage and the access drive to it may count as required parking areas. Where dwelling units and/or commercial uses share parking and/or garage space,

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parking designated for one dwelling or commercial use shall not block that designated for other dwellings or commercial uses. No required parking space shall occur wholly or partly in a public right-of-way or be utilized for other than vehicle parking. Driveway entrances shall be located to create maximum sight distances in both directions at the street, and embankments, vegetation or other physical obstructions shall be cut back or removed to enhance the driver's view of the street.

6. Design of Parking Lots.

- a. All parking areas serving any commercial, industrial, public or semi-public use or any residential development where more than two (2) dwelling units share the same parking area shall be surfaced.
- b. Parking lot surfaces shall be constructed in accordance with applicable Township construction, Subdivision/Land Development and stormwater management standards and approved by the Township Engineer.
- c. Where interconnections between parking lots of two (2) independent developments are provided, a landowner and/or developer may be entitled to one of the following incentives upon Board of Supervisor approval:
 - (1) A ten percent (10%) reduction in required parking lot landscaping.
 - (2) A five (5) foot decreased side or front yard setback requirement

7. The number of handicap-accessible parking spaces shall be in accordance with the following table unless otherwise defined by the Americans with Disabilities Act or equivalent provisions. The percentage of van accessible spaces shall also be provided in accordance with the Americans with Disabilities Act or equivalent provisions.

8. Parking in Residential Districts.

- a. Private off-street parking area shall be used exclusively for the parking of non-commercial vehicles and motorcycles owned and used by the occupants of the premises, including residents, tenants, employees and employers.
- b. No more than five (5) unenclosed private off-street parking spaces for boats, vehicles operated for any commercial purpose or any use otherwise not typically associated with a private residence, construction implements, recreational vehicles and/or trailers owned and used by the occupants of the premises, including residents, tenants, employees and employers shall not be permitted on a lot.
- c. No such items as identified above shall be stored outside on a residential lot unless it is in condition for safe and working performance of its intended function. Items shall not be parked in such a manner as to create a dangerous or unsafe condition on the lot where stored or parked, and must be supported to retard tipping or rolling.

B. General Requirements for Off-Street Loading.

1. For retail and service commercial uses and apartment buildings that do not accommodate large trucks (registered maximum gross vehicle weight of 40,000 pounds or more) each loading space shall be at least twelve (12) feet by thirty-five (35) feet in dimension with a clear height of fourteen (14) feet six (6) inches. For all industrial uses, large product commercial uses (car sales, major

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appliance and furniture, etc.) planned non-residential development, and office buildings that accommodate trucks with a registered maximum gross vehicle weight of 40,000 pounds or more, each loading space shall be at least fourteen (14) feet by sixty (60) feet in dimension with a clear height of fifteen (15) feet. All other uses with loading should provide a ten (10) foot by twenty-five (25) foot loading space with a clear height of eight (8) feet.

2. Maneuvering space shall be provided adjacent to the loading area, if necessary, so that vehicles may change direction and leave as well as enter the loading area moving in a forward direction. Public roads adjacent to a loading area shall not be used for maneuvering. Areas established for off-street parking shall not be utilized for off-street loading or vehicle repair work.
 3. Where there are multiple uses within a development, shared loading areas shall be used among as many uses as practical. Loading areas shall be adjacent to the use or building served except that in a group of buildings in the same use on the same lot, one building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.
 4. Whenever a use is enlarged or changed, the additional loading required to serve such enlargement or change shall be in accordance with the requirements of this Ordinance.
 5. Loading areas and adjacent maneuvering space shall be surfaced with a permanent all-weather material placed over at least 6 (six) inches of well compacted base course, capable of bearing the weight of vehicles ordinarily traveling over or parking upon the surface, and shall be sloped to assure positive drainage to an approved stormwater management facility.
 6. Loading areas may be lighted but such lighting shall not create glare conditions on adjacent residential properties or streets.
 - a. Access to the loading area on any lot shall be via a road or lane at least twelve (12) feet in width for one-way traffic or twenty-two (22) feet wide for two-way use, with a clearance of at least fourteen (14) feet six (6) inches its entire length.
 - b. When a loading area is to occur on a lot that abuts a residential zoning district, the edges of such loading area between the residential zone and the loading area uninterrupted by buildings or screening topography shall be planted in accordance with the Bufferyards defined by this Ordinance. A solid fence or wall at least six and one-half (6 ½) feet in height may be constructed in lieu of hedging as required by the Bufferyard requirements provided such fence or wall is maintained in good condition.
 7. Nothing in this Section shall compel uses existing prior to passage of this Ordinance to comply with these loading requirements except that any additions or intensifications of use upon the same lot shall be provided with loading areas in accordance with these requirements.
- C. Review and Approval of Parking and/or Loading Applications.
1. Any proposal for constructing or expanding a building or changing its use shall be accompanied by a plan to provide off-street parking and/or loading in accordance with this Ordinance, as a condition of receiving approval for a building or occupancy permit.

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2. The Zoning Officer, in addition to satisfying himself that the requirements of this Ordinance are met, shall also determine that safe access to parking and/or loading areas is provided and that advantage is given the pedestrian in the parking area.
3. The submission shall show on a scaled drawing the layout of the parking and/or loading areas, including each parking and/or loading space, access lanes, stop bars and/or curbs, circulation in truck maneuvering area, lighting, sidewalks, proposed grading at two (2) foot contour intervals, storm inlets, stormwater management facility to existing drainageway or storm sewer, location of buildings on the lot, access from the public highway and section through the pavement and base showing construction and materials.

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Table 3: Minimum Parking and Loading Requirements

		Minimum Off-Street Parking Requirements
A. Residential Use		
1	Accessory Use	Not applicable
2	Boarding House	1 for each 2 full-time staff, plus 1 for every 2
3	Dwelling, Multi-family	2 per dwelling unit
4	Dwelling, Single-family attached	2 per dwelling unit
5	Dwelling, Single-family detached	2 per dwelling unit
6	Dwelling, Townhouse	2 per dwelling unit
7	Dwelling, Two-family	2 per dwelling unit
8	Group Care Facility	1 for every 4 residents, plus 1 for each employee on peak shift
9	Group Care Home	1 for every 4 residents, plus 1 for each employee on peak shift
10	Home Based Business, Low Impact	1 per employee not residing within the dwelling
11	Home Based Business, No Impact	Not applicable
12	Manufactured Home Park	2 per dwelling unit
13	Nursing Home	1 for every 4 residents, plus 1 for each employee on peak shift
14	Planned Residential Development	2 per dwelling unit
15	Other Uses Not Listed	As determined by the Township
B. Non-Residential Use		
1	Accessory Use	Not applicable
2	Adult Oriented Establishment	1 per 500 square feet above first 2,000 square feet
3	Agricultural Processing, Animal	As determined by the Township
4	Agriculture, Low Intensity	As determined by the Township
5	Agriculture, Medium Intensity	As determined by the Township
6	Agriculture, High Intensity	As determined by the Township
7	Animal hospital	1 per employee and 2 per exam table for offices greater than 2,000 square feet
8	Automobile Repair and Over-hauling	2 per service bay
9	Automobile Sales or Rental	As determined by the Township
10	Automobile Salvage/Junk Yard	2 per service bay
11	Automobile Service Station	2 per service bay
12	Bar/Tavern	1 per 500 square feet above first 2,000 square feet
13	Bed and Breakfast	1 Space for each guest room
14	Beverage Distribution	1 per 1000 square feet of area accessible to the general public
15	Billboard	1 space per billboard

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		Minimum Off-Street Parking Requirements
16	Building Materials Sales or Storage Yard	1 per 1000 square feet of area accessible to the general public
17	Bulk Materials or Machinery Storage	1 for every 200 square feet of office plus 1 per employee on peak shift
18	Business or Professional Office	2, plus 1 for each 2 employees
19	Campground, trailer or recreation vehicle camp	As determined by the Township
20	Cemetery/Crematorium/Mausoleum	Not applicable
21	Collection and Recycling Facility	1 for every 200 square feet of office plus 1 per employee on peak shift
22	Communications Antennae	Not applicable
23	Communications Tower	1 space
24	Concrete or Asphalt Batch Plant	1 for every 200 square feet of office plus 1 per employee on peak shift
25	Conservation	Not applicable
26	Day care	1 per 500 square feet above first 2,000 square
27	Distribution Center	1 for every 200 square feet of office plus 1 per employee on peak shift
28	Drive-in Services	As determined by the Township
29	Essential services	Not applicable
30	Farm market	Not applicable
31	Federal, State and Local Municipal buildings and uses	1 for each employee and employer
32	Forestry	Not applicable
33	Fuel/Energy Recharge Station	1 per employee on peak shift + 1 space per 500 square feet
34	Hospital	As determined by the Township
35	Hotel/Motel	1 per room for rent
36	Indoor Recreation Facilities	1 per 1000 square feet of area accessible to the general public
37	Kennel	1 per employee on peak shift
38	Laundries, cleaning, dying, carpet and rug cleaning	As determined by the Township
39	Library	1 per 600 square feet
40	Livery, Riding Academy	As determined by the Township
41	Loading Space	2 for every 1000 square feet
42	Lumber Mills	1 per employee on peak shift
43	Manufactured Home Sales	As determined by the Township
44	Manufacturing, Heavy	1 per employee on peak shift
45	Manufacturing, Light	1 per employee on peak shift

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		Minimum Off-Street Parking Requirements
46	Mini- Warehouse	1 space per table
47	Mixed Use	As determined by the Township
48	Museums/Cultural Center	1 for every 400 square feet of public space, plus 1 for each employee
49	Outdoor Recreational Facilities	As determined by the Township
50	Personal Service Shop/Store	1 per 500 square feet of area accessible to the
51	Places of Worship, Places of Assembly	1 for every 8 seats in the largest
52	Printing and Binding	1 per 500 square feet of area accessible to the
53	Renewable Energy Source	As determined by the Township
54	Repair, High Intensity	1 per 500 square feet of area accessible to the
55	Repair, Low Intensity	1 per 500 square feet of area accessible to the
56	Research and Development	As determined by the Township
57	Retail Businesses	1 per 500 square feet of area accessible to the general public
58	Sales office	1 per 500 square feet of area accessible to the general public
59	Sanitary land fills	As determined by the Township
60	Schools	As determined by the Township
61	Surface Mining	As determined by the Township
62	Tourist Homes	1 per bed
63	Warehouse	1 space for each employee on peak shift or 1/2 space per 100 square feet, whichever is greater
64	Other Uses Not Listed	As determined by the Township

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ARTICLE VIII

SIGNAGE REGULATIONS

§801. Purpose.

The sign regulations, controls and provisions set forth in this Article are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls and provisions are intended to protect public safety, safeguard economic development potential, safeguard development compatibility and the insure the general welfare of Delaware Township. The regulations, controls and provisions are also intended to: aid in traffic control and traffic safety; establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; respect public safety needs and concerns; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome, attractive character of the Township and its generally established rural nature; and to recognize that the general welfare include a community plan that shall be attractive as well as healthy, spacious, clean and well balanced in its growth and development.

§802. Sign application and Sign Permit.

A. Sign Application.

1. All proposed development shall be required to submit a sign application to the Township for its approval prior to issuance of any Township sign permit. A sign application shall mean a detailed description, including but not limited to type, size, and location of all signs for each lot. The Township shall review all sign applications for completeness. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/or incomplete items. This provision shall apply to:
 - a. New construction after the effective date of this Ordinance.
 - b. A change of tenant,
 - c. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.

B. Sign Permit.

1. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the Township unless otherwise indicated in this section. "Modify," as it is used herein shall mean a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.
2. No permit shall be required for the following types of signs as described above: Construction Signs erected by a governmental agency, Notification, and Real Estate.
3. The Zoning Officer shall issue the required permits upon submission of a complete application that complies with all applicable provisions of this Ordinance and payment of the required fee as established from time to time by resolution of the Township Board of Supervisors.

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- C. The provisions of this Article shall not apply to:
- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises not having commercial connotations.
 - b. A single flag of the United States or Pennsylvania except when displayed in connection with commercial promotion.
 - c. Legal notices or identification, information or directional signs erected or required by governmental bodies.
 - d. Integral, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 - e. Signs directing and guiding traffic parking on private property but bearing no advertising matter.

§803. General Regulations.

- A. The construction of each sign shall comply with applicable provisions of the Universal Construction Code.
- B. General placement and display of signage.
 - 1. No sign shall be placed, erected or located so that it:
 - d. Is pasted, stapled or otherwise attached to public utility poles, trees, official traffic control devices or traffic signs within the street right-of-way line.
 - e. Is painted directly upon the wall or any other part of the building except for windows. Letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
 - f. Is painted on, attached to, or supported by a tree, stone, cliff or other natural objects.
 - g. Is on a public lot or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.
 - h. Is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises or temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
 - i. Obscures the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads by reason of size, location, content, coloring or manner of illumination.
 - j. Obstructs free ingress to or egress from a fire escape, door, window or other required exit way.
 - k. Makes use of words as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
 - l. Blocks doors, fire escapes, operable windows or access to them; nor shall a sign be attached to a fire escape.

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- j. Sign font and logos shall only be legible from the front and/or side of any sign.
 - k. No sign shall be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.
- C. Signage on a lot within a non-residential zoning district where said lot is immediately adjacent to a residential zoning district shall be no closer than forty feet to a lot line. Any non-residential sign within sixty (60) feet of a residential lot line shall be seventy percent (70%) in scale of the permissible maximum signage sizes outlined in Section 803.H.
- D. Written proof of an agreement between both the lot owner upon which an off-premise sign is to be erected and the business owner of the subject business shall be provided to the Township upon Township request. At a minimum, the agreement shall identify the length of time the sign is permissible to exist on the subject lot and responsibilities for maintenance.
- E. Illumination.
- 1. Illumination shall be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible. Internal illumination of signs shall be permitted only with accordance of the lighting performance standards established with this ordinance. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots. Electronic variable message signs, meaning an electrically or electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming shall not be permitted within twenty (20) feet of a road right-of-way.
 - 2. Illuminated Window Signs shall include lit signs placed inside a window facing the exterior of the building.
 - a. Illuminated window signs shall not be placed above the ground floor of the building and/or more than ten (10) feet above grade level of the building.
 - b. Illuminated window signs shall not exceed a size of sixteen (16) square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed sixteen (16) square feet will be permitted.
 - 3. Signs may be illuminated by direct lighting and shall have such lighting shielded (cutoff) so no direct light shines on an adjacent lot or in the normal line of vision of the public using the streets or sidewalks. Gooseneck fixtures and uplighting shall be permitted methods of direct lighting.
 - 4. Internally illuminated signs shall only occur within non-residential districts of the Township.
 - 5. No animated sign (except time and temperature indicators), no signs illuminated by a flashing, pulsating or intermittent source, no strung pennants or bare bulbs, or no signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street shall be permitted.
 - 6. Signs containing an integral lighting source, as well as their structural supports, shall be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below 1,200 degrees Fahrenheit.

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7. The maximum lumens measured at any one lot line of the lot on which the lumens are generated shall be zero (0).
- F. Maintenance and Inspection.
8. Every permitted sign must be constructed of durable material, kept in good condition and repair and otherwise comply with the Township Code. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign shall be removed by the Township at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by the Township.
 9. Any damaged sign shall be repaired within sixty (60) days.
 10. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, shall be repaired or removed immediately.
 11. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
 1. Failure to comply with these sign maintenance requirements shall constitute a violation of the Township Zoning Ordinance.
- G. Removal of Signs.
1. On-premise signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed shall be replaced only by signs in conformance with this chapter.
 2. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
 3. If the landowner and/or developer fails to remove the sign by the end of the thirty-sixth (36th) day from which the permit had been issued, the Township shall be permitted to remove the sign at the landowner and/or developer's expense.

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H. Permissible Sign Types.

Sign Type	Non-Residential Signs			Residential Signs
	Billboard	Off-premise Directional	Other Business Signs	
<i>Purpose</i>	Information Advertising	Business Name Directions Street Address	Information Advertising	Information Street Address
<i>Location</i>	Only within 500' of the Route 322 right-of-way	Within front yard(s) of a lot so long as not to exceed 15% of the frontage of a lot on which the signs are located	Pylon/ground - not within the sight triangle of intersections nor driveway ingress/egress points; no two pylon/ground mounted signs may be less than 200' apart	Affixed to the principal structure of the lot
<i>Number of Signs</i>	1 per Lot	Single or multiple signs permitted per Lot (see location)	Address/Directory Sign per lot - 1; Business Identification Ground Sign - 1; Wall sign per tenant space - 1; Hanging sign per tenant space - 1; Window sign per tenant space - 2	1 per Lot
<i>Gross Floor Area (maximum square footage per side)</i>	700	20 each	Address/Directory Sign per lot - 50; Business Identification Ground Sign - 40; Wall sign per tenant space - 40; Hanging sign per tenant space - 5; Window sign per tenant space - 10	10
<i>Height</i>	70' measured from the average elevation of the ground plane upon which the billboard is installed to the top of the sign including the structure upon which the sign is affixed	8' measured from the average elevation of the ground plane upon which the sign is installed to the top of the sign including the structure upon which the sign is affixed	Address/Directory Sign per lot - 25'; Business Identification Ground Sign - 10'; Wall sign per tenant space - 10'; Hanging sign per tenant space - 1.5'; Window sign per tenant space - 8'	6' measured from the average elevation of the ground plane upon which the sign is installed to the top of the sign including the structure upon which the sign is affixed

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ARTICLE IX

ADMINISTRATIVE ROLES AND RESPONSIBILITIES

§901. Board of Township Supervisors.

A. Duties of the Board of Township Supervisors.

1. The Board of Township Supervisors. Under this Ordinance the Board of Township Supervisors shall have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law; and of establishing a schedule of fees and charges. Under no circumstances shall the duties of the Board of Township Supervisors include hearing and deciding questions of enforcement that may arise.
2. Appoint the members of the Planning Commission, the Zoning Hearing Board and the Zoning Officer.
3. Receive and consider the recommendations of the Planning Commission on matters the Commission reviews pursuant to this Ordinance.
4. Ask for recommendations of the Planning Commission on the adoption or amendment of this Ordinance if such recommendations are not prepared by the Planning Commission. In accordance with §303(a) of the Pennsylvania MPC, the Board of Township Supervisors must ask for recommendations from the Planning Commission for proposed actions related to:
 - a. The location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
 - b. The location, erection, demolition, removal or sale of any public structure located within the municipality;
 - c. The adoption, amendment or repeal of an official map, SALDO, zoning ordinance or provisions for planned residential development, or capital improvements program: or
 - d. The construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
5. Advertise and host a public hearing before adopting a zoning ordinance or any amendment thereto.
6. May remove members of the Planning Commission, the Zoning Hearing Board or the Zoning Officer from their positions upon just cause and after a formal hearing.
7. Establish fees for the issuance of land development, building, occupancy and sign permits. In accordance with MPC §717.3(e), the Board of Township Supervisors may also prescribe fees for conditional use applications, landowner curative amendments, municipal curative amendments and for hearings before the Zoning Hearing Board.
8. The Board of Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a. All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Part V of the MPC, 53 P. S. §10501 et seq.

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- b. Applications for conditional use under the express provisions of this Ordinance.
- c. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
- d. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
- e. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management as enabled by the MPC.

§902. Zoning Officer.

A. Duties of Zoning Officer.

- 1. Zoning certificates, land use permits and certificate of use and occupancy.
- 2. Before issuing the zoning certificate, building permit or certificate of use and occupancy referred to in Article XVII, the Zoning Officer shall assure that the proposed construction or use is in conformity with the provisions of this Ordinance, as well as other applicable ordinances of the Township.
- 3. Application for special exception. Any applicant for a building permit or certificate of use and occupancy for a structure or use which may be permitted in the district concerned only as a special exception shall be informed by the Zoning Officer of the rules and procedures of the Zoning Hearing Board relating to such applications.

B. Other duties of the Zoning Officer are to:

- 1. Act on behalf of the municipality in any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition, maintenance or use of any building or structure, to restrain, correct or abate such violation, so as to prevent the occupancy or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- 2. Request and file action with the Magistrate regarding revocation of any applicable permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- 3. Record and file all applications and plans for permits and the action taken thereon. All applications, plans and documents shall be a public record.
- 4. Maintain the Official Zoning Map showing the current zoning districts for all the land within the municipality. Upon request, the Zoning Officer shall make determination of any Zoning Map district boundary question. Such determination may be appealed to the Zoning Hearing Board.
- 5. Upon the request of the Board of Township Supervisors, Planning Commission or Zoning Hearing Board, present facts, records or information to assist them in making decisions.
- 6. Provide testimony at hearings of the Zoning Hearing Board, if requested. G. Conduct inspections and surveys as prescribed by the Board of Township Supervisors or ordinance to determine compliance or noncompliance with the terms of the Zoning Ordinance.

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C. Duties of Zoning Officer.

1. The Zoning Officer shall be responsible for:
 - a. Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, non-conforming uses appeals and applications thereof and hearing thereon.
 - b. Collecting fees which shall accompany applications land use permits and variances.
 - c. Receiving, filling and forwarding to the Board of Township Supervisors and the Planning Commission for action all applications for amendments to this Ordinance.
 - d. Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals in accordance with the provisions of this Ordinance.

§903. Planning Commission.

A. Specific intent.

It is the purpose of this article to cite the responsibilities of the Planning Commission in the administration of designated duties and functions according to the Pennsylvania Municipalities Planning Code, Act 247, as amended.

B. Administration and procedures.

1. Continuance of commission. There shall be in and for Delaware Township a Planning Commission, as previously created by Township Ordinance pursuant to Act 247.
2. Appointment, term and vacancy. The Planning Commission of Delaware Township shall consist of a minimum of three (3) and up to five (5) members, all of whom shall be full-time residents of the Township, appointed by the Board of Township Supervisors in the manner prescribed by Act 247, as amended. The term of each member shall be for four (4) years; not more than two shall expire during any calendar year. The Chairman of the Planning Commission shall promptly notify the Board of Township Supervisors concerning vacancies in the Planning Commission for any reason, and the Board of Township Supervisors shall fill the vacancy only for the unexpired term. Such appointments shall be made within a period of sixty (60) days after such vacancy occurs.
3. Meetings. The Planning Commission shall meet as required and as deemed necessary.
4. Conduct of business. The Planning Commission shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Planning Commission may make and alter bylaws and rules and regulations to govern its procedures consistent with the ordinances of Delaware Township and the laws of the Commonwealth.

C. Powers, duties and other functions.

1. Conduct. The Planning Commission shall at the request of the Board of Township Supervisors have the power and shall be required to:

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- a. Prepare the comprehensive plan for the development of the Township as set forth in this act, and present it for the consideration of the Board of Township Supervisors.
 - b. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Township Supervisors.
2. Conduct. The Planning Commission at the request of the Board of Township Supervisors may:
- a. Make recommendations to the Board of Township Supervisors concerning the adoption or amendment of an official zoning map.
 - b. Prepare and present to the Board of Township Supervisors a zoning ordinance, and make recommendations to the Board of Township Supervisors on proposed amendments to it as set forth in this act.
 - c. Prepare, recommend and present subdivision and land development and planned residential development regulations for the consideration of the Board of Township Supervisors.
 - d. Prepare and present to the Board of Township Supervisors a building code and a housing code and make recommendations concerning proposed amendments thereto following review and approval by the Pennsylvania Department of Labor and Industry.
 - e. Review and present recommendation to the Board of Township Supervisors on conditional uses applications.
 - f. Complete other actions, including to but not limited to the review and recommendation on conditional use application to the Board of Township Supervisors, or make such studies as may be necessary to fulfill the duties and obligations imposed by this Ordinance.
 - g. Prepare and present to the Board of Township Supervisors an environmental study. Submit to the Board of Township Supervisors a recommended capital improvements program.
 - h. Prepare and present to the Board of Township Supervisors a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
3. Make recommendations to individuals, governmental, civic and private agencies as to the effectiveness of such agencies' proposals.
4. Hold public hearings and meetings.
5. Present testimony before any board.
6. Require from other departments or agencies of the Township such available information as relates to the work of the Planning Commission.
7. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
8. Prepare and present to the Board of Township Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
9. Review the zoning, subdivision and land development ordinance, Official Zoning Map of Delaware Township, provisions for planned residential development, and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

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D. Conduct. Provide recommendations for proposed actions related to:

1. The location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
2. The location, erection, demolition, removal or sale of any public structure located within the municipality;
3. The adoption, amendment or repeal of an official map, Subdivision and Land Development Ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program; or
4. The construction, extension or abandonment of any water line, sewer line or sewage treatment facility.

E. Administrative and Technical Assistance.

The Board of Township Supervisors may employ administrative and technical services to aid in carrying out the provisions of Act 247 either as consultants on particular matters or as regular employees of Delaware Township.

F. Assistance.

The Planning Commission may, with consent of the Board of Township Supervisors, accept and utilize any funds, personnel or other assistance made available by Juniata County, the commonwealth or the federal government or any of their agencies or from private sources.

G. Removal.

Any member of the Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Township Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

§904. Zoning Hearing Board.

A. Membership of Board.

The membership of the Zoning Hearing Board shall consist of three (3) residents of Delaware Township appointed by the Board of Township Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of one member shall expire each year. 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. Members of the Board shall hold no other office in Delaware Township.

B. Organization of Board.

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, but the Board may appoint a Hearing Officer

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from its own membership to conduct any hearings on its behalf and the parties may waive further action by the Board as provided by law. The Board shall adopt rules consistent with this Ordinance and the laws of the commonwealth. Such rules shall include, but not be limited to, the manner of filing appeals and the manner of filing applications for special exceptions and variances. The Township Secretary or his or her representative shall serve as Secretary to the Zoning Hearing Board.

C. Removal of members.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Township Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

D. Powers, duties and other functions.

1. Zoning Hearing Board. The Board of Township Supervisors shall appoint a Zoning Hearing Board in accordance the PA MPC. The Zoning Hearing Board shall have the following powers:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance.
 - b. To hear and decide all variances to the terms of this Ordinance the Zoning Hearing Board is required to act under provisions of this Ordinance including approval of the expansion, extension or enlargement of non-conforming uses only as provided for in this Ordinance.
 - c. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance would result in an unnecessary hardship, and so that the spirit of the this Ordinance shall be observed and substantial justice done.
 - d. To hear and decide substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1(a)(2) of the PA MPC.
 - e. To hear and decide appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - f. To hear and decide appeals from the zoning officer's determination under section 916.2 of the PA MPC.
 - g. To hear and decide appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications prescribed within the PA MPC.
2. In exercising the above mentioned powers, such Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest and shall be filed immediately with the Zoning Officer.

E. Meetings.

Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Board may determine as per its rules and procedures. All meetings of the Board shall be open to

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the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the permanent records of the Board and shall be a public record.

F. Hearings.

The Board shall conduct hearings and make decisions in accordance with the requirements and provisions under Section 908, Hearings, Pennsylvania Municipalities Planning Code. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and such other persons who have registered a name and address for this purpose with the Zoning Hearing Board.

G. Mediation option.

Parties to proceedings may utilize mediation as an aid in completing such proceedings as per the provisions of Section 908.1. Mediation option, Pennsylvania Municipalities Planning Code.

H. Expenditure for services.

Within the limits of funds appropriated by the Board of Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Township Supervisors and as per the provisions of Section 907 of the Pennsylvania Municipalities Planning Code.

§ 905. Land use permits.

A. Requirements. A land use permit shall be required prior to the razing, erection, enlargement and structural alteration of any building, structure or portion thereof (including added porches, carports and decks) and prior to the moving of a building into the Township or from one place in the Township to another. A building permit is not necessary for exterior painting or the removal and replacement of like or roofing shingles, siding, windows, doors, chimneys or entrances.

B. Application for land use permit. Applications for Land use permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall include, when deemed necessary, building and plot plans of a satisfactory nature and shall contain all information necessary for said officer to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this Ordinance. Application for a permit shall be made by the owner or lessee of the building or structure or agent of either or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the Zoning Officer or his designee to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

C. Requisites. All applicants for land use permits shall be required to furnish with their applications and plans, as otherwise required in this section, the following specific data:

1. For new structures:

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- a. The elevation of the proposed foundation and of the first floor with reference to the nearest abutting street level; in case of a corner lot, the elevation should be given as to both the front and side street, alley or highway abutting thereon.
 - b. The nearest available sanitary and drainage sewers and the elevation of the basement and first floor above both the sanitary and drainage sewers with which connection is to be made for service of the property.
 - c. The information required shall be furnished by profile plans or other data of a satisfactory nature sufficient to satisfy the above requirements. Failure to furnish such information and satisfactory proof that suitable sewerage and drainage facilities will be available shall constitute grounds for denial of a building permit.
2. For additions, alterations and decks, porches and landscape structures:
- a. The nature, location, dimension and kinds of materials shall be furnished as part of the building permit Application for all additions and alterations including decks, porches and landscape structures. All such structures shall conform to lot and yard requirements.
 - b. Adequate information, plans and other data shall be required to provide for privacy and quiet of adjacent landowners by the use of solid screen fences, buffers of landscaping or changes in elevation.
- D. Industry approval. Any application for a permit for a building the construction or alteration of which requires the approval of the Pennsylvania Department of Labor and Industry shall be accompanied by satisfactory evidence that said Department has approved the plans for said building.
- E. Public record. All applications, with accompanying plans and documents, shall be a public record.
1. Expiration of Land use permits.
- No permit for the erection, razing, change, alteration or removal of a building or for the construction of decks, porches or landscape structures shall be valid or effective after twelve (12) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by the permit shall have been substantially commenced within six months from the date of issuance and carried on with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the applicant.
- F. Certificate of use and occupancy.
1. Requirements.
- a. No building or part thereof hereafter erected, altered, enlarged or changed in use shall be occupied or used without a certificate of use and occupancy issued by the Zoning Officer, certifying that the work has been inspected and approved as being in conformity with the building permit. The provisions of this Ordinance and other applicable ordinances.
 - b. A new certificate of use and occupancy shall be required for all change of occupancy through sale of property or for continued occupancy of any structure determined uninhabitable by the Building Inspector until the same is brought up to acceptable standards.

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G. Application.

1. Upon completion of any erection, movement, alteration or razing of a building and prior to the use or occupancy of the property, the holder of the building permit shall notify the Zoning Officer of said completion and shall request issuance of a certificate of use and occupancy.
2. The owner or occupant of a parcel of land or an existing structure who desires to change the use of said land or structure without alterations requiring a building permit shall apply for a certificate of use and occupancy on such forms as the Township may provide, setting forth the existing and proposed uses of said land or structure. In accordance with the requirements in Subsection A above, the owner or occupant of any non-conforming use shall apply for a certificate of use and occupancy within six months after the effective date of this Ordinance. Such application shall constitute registration of the non-conforming use. It shall be the duty of the Zoning Officer to notify owners or occupants of non-conforming uses of the provisions of this section.

§ 906. Zoning Certificate.

1. No structure or building shall be erected, added to or otherwise have any structure alterations made to it and no use listed in this Ordinance may be established or changed until a zoning certificate has been issued by the Township. No zoning certificate shall be issued for any structure or building where said construction, addition, structural alteration or use thereof would be in violation of any of the provisions of this Ordinance, except after such written order from the Board of Township Supervisors. Any zoning certificate issued in conflict with the provisions of this Ordinance shall be null and void. A zoning certificate need not precede subdivision or land development applications.
2. Application requirements. All applications for zoning certificate shall be made in writing by the owner, tenant, vendee under contract of sale or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include two (2) copies of the following information:
 - a. A statement as to the proposed use of the building or land.
 - b. A site layout drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial developments to the proposed layout of the entire property.
 - c. The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening.
 - d. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
 - e. The dimensions, location and methods of illumination for signs, if applicable. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

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- f. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
 - g. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - h. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
 - i. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards as determined from review of operations.
 - j. Any other data deemed necessary by the Zoning Officer to enable him to determine the compliance of the proposed development with the terms of this Ordinance.
3. A decision either approving or disapproving an application for a zoning certificate shall be rendered within ninety (90) days after the application is filed. Any disapproval of the application shall contain a brief explanation setting forth the reasons for the disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within ninety (90) days, the application shall be deemed to have been granted immediately, unless the application has agreed, in writing, to an extension of time.

§ 907. Schedule of Fees.

- A. Fees for permits shall be paid in accordance with a fee schedule to be adopted by resolution of the Board of Township Supervisors, and all such fees shall be paid to Delaware Township for deposit into the Township Treasury. Each applicant for an appeal, special exception, variance or other procedures requiring a fee shall, at the time of making application, pay a fee, in accordance with the aforementioned fee schedule, for the cost of advertising and ailing notices as required by this Ordinance.
- B. The Board of Township Supervisors shall by resolution establish a schedule of fees and shall post said schedule conspicuously in the Township Building.
1. No permit, certificate, application or variance shall be issued unless, or until such costs, charges, fees or expenses as established by such resolution have been paid in full; nor shall any action be taken by the Board of Township Supervisors and/or Zoning Hearing Board take action unless or until preliminary charges and fees have been paid in full.
 2. A zoning certificate shall be required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure. A building permit may also be required under the Delaware Township Code of Ordinances relating to building codes/construction.

§ 908. Purpose of Rezoning.

- A. The purpose of rezoning is to protect the safety, capacity and efficiency of the Township's existing infrastructure systems; and to maintain fiscal responsibility. See also the Pennsylvania Municipalities Planning Code §609.
1. Rezoning considerations shall be based on the projected benefits and/or detrimental effects to Delaware Township as a whole.

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B. Rezoning Application Forms.

1. All Applicants submitting rezoning applications shall be required to prepare a series of plans, analyses and reports as enumerated in §909.D.1.e to demonstrate the compatibility of a rezoning proposal.

C. Review of Rezoning Applications.

1. The Zoning Officer shall review the application in compliance with the following procedural guidelines:
 2. Upon receipt of a rezoning application, the Zoning Officer will perform a desk check review of the package to determine the completeness of the application.
 3. The Zoning Officer will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
 4. If the Zoning Officer finds the application to be incomplete or insufficient, the rezoning application will be returned to the Applicant.
 5. When the rezoning application is found to be complete, the Zoning Officer shall compile a report and forward the application package and report to the Planning Commission for review.
 6. As part of the rezoning approval process, the Planning Commission and the Board of Township Supervisors shall consider the motivation and implications of each plan, analysis and report.
 7. The Planning Commission shall review the application in compliance with the following procedural guidelines:
 8. The Planning Commission may host a public hearing on the application if they deem it applicable.
 9. Based on these analyses, the Planning Commission shall submit a written recommendation either in favor or not in favor of the rezoning proposal.
 10. The final recommendation of the Planning Commission shall be forwarded to the Board of Township Supervisors.
 11. Upon receipt of the Planning Commission's final recommendations, the Board of Township Supervisors shall host a public hearing on the application. The Board of Township Supervisors shall compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. The Board of Township Supervisors may deny the rezoning proposal and shall provide a brief summary explanation of the decision to the Applicant. Upon approval of the rezoning proposal the Zoning Officer shall update the Official Zoning Map accordingly.

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D. Application Criteria.

1. Application Requirements. The following outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of rezoning applications. The plans, analyses and reports to be submitted include:
 - a. Sketch Plan.
 - b. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 - c. Off-street parking projections (number of parking spaces) available on site.
 - d. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
 - e. Depending upon the location of lot access, infrastructure service/demands and impacts on adjoining lots, the Board of Township Supervisors may require a landowner and/or developer to prepare other potential related studies.

E. Additional Information.

1. The Planning Commission and the Board of Township Supervisors reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

§ 909. Enactment of Zoning Ordinance Amendments.

- A. The Board of Township Supervisors may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in Pennsylvania MPC.
- B. The Board of Township Supervisors will conduct hearings and make decisions in accordance with the Pennsylvania MPC. Before voting on the enactment of an amendment, the Board of Township Supervisors shall hold a public hearing thereon, pursuant to public notice.
- C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Township Supervisors shall submit each such amendment to the Planning Commission to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. A copy of the adopted amendment to this Ordinance shall be forwarded to Juniata County for record.
- F. Procedure for Landowner Curative Amendments.
 1. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Official Zoning 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 Board of Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania MPC (hereinafter “MPC”), 53 P. S.

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§10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and §916.1 of the MPC, 53 P. S. §10609, 10610, and 10916.1.

2. The Board of Township Supervisors will conduct hearings and make decisions in accordance with the Pennsylvania MPC. If the Township does not accept a landowner and/or developer's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Official Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Board of Township Supervisors, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment, which will cure the challenged defects. The Board of Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
 - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Official Zoning Map.
 - c. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - d. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

G. Procedure for Township Curative Amendments.

1. If the Township determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take the following actions:
 - a. The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity.
 - b. Within thirty (30) days such declaration and proposal the Board of Township Supervisors shall by resolution make specific findings setting forth the declared invalidity of this Ordinance, which may include:
 - c. References to specific uses that are either not permitted or not permitted in sufficient quantity;
 - d. Reference to a class of use or uses which requires revision; or,
 - e. Reference to this entire Ordinance, which requires revisions.
 - f. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
 - g. The Board of Township Supervisors will conduct hearings and make decisions in accordance with the Pennsylvania MPC.

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H. Content of Public Notice.

1. 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 within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a zoning map change, notice of said public hearing shall comply with MPC §609(2)(i).

§ 910. Enforcement Notice.

- A. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
- B. The enforcement notice shall be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the lot in violation.
 3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of this Ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. Remedies
 1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore 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 be 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

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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.

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ARTICLE X

REASONABLE ACCOMMODATION

§1001. Requests for Reasonable Accommodation.

A. General Regulations.

1. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board. The Zoning Hearing Board shall require the information outlined in §1303 Special Exception Procedures of Approval to process the application.
2. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
3. The Zoning Hearing Board's decision shall be in writing.
4. The Zoning Hearing Board shall issue its written decision to the Applicant and the Board of Township Supervisors within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two (2).
5. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the counsel of the Township Solicitor and/or Zoning Hearing Board Solicitor, apply the following criteria.
6. Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
7. The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
8. A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
9. The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
10. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
11. The extent to which the proposed accommodation may be consistent with or contrary to the community development objectives set forth in the Zoning Ordinance.
12. The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
13. The extent to which the requested accommodation would impose an undue hardship upon the Township.

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14. The extent to which the accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
15. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
16. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
17. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

B. Submission Information.

1. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
2. The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or location based accommodation.
3. The condition of the Applicant for which reasonable accommodation is sought.
4. A description of the hardship that the Applicant will incur absent provision of the reasonable accommodation requested.
5. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, why the Applicant has rejected such alternatives.
6. A statement describing why the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
7. A description of the manner in which the accommodation, if granted, will be terminated or removed if said accommodation is no long applicable.
8. A statement of any facts indicating whether or not non-handicapped or nondisabled persons would be permitted to utilize the lot (s) in question in a manner similar sought by the Applicant.

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ARTICLE XI

USES BY SPECIAL EXCEPTION

§1101. Uses by Special Exception.

A. Considerations and Safegaurds.

1. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance.
2. Expiration of Approval of Use by Special Exception.
 - a. Approval of a use by special exception shall expire automatically without written notice to the Applicant if an application for a building permit or zoning certificate to undertake the construction for the authorized occupancy described in the application for approval of the use by special exception is not submitted within twelve (12) months of said approval.
 - b. The Zoning Hearing Board, in their sole discretion, may grant an extension of the special exception upon receipt of a written request by the Applicant prior to the expiration date of approval. Only a one (1) time twelve (12) month extension may be granted.
 - c. Expiration of Approval of Use by Special Exception Granted Prior to Effective date of this Ordinance. Approval of a use by special exception granted prior to the effective date of this Ordinance shall expire automatically without written notice to the Applicant if an application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is not received submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval.

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ARTICLE XII

CONDITIONAL USES

§1201. Conditional Uses.

A. Procedures

1. The Board of Township Supervisors shall hear and decide requests for conditional uses within the time periods and according to the procedures set forth in the Pennsylvania MPC §913.2. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Ordinance or any other Ordinance 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.
 - a. A written application for conditional use shall be submitted in accordance with the Application Requirements and associated Application Process defined by the Township.
 - b. Where the Board of Township Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in §908 (1.2) of the Pennsylvania Municipalities Code, 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 failure of the Board of Township Supervisors to meet or render a decision as hereinabove provided, the Board of Township Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Township Supervisors shall fail to provide such notice, the Applicant may do so.
 - c. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the Applicant personally or mailed to him no later than the day following its date.
 - d. In granting a conditional use, the Board of Township Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as necessary to implement the purposes of the MPC and this Ordinance.
 - e. The Board of Township Supervisors shall review a conditional use application and may approve, deny or attach additional conditions, in order to protect the public's health, safety and welfare.
 - f. In making its decision, the Board of Township Supervisors shall consider the Planning Commission's recommendation, all information and the application submitted by the Applicant and any relevant Township ordinances.
 - g. Expiration of Conditional Use Approval. Conditional use approval shall expire automatically without written notice to the Applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the

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application for conditional use approval is submitted within twelve (12) months of said approval. The Board of Township Supervisors may extend conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

- h. Expiration of Conditional Use Approval Granted Prior to Effective Date of this Ordinance. Conditional use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the Applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval. The Board of Township Supervisors may extend conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

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ARTICLE XIII

VARIANCES

§1301. Variances.

A. Procedures

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing 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 the zoning ordinance 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 the zoning ordinance 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 of 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.
 - f. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.
 - g. A variance from the terms of this Ordinance shall not be granted by the Zoning Hearing Board unless and until:
 - h. A written application for the variance is submitted:
 - i. The required fees are paid.
 - j. Public notice by advertising shall be given at least two weeks in advance of the hearing. The owner of the property for which the variance is sought or his agent shall be notified by mail.
 - k. The hearing shall be held. Any party may appear in person, or by agent or by attorney.

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- l. The Zoning Hearing Board shall make findings that the requirements of this Section, have been met by the applicant for the variance.
- m. The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- n. Zoning Hearing Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- o. In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and such safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and subject to §1702 Enforcement Remedies.
- p. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

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PART 14

NON-CONFORMITIES

§1401. Non-conformities.

The provisions of this §1401 shall apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in the Township, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land and/ or structures for activities not permitted in the zoning districts where such land and/or structures are located, and structures placed on a lot too close to lot boundary lines for compliance with standards of the zoning district in which they are located.

A. Non-conforming Lots of Record.

1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this ordinance, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.
2. No provision of this Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, in no event may such yard dimensions be reduced by more than forty percent (40%) of that required without the approval of the Zoning Hearing Board.

B. Non-conforming Uses of Land and Structures.

1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
2. No such non-conforming use of land shall be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance. Such land area shall contain the non-conforming use and the area of expansion and shall be already owned by the operator of the non-conforming use at the time of adoption of the ordinance creating the nonconformity, and recorded as a separate lot.
3. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the zoning district where it is located may be increased in volume more than 50% over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies

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part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.

4. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, shall conform to the regulations for the zoning district where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one additional year.
5. As a result of adoption of this Ordinance no illegal use of land which was initiated under the previous zoning ordinance, as amended, shall become non-conforming but instead shall be subject to remedy under the provisions of this Ordinance regarding violations.
6. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
 - a. The applicant demonstrates a hardship in converting the use to a conforming use; or
 - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement shall not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use shall secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if he has reason to doubt that the non-conforming use will be continued in the same manner as formerly.
7. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the zoning district where the lot is located and the use of the premises shall thereafter conform to the regulations of the zoning district.
8. Where a non-conforming use of structure and premises exists in combination, the removal of the structure and/or use in the structure shall terminate the non-conforming use of the premises.
9. The maintaining or strengthening to a safe condition of any non-conforming structure shall not be interpreted as being denied by any portion of this Article.

C. Non-Conforming Structures.

1. Where a structure exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
2. Any replacement of a non-conforming structure shall be made in compliance with the regulations governing development for the zoning district in which the lot is located, except that if a hardship is alleged by the owner, he may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.

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3. If a non-conforming structure is moved, it shall thereafter conform to requirements of this Ordinance regarding location on the lot.
- D. Record of Non-Conforming Uses.
1. The Zoning Officer shall keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.
 2. The record may be kept by map or written documentation.

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PART 15

AMENDMENTS

§1501. Enactment of Zoning Ordinance Amendments.

- A. The Board of Supervisors may, from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P. S. §10607, is hereby declared optional.
- B. The Board of Supervisors shall conduct hearings and make decisions in accordance with the Municipalities Planning Code. A copy of the Municipalities Planning Code is available for review in the Township Building. All references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens and/or inclusive of those areas included within the amendments of Act 2 of 2002 to MPC §609(b)(2) as applicable. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. Within forty-five (45) days, recommendations of the Planning Commission shall be included in a statement as to whether or not the proposed action is in accordance with the objectives of the Township's Comprehensive Plan.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. Prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations at least thirty (30) days prior to the public hearing.
- F. A copy of the adopted amendment to this Ordinance shall be forwarded to the county planning agency.
- G. Provisions of the Pennsylvania Municipalities Planning Code §610 Publication, Advertisement and Availability of Ordinances shall be followed as applicable.

§1502. Procedure for Landowner Curative Amendments.

- A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning 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 Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P. S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and 916.1 of the MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Board of Supervisors shall conduct hearings and make decisions in accordance with the Municipalities Planning Code. A copy of the Municipalities Planning Code is available for review in the Township Building. All references therein to the Zoning Hearing Board shall, for purposes of this

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Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- C. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§1503. Procedure for Township Curative Amendments.

- A. If the Township determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take the following actions:
1. The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Board of Supervisors shall:
 - a. By resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
 - (1) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (2) Reference to a class of use or uses which requires revision; or,
 - (3) Reference to this entire Ordinance which requires revisions.
 - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

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- B. The Board of Supervisors will conduct hearings and make decisions in accordance with the Municipalities Planning Code. A copy of the Municipalities Planning Code is available for review in the Township Building. All references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors.

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PART 16

ENFORCEMENT REMEDIES

§1601. Enforcement Notice.

- A. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the lot in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days or otherwise within the timeframe as defined in the enforcement notice.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§1602. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors, or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real lot who shows that his lot or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

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§1603. Civil Penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) 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 be 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.

- B. 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township.

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PART 17

SCHEDULE OF FEES

§1701. General Requirements.

- A. A schedule of fees for land use permits, occupancy permits, sign permits, landscape plan material maintenance, transportation impact fees and applications for petitions to amend this Ordinance, or to initiate action on conditional uses before the Planning Commission or on special exception, variances or challenges to a decision of the zoning officer before the Zoning Hearing Board shall be established by resolution of the Board of Supervisors, posted conspicuously in the Township Building, and subsequently amended only by action of Board of Supervisors.
- B. No permit, certificate, application or variance shall be issued unless, or until such costs, charges, fees or expenses listed below have been paid in full; nor shall any action be taken on proceedings before the Zoning Hearing Board unless or until preliminary charges and fees have been paid in full.
- C. A permit shall be required for all new construction, additions or alterations or any structural or interior changes required for a change of the structure's use.

ZONING ORDINANCE

PART 18

ZONING MAP

§1801. Official Zoning Map.

- A. The Township is hereby divided into zones, or districts, and overlays as shown on the Official Zoning Map of Delaware Township of which hereafter referred to as the Official Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Township Manager/Township Secretary and shall bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map referred to in Ordinance Number ____ of Delaware Township, Juniata County, Pennsylvania,” together with the date of adoption of this Ordinance.
- C. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided in this Ordinance.
- D. The Official Zoning Map, which shall be located in Delaware Township’s Municipal Building Administrative Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- E. Any amendments, legally adopted to change any zoning district boundaries of the Official Zoning Map, shall be noted on said map by Ordinance number and date of adoption of the amendment.
- F. Township Board of Supervisors may by Ordinance update the parcel lines as available from Juniata County on the Official Zoning Map, noting said date and source on the map.
- G. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
- H. The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads, streams or such lines extended, or lines parallel thereto.
- I. The water surface and the land under the water surface of all waterways not otherwise zoned are hereby placed in the same zoning district as the land which it abuts as shown on the Official Zoning Map. Where the zoning districts shown on the Official Zoning Map are different on opposite sides of the water area, then the zoning district on each side shall extend to the center line or midpoint of the water area.

DELAWARE TOWNSHIP

- J. Where zoning district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the Official Zoning Map.
- K. Where a street or alley shown on the Official Zoning Map is hereafter officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way shall be included within the zoning district of adjoining lot(s) on either side of said vacated street or alley. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the district boundary shall be the former centerline of such vacated street or alley.
- L. When there is disagreement on the location of zoning district boundaries, a decision shall be rendered by the Zoning Hearing Board, which shall have the power and duty of interpreting the intent of said zoning map in accordance with the spirit and purpose of the Official Zoning Ordinance.
- M. Record of all Zoning Map Amendments is on file at the Township Municipal Office.

ZONING ORDINANCE

ARTICLE XIX

APPEALS

Appeals shall be made in accordance with the requirements of Article X-a of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE XX

LEGAL STATUS PROVISIONS

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except where specifically provided to the contrary, it is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any Rules, Regulations, or Permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter, or premises; nor is it intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of a building or premises or requires larger open spaces than those imposed or required by any other Statute, Ordinance, Rule, Regulation, or Permit, by any easement or agreement, the provisions of this Ordinance shall control.

Enacted and Ordained into an Ordinance this __ day of _____ 20__.

ATTEST:

BOARD OF SUPERVISORS OF DELAWARE TOWNSHIP

_____ By _____

Secretary

Supervisor

Supervisor
