CHAPTER 27

ZONING

Part 1

Definitions

§101. General Usage
§102. Specific Terms Defined

Part 2

Establishment of Districts; Provisions for Official Zoning Map

§201. Official Zoning Map
§202. Replacement of the Official Zoning Map
§203. Rules for Interpretation of District Boundaries
§204. Use Districts

Part 3

Application of District Regulations

§301. Uniformity of Application
§302. Compliance Required for Subsequent Changes in Use
§303. Buildings and Structures
§304. Required Yards and Spaces Not to be Shared
§305. Lots and Yards Must Meet Minimum Requirements
§306. Proposed Uses Not Covered
§307. Future Annexations of Territory

Part 4

A - Agricultural Districts

§401. Intent
§402. Permitted Uses
§403. General District Requirements
§404. Lot and Yard Requirements
§405. Minimum Off-Street Parking Requirements

Part 5

RR - Rural Residential Districts

§501. Intent
§502. Permitted Uses
§503. Lot Area, Building Height, and Yard Requirements
§504. Minimum Off-Street Parking Requirements
§505. Ecological Safeguards

Page Revised 1/14/1998
Part 6

R-1 Low Density Residential District

§601. Intent
§602. Permitted Uses
§603. Lot Area, Building Height and Yard Requirements
§604. Minimum Off-Street Parking Requirements

Part 7

R-2 Medium Density Residential District

§701. Intent
§702. Permitted Uses
§703. Lot Area, Building Height, and Yard Requirements
§704. Minimum Off-Street Parking Requirements

Part 8

C-1 General Commercial District

§801. Intent
§802. Permitted Uses
§803. Performance Required
§804. Lot Area, Building Height and Yard Requirements
§805. Minimum Off-Street Parking and Loading Requirements

Part 9

C-2 Highway Commercial Districts

§901. Intent
§902. Permitted Uses
§903. Performance Required
§904. Lot Area, Building Height and Yard Requirements
§905. Minimum Off-Street Parking and Loading Requirements
§906. No Outside Storage

Part 10

I - Industrial Districts

§1001. Intent
§1002. Permitted Uses
§1003. Special Exception Use
§1004. Use Limitations
§1005. Lot Area, Lot Width, and Coverage Requirements
§1006. Setback Requirements
§1007. Building Height Requirements
§1008. Design Features/Bonus Incentives

Page Revised 11/12/2003
Part 11
Floodplain Districts

§1101. Intent
§1102. Definition of Terms Utilized in Floodplain Districts
§1103. Delineation of Districts
§1104. District Provisions
§1105. Additional Safeguards
§1106. Factors to be Considered by the Zoning Hearing Board When Reviewing Special Exceptions and Variances
§1107. Nonconformities
§1108. Lot Area, Yard and Sign Requirements
§1109. Additional Administrative Requirements
§1110. Statement of Disclaimer
§1111. Building Permits Required

Part 12
Planned Residential Development

§1201. Intent
§1202. Procedure
§1203. Planned Development Standards

Part 13
Nonconforming Lots
Nonconforming Uses of Land
Nonconforming Structures
Nonconforming Uses of Structures and Premises
and
Nonconforming Characteristics of Use

§1301. Intent
§1302. Nonconforming Lots of Record
§1303. Nonconforming Uses of Land (or Land With Minor Structures Only)
§1304. Nonconforming Structures
§1305. Nonconforming Uses of Structures and Premises in Combination
§1306. Repairs and Maintenance
§1307. Uses Under Special Exception Provisions Not Nonconforming Uses

Part 14
Supplementary District Regulations

§1401. Visibility at Intersections
§1402. Lots in Two Districts
§1403. Front Yard Exceptions
§1404. Foundations
§1405. Erection of More Than One Principal Structure on a Lot
§1406. Accessory Buildings
§1407. Projections Into Yards
§1408. Accessory Uses
§1409. Exception to Height Regulations
§1410. Structures to Have Access
§1411. Parking, Storage, or Use of Major Recreational Equipment
§1412. Parking and Storage of Certain Vehicles
§1413. Corner Lot Restrictions
§1414. Municipal Uses
§1415. Public Utilities Exempted
§1416. Home Occupation Regulations
§1417. Gasoline Pumps and All Other Service Equipment
§1418. Screening and Landscaping Requirements
§1419. Required Traffic Study Standards
§1420. Industrial Performance Standards
§1421. Commercial Performance Standards
§1422. Adult Uses
§1423. Forestry Activities
§1424. Obscenity

Part 15

Off-Street Parking

§1501. Off-Street Parking Facilities, When Required
§1502. Continuation of Parking Facilities
§1503. Standards and Definitions
§1504. Schedule of Minimum Required Off-Street Parking Spaces
§1505. Separate or Combined Use of Facilities
§1506. Parking and Garage Facilities for Residences
§1507. Site Plan Approval
§1508. Surfacing
§1509. Separation from Streets and Sidewalks
§1510. Drainage
§1511. Parking Space Size
§1512. Handicap Parking Spaces
§1513. Parking Spaces and Interior Drives
§1514. Off-Street Loading Areas
§1515. Lighting
§1516. Access Drive Requirements

Part 16

Signs

A. Definitions
§1601. Definitions

B. General Provisions
§1621. Signs Permitted in All Districts
§1622. Signs Prohibited in All Districts
§1623. Limit on Number of Signs per Premises
§1624. Limit on Height of Signs
§1625. Limit on Sign Area
§1626. Safety and Maintenance
C. Specific Kinds of Signs; Signs in Certain Zones

§1631. Projecting Signs
§1632. Wall Signs
§1633. Ground Pole Signs
§1634. Roof Signs
§1635. Directional Signs
§1636. Professional Occupation Signs
§1637. Agricultural - Rural Residential District
§1638. Signs in R-1 and R-2 Districts
§1639. Preliminary Hearing on Variances
§1640. Authority for Variances
§1641. Appeals
§1642. Zoning/Enforcement Officer
§1643. Licenses and Stickers for Permanent Signs
§1644. Licenses for Temporary Signs
§1645. Penalties

Part 17

Building Permits and Certificates of Zoning Compliance

§1701. Administration and Enforcement
§1702. Building Permits Required
§1703. Application for Building and Zoning Permit
§1704. Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses
§1705. Temporary Use Permits
§1706. Expiration of Building Permit
§1707. Construction and Use to be Provided in Applications, Plans, Permits and Certificates of Zoning Compliance

Part 18

Zoning Hearing Board; Establishment and Procedure

§1801. Establishment and Membership
§1802. Organization
§1803. Expenditures for Services
§1804. Hearings
§1805. Effect of Zoning Hearing Board’s Decision

Part 19

Zoning Hearing Board; Powers and Duties

§1901. Appeals from the Zoning Officer
§1902. Substantive Challenges to the Validity of the Zoning Ordinance
§1903. Variances.
§1904. Special Exceptions
§1905. Appeals Regarding the Floodplain Zone
§1906. Appeals Regarding Development Rights and Density
§1907. Appeals Regarding Sedimentation and Erosion Control and Stormwater Management
§1908. Appeals from a Notice of Violation Issued Under Part 17 of this Chapter
§1909. Parties Appellant Before the Zoning Hearing Board
§1910. Time Limitations
§1911. Stay of Proceedings

Part 20
Administrative Matters

§2001. Schedule of Fees, Charges, and Expenses
§2002. Amendments
§2003. Provisions of Ordinance Declared to be Minimum Requirements
§2004. Complaints Regarding Violations
§2005. Penalties for Violations
§2006. Separability Clause
§2007. Repeal of Conflicting Ordinances; Effective Date
Part 1

Definitions

§ 101. General Usage. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated:

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

2. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

3. The word "lot" includes the word "plot" or "parcel".

4. The term "shall" is always mandatory, the word "may" is permissive.

5. The word "used or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

(Ord. 7/8/1978, Art. 1)

§ 102. Specific Terms Defined.

ACCESSORY BUILDING - a building detached from and subordinate to the principal building on the same lot and used for purposes customarily incidental to the principal building, but not construed to include vehicles, mobile homes, travel trailers or any parts thereof.

ACCESSORY USE - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT BOOKSTORE - a use with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines, videotapes, coin- or token-operated films or videotapes, paraphernalia, novelties, or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. [Ord. 91102]

ADULT LIVE ENTERTAINMENT FACILITY - a use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual specified sexual activities related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity. [Ord. 91102]

ADULT MOVIE THEATER - a use involving the presentation to three or more persons at one time in a room of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter. [Ord. 91102]

ADULT USE - this term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use. [Ord. 91102]

AGRICULTURE - includes the cultivation of the soil for food products or other useful or valuable growths of the field or garden, horticulture, animal
husbandry, apiculture, aviculture, etc.

AIRPORT - an airstrip/landing strip where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, etc.

AIRSTRIPLANDING STRIP - an area adapted with minimal improvements for use as a temporary runway for aircraft.

ALTERATIONS - as applied to a building or structure, any change or rearrangement of the total floor area, or any enlargement, whether by extending on a side or by increasing in height, or moving from one (1) location or position to another.

ALTERATIONS, STRUCTURAL - any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AREA, LOT - the total area within the lot lines, excluding right-of-way areas.

BLOCK - an area bounded by three (3) or more streets.

BUILDING - any structure having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of human beings, animals, or chattel, including covered porches, bay windows, and chimneys, or for use and occupation for some purpose of trade or manufacture.

BUILDING AREA - the total areas of outside dimensions on a horizontal place at ground level of the principal building and all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen inches (18") bay windows not extending through more than one (1) story and not projecting more than five feet (5'); steps and balconies.

BUILDING, DETACHED - a building surrounded by open space on the same lot as the principal building.

BUILDING HEIGHT - the vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE - a line parallel to the front, side or rear lot line or public right-of-way line set so as to provide the required yard setback.

BUILDING, PRINCIPAL - a non-accessory building in which the principal use of the lot is conducted.

BUILDING, SEMI-DETACHED - a building which has one (1) wall in common with an adjacent building.

BULK - a term used to describe the size, volume, area, or shape of buildings or structures, and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

CARPORT - See Garage, Private.

CERTIFICATE OF ZONING COMPLIANCE - a certificate issued and enforced by the Zoning Officer upon the completion of the construction of a new building or upon a change or conversion of a structure or use of a building which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements.

COMMON OPEN SPACE - a parcel of land or water or combination of both located within a development site and designed and intended for the use or enjoyment of residents of a planned development not including streets, off-street parking areas, and areas set aside for public facilities.
CONDITIONAL USE - A use which is approved by the Board of Supervisors after review and recommendation by the Township Planning Commission. [Ord. 10-10-01]

DEVELOPMENT PLAN - the provisions for the development of a planned residential development, including 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, ways and parking facilities; common open space, and public facilities.

DISTRICT - a portion of South Annville Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Chapter.

DOG KENNEL - any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

DRIVE-IN RESTAURANT - a commercial establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.

DWELLING, APARTMENT - a dwelling unit for rent or lease within multifamily or group buildings providing separate, independent living and sanitary facilities for one (1) family, including provisions for cooking and sleeping. An apartment dwelling may include an efficiency unit where no specific bedroom is provided or a unit containing one (1) or more bedrooms.

DWELLING, GROUP - a group of two (2) or more single family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, MULTI-FAMILY - a building designed for or occupied exclusively by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY - a detached building designed for or occupied exclusively by one (1) family, but shall not be construed to include single unit mobile homes.

DWELLING TWO-FAMILY - a detached or semi-detached, residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

DWELLING UNIT - one or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on weekly, monthly, or longer basis and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one family.

FAMILY - one (1) or more persons occupying a dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FARM - all contiguous land held in single or separate ownership of ten (10) acres or more regardless or whether:

A. Such land is divided into one (1) or more lots, parcels, purports or tracts.

B. Such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise.

C. Such land is bisected by public or private streets or rights-of-way.

[Ord. 1-14-98]
FEEDLOT - a feedlot shall be determined to be any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale, or retail; (2) any structure, pen or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions.

FLOOD AREA, LIVABLE - the sum of the horizontal areas of all rooms used for habitation, such as living rooms, dining room, kitchen or bedroom but not including hallways, stairways, cellars, attics, garages, enclosed porches and roofed terraces, nor unheated areas such as enclosed porches. At least onehalf feet ('A') of the floor area of every habitable room shall have a ceiling height of not less than seven feet ('?'), and the floor area of the part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the livable floor area.

GARAGE, PRIVATE - a building or space used as an accessory to the principal building which provides for the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC - any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GASOLINE SERVICE STATION - a structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

GRADE, FINISHED - the completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUP FOSTER HOME - a facility for mentally ill or mentally retarded adults and children. The home is maintained solely for the admission of not more than thirteen (13) mentally ill and/or emotionally disturbed or mentally retarded patients, who are provided with a program of service and protective supervision in a home setting and in which twenty-four (24) hour adult care and supervision is available through appropriate local and state agencies.

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

HOME OCCUPATION - a lawful, gainful service oriented occupation or profession other than a no-impact home-based business that is operated by a member of the immediate family residing on the premises and where the occupation or profession is conducted wholly within and as an accessory use to a principal dwelling. The conduct of a clinic, hospital, tea room, tourist home, animal hospital, kennel or automobile services or any similar use shall not be considered a home occupation. [Ord. 91102]

HOSPITAL - a place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium, sanatorium, and preventorium.

HOTEL OR LODGING HOUSE - a building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any...
individual room or suite.

JUNK YARD - a lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LOADING SPACE - an off-street space not less than twelve feet (12') wide and fifty-five feet (55') long exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LOT - a single tract or parcel of land, which may legally be described as such, held in single or joint ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory buildings, structures, and such open spaces as are arranged and permitted by this Chapter.

LOT AREA - an area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT, CORNER - a lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred and thirty-five degrees (135°) at the intersection of the two (2) street lines.

LOT COVERAGE - a percentage of the lot area covered with an impervious surface (e.g., buildings, driveways, parking areas, sidewalks). [Ord. 10-10-01]

LOT DEPTH - a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, INTERIOR - a lot other than a corner lot, the sides of which do not abut a street.

LOT LINE - any line dividing one (1) lot from another lot, street or parcel.

LOT, THROUGH - an interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH - the horizontal distance between the side lot lines. Required lot width shall be measured at the required setback line; however, the mean lot width shall not be less than the required lot width.

MAP OR ZONING MAP - the Zoning maps of Lebanon County and South Annville Township, Lebanon County. [Ord. 10-78]

MASSAGE PARLOR - an establishment that meets all the following criteria: (i) massages are conducted; (ii) the use does not meet the definition of "massage therapy, certified" and the person conducting the massage is not licensed as a health care professional by the State; (iii) the massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor; (iv) the massages are conducted within private or semi-private rooms; and (v) the use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program. [Ord. 91102]

MESSAGE THERAPY, CERTIFIED - a use involving the performance of massages by a person licensed by the State as a massage therapist or certified by a recognized national organization that requires substantial professional training.
MOBILE HOME - a transportable, single unit dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) 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 operation, and constructed so that it may be used without a permanent foundation.

MOBILE HOME COURT OR PARK - any site, lot, or tract of land upon which two (2) or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MOBILE HOME SUBDIVISION - an area planned, designed and improved exclusively for three (3) or more mobile home dwelling units where said lots are sold rather than rented.

MODULAR HOME - a sectional, single family dwelling intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation.

Motel - a building or group of buildings, whether detached or in connected units, used as individual sleeping, or dwelling units, designated with separate entrances and designed for occupancy primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MPC - the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., and as may be subsequently amended. [Ord. 91102]

MUNICIPALITY - South Annville Township, Lebanon County, Pennsylvania.

NO-IMPACT HOME-BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, 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 all of the following requirements:

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

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

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

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

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

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

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

H. The business may not involve any illegal activities.

[Ord. 91102]

NONCONFORMING BUILDING OR STRUCTURE - a building/structure or part thereof, which at the time of the passage of this Chapter, or any subsequent amendments thereto, does not comply with the provisions of this Chapter or such amendments, with regard to restrictions on area, lot coverage, height, yard requirements, location on the lot, or other similar requirements.

NONCONFORMING LOT - a lot of record existing at the date of the passage of this Chapter or any amendments thereto, which does not at this time have the minimum lot width or contain the minimum lot area for the zoning district in which it is located.

NONCONFORMING USE - a use, whether land, building, or structure, which does not comply with the applicable use provisions of this Chapter, or subsequent amendments thereto, where such use was lawfully in existence at the time of the enactment of this Chapter or amendments thereto.

NURSING OR CONVALESCENT HOME - a building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OFFICE BUILDING - a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public organizations.

OPEN SPACE - the unoccupied space open to the sky on the same lot with the building.

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

PARKING SPACE - the space within a building or on a lot or parking lot, for the parking or storage of one (1) automobile. The minimum size of said space shall be two hundred (200) square feet or dimensions of ten feet (10') by twenty feet (20'), exclusive of passageways and driveways and not an integral portion of the street. [See also, §1502 Standards and Definitions for Off-Street Parking]

PERMIT - building and zoning permit issued by Zoning Officer.

PREMISES - any lot or tract of land and any building or buildings constructed thereon.

PRIVATE ROAD - a legally established right-of-way, other than a public street, which provides the primary vehicular access to a lot.

ROAD CLASSIFICATION - a designation given a road in accordance with its function as a carrier of traffic. For the purposes of this Chapter, the following classifications shall apply:

A. Arterial - a road whose function is to provide for high volumes of traffic between communities.

B. Collector - a road whose function is to provide the movement of traffic to community facilities and carry larger volumes of traffic to the arterial road system.

(1) Internal Collector - a road whose function is to provide for the movement of the traffic within and is constructed as part of a
subdivision or land development to carry traffic from local to arterial roads.

C. Local - a road whose function is to provide for local traffic movement and direct access to abutting properties.

(1) Internal Local Street - a road whose function is to provide for local traffic within and is constructed as part of a subdivision or land development.

D. Existing Perimeter Street - any street as defined herein that is in existence, or is under construction in accordance with a subdivision or land development by the applicable governing body, on the effective date of this amendment to the South Annville Township Zoning Ordinance. For the purposes of this Chapter, this term shall also include any portion of any existing street proposed to be relocated as part of any subdivision or land development.

[Ord. 10-10-01]

ROW HOUSE (TOWNHOUSE OR ATTACHED DWELLINGS) - three (3) or more single family dwellings in a group, one or more of which have two (2) walls in common with adjoining dwellings.

SANITARIUM, SANATORIUM - a private hospital whether or not such facility is operated for profit.

SCREEN PLANTING - a vegetative material of sufficient height and density to screen the view from adjoining districts of the structures and uses on the premises upon which the screen planting is located.

SETBACK - the horizontal distance from a lot line to the part of the building nearest to such lot line.

SIGN - [See, §1601 - Definition of Signs]

SITE PLAN - a plan of a lot or subdivision on which is shown topography; location of all buildings, structures, roads, rights-of-way, boundaries; all essential dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SPECIAL EXCEPTION - a use specified in district regulations which is permitted only if the Zoning Hearing Board grants approval for issuance of a permit pursuant to the provisions of this Chapter.

SPECIFIED SEXUAL ACTIVITIES - One or more of the following: (i) human male genitals in a visible state of sexual stimulation; (ii) acts of human masturbation, sexual intercourse, oral sex or sodomy; or (iii) fondling or other erotic touching of human genitals. [Ord. 91102]

STORY - a story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six feet (6') or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet (2') below the top plate shall be counted as a story; and, if less than two feet (2') below the top plate, shall be counted as a half (½) story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 10-10-01]

STREET LINE - the line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been
established, the street line shall be determined as a line twenty-five feet (25') from the centerline of the existing street.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water or attached to something having a fixed location on or in land or water.

SUBDIVISION - the division or redivision of a lot, or parcel of land by any means into two (2) or more lots, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease transfer or ownership, or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

TOWNHOUSE - a multi-family dwelling consisting of not more than eight (8), attached single family dwelling units, separated by an unpierced party wall, each single family dwelling unit having a separate entrance from the outside, parking and service in the front, and a semi-private rear yard area.

TRAVEL TRAILER - a vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

TRAVEL TRAILER CAMP OR PARK - any site, lot or tract of land upon which provisions are made to accommodate any travel trailer and/or similar temporary dwelling for travel or recreation purposes for short-term occupancy, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such travel trailer camp or park.

USE - the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE - a modification of the regulations of this Chapter granted by the Zoning Hearing Board to the applicant on grounds of practical difficulties or an unnecessary hardship, not self-imposed, pursuant to the provisions of this Chapter and Act 247, Pennsylvania Municipalities Planning Code.

YARD - a required open space, other than a court, unoccupied by a structure, however, fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.

YARD, FRONT - an unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REAR - an unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, SIDE - an unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL) - the agent(s) or official(s) designated by the Township Supervisors to enforce the Official Zoning Ordinance of the Township.

(Ord. 7/8/1978; as amended by Ord. 10-78, 10/7/1978; by Ord. 1-14-98, 1/14/1998, §1; by Ord. 10-10-01, §§1-2; and by Ord. 91102, 9/11/2002, §1)
§201. Official Zoning Map.

1. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in §201 of Ordinance Number of the Township of South Annville, Lebanon County, Pennsylvania, together with the date of the adoption of this Ordinance."

3. If, in accordance with the provisions of this Chapter, and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) (changes) were made in the Official Zoning Map; (brief description of nature of change)." said entry shall be signed by the Chairman of the Board of Supervisors attested by the Township Secretary. No amendment to this Chapter, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

4. 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 Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter and punishable as provided under Part 20.

5. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

(Ord. 7/8/1978, §2.01)

§202. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: "This is to certify that
this Official Zoning Map, was adopted as part of Ordinance No. ____ of the Township of South Annville, Lebanon County, Pennsylvania.”

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

(Ord. 7/8/1978, §2.02)

§203. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Hearing Board shall interpret the District boundaries.

(Ord. 7/8/1978, Art. 3)

§204. Use Districts. For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into seven (7) classes of use districts termed respectively.

- Class A or Agricultural District
- Class RR or Rural Residential District
- Class R-1 or Low Density Residential District
- Class R-2 or Medium Density Residential District
- Class C-1 or General Commercial District
- Class C-2 or Highway Commercial District
- Class I-1 or Industrial District
- Class F or Flood Plain District

(Ord. 7/8/1978, §5.01)
Part 3
Application of District Regulations

§301. Uniformity of Application. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

§302. Compliance Required for Subsequent Changes in Use. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located. (Ord. 7/8/1978, §4.01)

§303. Buildings and Structures. No building or other structure shall hereafter be erected or altered:
1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter. (Ord. 7/8/1978, §4.02)

§304. Required Yards and Spaces Not to be Shared. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. (Ord. 7/8/1978, §4.03)

§305. Lots and Yards Must Meet Minimum Requirements. No yard or lot existing at the time passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter. (Ord. 7/8/1978, §4.04)

§306. Proposed Uses Not Covered. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district. (Ord. 7/8/1978, §4.05)

§307. Future Annexations of Territory. All territory which may hereafter be annexed to the Township shall be considered to be in the agricultural (A) District until otherwise classified. (Ord. 7/8/1978, §4.06)
$401. Intent. The regulations of the Agricultural Districts are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on prime farm land and conversion to nonfarm usage is discouraged. Where designated for nonprime farm land, limited residential, nonresidential and farm-related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting. (Ord. 7/8/1978, §6.01; as amended by Ord. 1-14-98, 1/14/1998, §401)

§402. Permitted Uses.


2. Soil cultivation and crop production, truck farming, nurseries, noncommercial greenhouses, general farms, dairying, breeding of horses, etc., including the nonintensive raising, keeping and breeding of poultry, livestock, etc.

3. Intensive raising, breeding and/or keeping of poultry and livestock, including feedlots, poultry houses, etc., for gainful purposes provided that the following conditions are met:

   A. Feedlots, poultry houses and other buildings, structures, corrals or pens in which poultry or livestock are kept for the above use shall be no closer than one hundred (100) feet to any adjoining lot line or road right-of-way or two hundred (200) feet to any residentially zoned property.

   B. No storage of manure or odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line or road right-of-way or within two hundred (200) feet of any residentially zoned property.

   C. Minimum lot area of ten (10) acres.

   D. Riding academies, boarding stables and kennels provided that no kennel runway or animal exercise pen or corral shall be located within one hundred (100) feet of any lot line or right-of-way line, exclusive of clearly identified bridle paths.

4. Public conservation area and structures for the conservation of open space, water, soil, forest and wildlife resources.

5. Public uses such as park and recreation areas, forest reserves, game refuges and similar nonintensive public uses.


7. Churches and cemeteries.


10. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including the following:

A. Road side stands for the sale of "home-grown" or "home-made" products provided that the following conditions are met:

   (1) At least one-half (¼) of all products sold must be produced on the premises.

   (2) The structure used to display and sell such products shall be located at least forty (40) feet from any road right-of-way line and any property line.

   (3) The structure shall not occupy more than two thousand (2,000) square feet of area.

   (4) All parking for the use shall be off-street. A minimum of three (3) off-street parking spaces shall be provided. Additional off-street parking may be required to adequately handle the parking needs.

B. Home occupations as provided for in §1412 of this Chapter.

C. Accessory uses as provided for in Part 14 of this Chapter.

11. The following special exception uses, upon approval by the Zoning Hearing Board, as provided for in Part 19 of this Chapter.

A. Agriculturally oriented commercial establishments as follows:

   (1) Commercial establishments shall bear relationship to the agricultural district and uses permitted therein (i.e., farm implement dealer, feed mill, etc.).

   (2) On-premises butchering operations, as an accessory use, provided that the following conditions are met:

       (a) Butchering operations shall be conducted only by an immediate member of the family, owning and residing on the property.

       (b) Butchering operations shall be limited to the employ of not more than one (1) assistant.

       (c) Any building(s) or structure(s) which involves this use or in which this use is conducted shall be located at least one hundred (100) feet from any adjoining property line.
(27, §402(11)(A), cont'd)  (27, §402(11)(A), cont'd)

(d) Any remains, entrails, carcass, etc., resulting from this use shall not be stored on the property.

(e) No objectional noise, fumes, odor, dust or electrical interference shall be created through this use.

B. Quarrying, including sandpits, gravel pits, removal of topsoil and landfill and the excavation, extraction or removal of any natural resource from the land or ground for any purpose are permitted subject to the following conditions:

(1) Removal of forests or timber is prohibited without prior approval of the Zoning Hearing Board.

(2) The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

(3) Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees there shall be a substantial fence, approved by the Zoning Hearing Board, with suitable gates where necessary, effectively blocking access to the area in which such extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

(4) That portion of access roads located within one hundred (100) feet of any lot in residential use or lot zoned for residential use shall be provided with a dustless surface. Access roads shall connect to collector or major networks avoiding undue movement through a residential area.

(5) At all stage of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

(6) A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the Zoning Hearing Board. After any such operations, the site shall be made reusable for a use permitted in the zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention of the premises and shall be respread over the premises after the operation is retained, the area shall be brought to final grade by a layer of earth capable of supporting vegetation of at least two (2) feet or to original thickness, whichever is less. Fill shall be suitable material approved by the Zoning Hearing Board.

(Ord. 7/8/1978; as amended by Ord. 1-14-98, 1/14/1998, §402)
§403. General District Requirements. All principal buildings, structures and uses erected or established after the adoption date of this Part shall comply with the following requirements:

A. Existing farms shall be permitted the following number of new lots or principal uses, based upon farm size at the date of adoption of this Part.

<table>
<thead>
<tr>
<th>Size of Farm</th>
<th>Maximum Number of Lots or Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 acres to less than 10 acres</td>
<td>Any number in accordance with §§403(C)(4) and 404.</td>
</tr>
<tr>
<td>10 acres to less than 50 acres</td>
<td>2</td>
</tr>
<tr>
<td>50 acres to less than 100 acres</td>
<td>3</td>
</tr>
<tr>
<td>100 acres to less than 175 acres</td>
<td>4</td>
</tr>
<tr>
<td>175 acres to less than 250 acres</td>
<td>5</td>
</tr>
<tr>
<td>250 acres to less than 400 acres</td>
<td>6</td>
</tr>
<tr>
<td>400 acres or more</td>
<td>7</td>
</tr>
</tbody>
</table>

Existing unsubdivided dwellings and principal, nonresidential uses located on the farm shall not be considered part of the permitted allotment. The maximum permitted number of new lots or uses shall apply whether or not individual lots are subdivided at the time the uses are established. Resubdivision of lots created after the adoption date of this Part shall be subject to the maximum allotment determined for the original farm or property.

B. All applications for building and zoning permits to erect a single-family dwelling or principal, nonresidential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

1. Size, shape and dimensions of the farm, size and location of all existing buildings and size, location and use of all proposed buildings or lots.

2. Lots or uses previously approved under these regulations.

3. Land under active cultivation and land in woodlots or forests.

4. Soil information for the farm, including soil series and soil capability class, subclass and unit as classified within the 1981, Soil Survey of Lebanon County, Pennsylvania, and Agricultural Handbook No. 210 of the United States Department of Agricultural Soil Conservation Service.

5. Notation as to which lot or lots carry with it a right of further subdivision or erection of accessory farm or nonfarm
single-family dwellings or principal nonagricultural buildings, if any such right remains from the quota allocated to the farm. This right of further subdivision or erection of accessory farm or nonfarm single-family dwellings or principal nonagricultural buildings or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:

(1) The least suitable farmland (highest numbered soil capability unit) should be utilized for development, unless the applicant can demonstrate: (a) its suitability for the proposed use or (b) design advantages that support the use of other frontage land (view, location, alignment with farming patterns, proximity to other dwellings, etc.). When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland should be utilized for development.

(2) When a farm is comprised entirely of prime farmland (soil capability classes I and II) then the least suitable or least prime land should be utilized for development.

(3) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near intensive farming operations. Subdivision or development shall not necessitate any new streets, except that one (1) lot or use may be assessed via an unimproved fifty (50) foot right-of-way.

(4) A maximum lot area of two (2) acres for single-family dwellings is established in the district requirement chart in §404. The maximum lot area applies to subdivisions for new dwellings and subdivision of preexisting dwellings, even though the preexisting dwellings do not count in the lot allotment for the farm. The purpose of the maximum lot size is to prevent the creation of large lots which remove excessive amounts of agricultural land from crop production. The two (2) acre maximum lot size shall not apply to (a) lot additions for agricultural purposes and (b) subdivision of existing parcels of ten (10) acres or less in size. The Zoning Hearing Board may grant a special exception to allow the creation of a lot in excess of the two (2) acre maximum lot size if the applicant demonstrates that physical characteristics of the property (excessive slope, drainage problems, soil limitations, flooding, sewage disposal deficiencies, ground water recharge area, property shape, etc.) dictate that lot design exceeding the two (2) acre standard is desirable; or that the lot size will result in consolidation of residual land after other suitable lots have been removed; or that the lot will contain areas which are unsuitable for farming; or that the existing configuration of the tract will result in lot design and layout which would otherwise unavoidably physically isolate the excess land from the remainder of the farm; or that the landowner demonstrates that the lot size must be increased to insure an acceptable level of nitrate-nitrogen in the groundwater in accordance with the regulations of the Pennsylvania Department of Environmental Protection and any approved planning
module for land development. [Ord. 2/12/2003]

(5) Application for the last lot or use permitted within a farm or property shall be accompanied by a proposed deed for the residual farm land or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Part, punishable in accordance with Part 20 of this Chapter.

(Ord. 1-14-98, 1/14/1998, §403; as amended by Ord. 2/12/2003)

§404. Lots and Yards Requirements. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §§402 and 403, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

<table>
<thead>
<tr>
<th>District Requirements</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Lot Area</td>
<td>Max. Lot Area</td>
</tr>
<tr>
<td><strong>Nonresidential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use or Building</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specified in §§402(3) and 402(11)</td>
<td>1 acre</td>
<td>150 feet</td>
</tr>
</tbody>
</table>

*Maximum lot area shall not apply to lot additions for agricultural purposes and permitted uses specified within §§402(3) through 402(11) and §402(13)(B) of this Part.

No building, with the exception of farm structures, shall exceed two and one-half (2½) stories and thirty-five (35) feet in height unless authorized as a special exception.
### District Requirements

<table>
<thead>
<tr>
<th>Use or Building Specified by Special Exception §402 (13) (A) and in §402 (13) (B)</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 acre 1 acre 150 feet 15% 50 feet 20 feet 40 feet 50 feet</td>
<td>1 acre 1 acre 150 feet 15% 100 feet 100 feet 100 feet 100 feet</td>
<td>1 acre 1 acre 150 feet 15% 100 feet 100 feet 100 feet 100 feet</td>
</tr>
</tbody>
</table>

### Residential

<table>
<thead>
<tr>
<th>Single-family detached</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 acre 2 acres 125 feet 20% 50 feet 20 feet 40 feet 50 feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 1-14-98, 1/14/1998, §404)

§405. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 15 of this Chapter. (Ord. 1-14-98, 1/14/1998, §405)
Part 5

RR - Rural Residential Districts

§501. Intent. The regulations of this district are designed to provide for and protect the growing number of single family residences in a predominately wooded, forest area and to protect the inherent rural nature of the area. (Ord. 7/8/1978, §7.01)

§502. Permitted Uses.

1. Single family dwellings, not including single unit mobile homes.
2. Soil cultivation and crop production, truck farming, nurseries, non-commercial greenhouses, general farms, dairying, breeding of horses, etc., including the non-intensive raising, keeping and breeding of poultry livestock, etc.
3. Riding academies, boarding stables, and kennels provided that no kennel runway or animal exercise pen or corral shall be located within one hundred feet (100') of any lot line or right-of-way line, exclusive of clearly identified bridle paths.
4. Public conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources.
5. Public uses such as park and recreation areas, forest reserves, game refuges and similar non-intensive public uses.
7. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including the following:
   A. Home occupations as provided for in §1416 of this Part.
   B. No-impact home-based business as defined in this Chapter. [Ord. 91102]
   C. Accessory uses as provided for in Part 14 of this Part. [Ord. 91102]
8. The following special exception uses, upon approval by the Zoning Hearing Board as provided for in §1902 of this Part and further provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation or design.
   A. Special Exceptions as specified in Part 4, A - Agricultural Districts, of this Part. (Ord. 7/8/1978, §7.02; as amended by Ord. 91102, 9/11/2002, §2)

§503. Lot Area, Building Height, and Yard Requirements.

A. A lot width, lot area, and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit erected or altered for any use permitted in this district. [Ord. 1/17/96]
TABLE OF RR - DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Min. Lot Area (Sq. ft.)</strong></td>
<td><strong>Min. Lot Width</strong></td>
</tr>
<tr>
<td>All Permitted Uses</td>
<td>2 acres</td>
</tr>
<tr>
<td>All Permitted Uses if general landscape has slope in excess of 20%</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

B. A lot width, lot area, and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every non-residential building erected or altered for any use permitted in this district. [Ord. 1/17/96]

TABLE OF RR - DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
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<tr>
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</tr>
</tbody>
</table>

[Ord. 1/17/96]

No building, with the exception of farm structures, shall exceed two and one-half (2½) stories or thirty-five feet (35) in height unless authorized as a special exception. (Ord. 7/8/1978, §7.03; as amended by Ord. 1/17/96)

§504. Minimum Off-Street Parking Requirements. Off-street parking shall be provided for in accordance with Part 15 of this Chapter. (Ord. 7/8/1978, §7.04)

§505. Ecological Safeguards. Applications for development of plots with the general landscape having slopes in excess of twenty percent (20%) shall be accompanied by a soil erosion control plan approved and/or prepared by the Soil Conservation Service. Additionally, such properties shall be limited to the removal of no more than twenty-five percent (25%) of the vegetative cover. (Ord. 7/8/1978, §7.05)
Part 6
R-1 Low Density Residential Districts

§601. Intent. The regulations for these districts are designed to accommodate and encourage harmonious and compatible residential development consistent with the characteristics of the prevailing open environment of the Township. For this purpose, development is restricted to conventional, low density, single family detached dwellings and related land uses. (Ord. 7/8/1978, §8.01)

§602. Permitted Uses.
1. Single family dwellings, not including single unit mobile homes.
2. Churches and similar places of worship.
3. Public and private nurseries, elementary, middle and high schools, institutions of higher education, municipal buildings and structures, public parks and playgrounds, provided that the following conditions are met:
   A. A minimum front yard of one hundred feet (100') shall be maintained from the road right-of-way line. No parking facilities shall be permitted in the required front yard.
4. Necessary public utility structures and buildings.
5. Soil cultivation and crop production, truck farming, gardening, flower and tree nurseries, non-commercial greenhouses, but not including any raising, keeping, and breeding of poultry, bees, and livestock. In no case shall manure, fertilizer or other odor or dust producing substances be stored anywhere within two hundred feet (200') of any adjoining lot line.
6. Non-intensive raising, breeding, or keeping of poultry, bees or livestock (which shall not be construed to include feedlots, poultry houses, etc.) provided that the following conditions are met:
   A. The minimum lot size shall be ten (10) acres.
   B. No building in which livestock, poultry, or bees, other than customary household pets are kept shall be closer than two hundred feet (200') to any adjoining lot line or road right-of-way.
   C. No storage of manure or odor or dust producing substances shall be permitted within two hundred feet (200') of any adjoining lot line or road right-of-way.
7. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:
   A. Home occupations as defined in §1416 of this Chapter.
   B. No-impact home-based business as defined in this Chapter. [Ord. 91102]
   C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]
8. Hospitals, clinics, convalescent homes, animal hospitals and sanitariums provided that the following conditions are met:
A. A minimum front yard of one hundred feet (100') shall be maintained from the road right-of-way line. No parking facilities shall be permitted in the required front yard.

9. The following Special Exception uses, upon approval by the Zoning Hearing Board, as provided for in Part 19 of this Chapter.

A. Public, semi-public or private recreation uses such as golf courses, country clubs, swimming and tennis clubs provided that no principal building or structures or parking area will be located within one hundred feet (100') of any road right-of-way line or lot line and provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, glare, lighting, traffic circulation or design.

(Ord. 7/8/1978, §8.02; as amended by Ord. 91102, 9/11/2002, §3)

§603. Lot Area, Building Height and Yard Requirements. A lot width, lot area and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>Utilities</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Lot Area (Sq.ft.)</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Non-Residential Building</td>
<td>3 acres</td>
<td>250'</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>None</td>
<td>1 acre</td>
</tr>
<tr>
<td></td>
<td>Public</td>
<td>30,000</td>
</tr>
<tr>
<td></td>
<td>Water or</td>
<td>20,000</td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2½) stories or thirty-five feet (35') in height unless authorized as a Special Exception.

(Ord. 7/8/1978, §8.03)

§604. Minimum Off-Street Parking Requirements. Off-street parking shall be provided for in accordance with Part 15 of this Chapter. (Ord. 7/8/1978, §8.04)
$701$. **Intent.** The regulations of the Medium Density Residential Districts are designed to provide for a wider range of medium density housing types where municipal services and commercial facilities are most readily available. (Ord. 7/8/1978, §9.01)

$702$. **Permitted Uses.**

1. All uses permitted in the R-1 Residential Districts subject to the regulations of the R-2 Residential Districts.
2. Two-family residential structures (duplexes).
3. Multiple family and conversion apartment dwellings.
4. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:
   A. Home occupations as defined in §1416 of this Chapter.
   B. No-impact home-based business as defined in this Chapter. [Ord. 91102]
   C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]
5. The following uses are permitted by Special Exception, upon approval by the Zoning Hearing Board, provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design.

$703$. **Lot Area, Building Height, and Yard Requirements.** A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

### TABLE OF R-2 DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Use Utilities</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential Building</td>
<td>Min. Lot Area (Sq. ft.) 3 acres</td>
<td>Min. Lot Width 250'</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Public Utilities</td>
<td>1 acre</td>
<td>125'</td>
</tr>
<tr>
<td>Public Water or Sewer</td>
<td>20,000</td>
<td>100'</td>
</tr>
</tbody>
</table>

Revised 11/12/2003
<table>
<thead>
<tr>
<th>Use</th>
<th>Utilities</th>
<th>Min. Lot Area (Sq.ft.)</th>
<th>Min. Lot Width</th>
<th>Max. Lot Coverage %</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Water &amp; Sewer</td>
<td>10,000</td>
<td>80'</td>
<td>30%</td>
<td>30' 8' 20' 25'</td>
<td></td>
</tr>
<tr>
<td>Semi-Detached</td>
<td>Public Water &amp; Sewer</td>
<td>8,000 60' 30%</td>
<td>30' 10' 25'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Row House</td>
<td>8 units per gross area (max.)</td>
<td>18' 40%</td>
<td>30'</td>
<td>25'</td>
<td></td>
</tr>
<tr>
<td>Apartments</td>
<td>5,000 sq.ft. per unit</td>
<td>40%</td>
<td>30' 20' 40' 30'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*No group of row houses shall consist of more than six (6) units, with no more than three (3) continuous row houses with the same front setback, each variation of the setback being at least four feet (4').

No building shall exceed two and one-half (2½) stories or thirty-five feet (35') in height unless authorized as a Special Exception.

(Ord. 7/8/1978, §9.03)

§704. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 15 of this Chapter. (Ord. 7/8/1978, §9.04)
Part 8

C-1 - General Commercial District

§801. Intent. Within any largely agricultural and residential community there exists a need for certain commercial facilities to fulfill needs of persons living therein. These needs are designed to be met by providing for a commercial district easily accessible to the Township residents. (Ord. 7/8/1978, §10.01)

§802. Permitted Uses.

1. Stores for the retailing of food, clothing, drugs, confectionary, hardware, farm equipment and supplies, sporting goods, household appliances, flowers, etc.

2. Personal service shops including barbers, beauty parlors, tailors, shoe repair, dry cleaning, laundromats, etc.


4. Restaurants, tea rooms, cafes, and other places serving food and drink, but not including drive-in restaurants.

5. Business and professional offices.

6. Automobile dealers, repair shops, auto fillings and service stations, body shops, parts centers, supply centers, and washes.

7. Printing and publishing establishments.

8. Mortuary and undertaking establishments.

9. Shops for contractors, plumbing, heating, printing, upholstering, etc. (Ord. 7/8/1978, §10.02)

§803. Performance Required. All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect on adjacent areas.

Should the Zoning Officer feel there is any possibility of the abovementioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued. (Ord. 7/8/1978, §10.03)

§804. Lot Area, Building Height and Yard Requirements. A lot width, lot area, and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.
### TABLE OF C-1 DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Area Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Front One Total</td>
<td>Rear</td>
</tr>
<tr>
<td>1 acre</td>
<td>200'</td>
</tr>
<tr>
<td>50'</td>
<td>20'</td>
</tr>
<tr>
<td>40'</td>
<td></td>
</tr>
</tbody>
</table>

A. Parking areas may be included in fifty percent (50%) of the required yards of the C-1 Commercial Districts except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

B. Where side or rear yards adjoin any R-1, R-2, or RR Residential Districts, they shall be no less than fifty feet (50') in width, shall not be used for parking and shall be appropriately landscaped and maintained.

C. No building shall exceed two and one-half (2½) stories or thirty-five feet (35') in height unless authorized as a Special Exception by the Zoning Hearing Board.

(Ord. 7/8/1978, §10.04)

### §805. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 15 of this Chapter.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall be not less than six hundred sixty (660) square feet in area with a dimension of twelve feet (12') by fifty-five feet (55') per space with a clearance of not less than fifteen feet (15') in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 7/8/1978, §10.05)
§901. Intent. The regulations of this district are designed to increase the area and accommodate the growing need for commercial districts within the Township. However, since this district is located in a predominantly rural, agricultural area, uses permitted shall be designed and located so as to blend aesthetically with the rural nature of the Township and shall be compatible with those same uses. (Ord. 11/8/1980, §10.01A)

§902. Permitted Uses.
1. All uses permitted in Part 4, A - Agricultural District and subject to the requirements therein.
2. Stores for the retailing of groceries, clothing, drugs, confectionary, hardware, farm equipment and supplies, sporting goods, household appliances, antiques, furniture, flowers, etc.
3. Printing and publishing establishments.
4. Shops for contractors, plumbing, heating, upholstering, etc.
5. Banks, savings and loan, and finance companies. (Ord. 11/8/1980, §10.02A)

§903. Performance Required. The above listed uses (2 through 5) must be non-objectionable in terms of smoke or dust emission, odors, noise and glare, and shall not be injurious or have an adverse effect or adjacent areas. Furthermore, all applications for development shall be submitted to the South Annville Township Planning Commission for their review and approval prior to issuance of a Building and Zoning Permit. Said uses shall be designed so as to continue the rural, agricultural nature of the area. Structures shall, therefore, be appropriately constructed and landscaped.

Should the Planning Commission disapprove said application or should the Zoning Officer feel there is any possibility of an adverse effect to the general health, safety and welfare of local residents, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued. (Ord. 11/8/1980, §10.03A)

§904. Lot Area, Building Height and Yard Requirements. A lot width, lot area and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.
### TABLE OF C-2 DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (Sq.ft.)</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Non-Residential Building</td>
<td>3 acres</td>
</tr>
<tr>
<td>Residential and Agricultural Building</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

A. No building shall exceed two and one-half (2½) stories or thirty-five feet (35') in height, unless authorized as a Special Exception by the Zoning Hearing Board.

(Ord. 11/8/1980, § 10.04A)

§905. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 15 of this Chapter. In addition to the requirements of Part 15, parking areas may be included in seventy percent (70%) of the required yards of the C-2 Commercial District. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall not be less than six hundred and sixty (660) square feet in area with a dimension of twelve (12) by fifty-five feet (55') per space, with a clearance of not less than fifteen feet (15') in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 11/8/1980, § 10.05A)

§906. No Outside Storage. There is to be no outside storage of equipment and/or building materials in this district.

(Ord. 11/8/1980, § 10.06A)
Part 10

I - Industrial Districts

§1001. Intent. This district is designed to promote a compatible combination of light industrial, professional and commercial uses in an environment where such uses can complement each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the permitted, special exception and conditional uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings, larger lots and inoffensive processes characterize such uses. To these ends, the District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment. (Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1002. Permitted Uses. In an (I) Industrial District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to land development plan approval in accordance with the Lebanon County Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Chapter:

A. Offices or office complexes.

B. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices and veterinary clinics.

C. Light manufacturing, fabricating, processing, packaging, compounding or assembling activities conducted within a completely enclosed building not exceeding two hundred fifty thousand (250,000) square feet of floor area.

D. Wholesale, warehousing distribution centers and contractors' supply centers conducted within a completely enclosed building not exceeding one hundred fifty thousand (150,000) square feet of floor area.

E. Medical research laboratories and pharmaceutical facilities.

F. Repair services, such as radio, television and appliance shops.

G. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.

H. Construction vehicles and equipment sales and services.

I. Newspaper and printing establishments.

J. Fitness center, health club, golf driving range and batting cages.

K. Day care centers.

L. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, millinery and dry cleaning and laundry services, upholstery operations and shoe-repair shops.

M. Municipal buildings and facilities.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)
§1003. Special Exception Uses. The following uses and activities are permitted as Special Exceptions, upon approval by the Zoning Hearing Board as provided for in Part 19 of this Chapter:

A. Light manufacturing, fabricating, processing, packaging, compounding or assembling activities requiring a floor area greater than two hundred fifty thousand (250,000) square feet subject to:

(1) The applicant shall provide a detailed description of the proposed use in each of the following topics:

(a) The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

(b) The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

(c) Any environmental impacts that are likely to generated (e.g., odor, noise, smoke, dust, litter, glare, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances including, but not limited to, those required by this Chapter.

(d) The total maximum building area shall not exceed five hundred thousand (500,000) square feet.

B. Restaurants, cafes, delis and other places serving food subject to:

(1) Restaurants, cafes, delis and other places serving food shall be primarily intended to serve the employees, tenants and users of the industrial district.

(2) The primary operation of the facility shall be for food that is served and consumed on the premises where prepared.

(3) Restaurants, cafes, delis and other places serving food shall not include entertainment and or dancing.

(4) No establishment will be permitted which allows or permits patrons to bring their own alcoholic beverages onto the premises for consumption thereon.

C. Automobile recycling and junkyards used for storage, wrecking, and converting used or discarded materials provided that the following conditions are met:

(1) Minimum lot of ten (10) acres.

(2) Such use shall be not closer than one hundred fifty feet (150) feet to any road right-of-way and no less than five hundred (500) feet from any district other than industrial.

(3) Such use shall be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet backed by a solid fence no less than six (6) feet in height.
4. Air fields, strips, or landing facilities and buildings accessory thereto provided that the following conditions are met:

A. Minimum lot area of ten (10) acres.

B. Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within a five hundred (500) foot radius of the runway.

C. Runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any adjoining property line or road right-of-way line.

D. A description of equipment and facilities to be utilized, and a description of overall development plans for the lot shall be made available to the Zoning Hearing Board.

E. The airport approach area shall be defined as an area three hundred (300) feet wide and lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty feet (20) from each end of runway. No building, structure or airport hazard shall exceed one (1) foot in height, for each twenty (20) feet of length of an established airport runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.

F. Any pulsating or flashing lighting is prohibited.

G. Flood lights, sport lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

H. Any radio or electronic device shall be permitted only with approval and license by the Federal Communication Commission.

I. All facilities of this nature shall conform and operate under the standards set by the FAA and the Pennsylvania Aeronautical Commission.

J. The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.

5. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in this Chapter.

6. Adult uses in accordance with the requirements of §1422. [Ord. 91102] (Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3; and by Ord. 91102, 9/11/2002, §5)

§1004. Use Limitations.

1. All uses shall be provided for in accordance with the standards as contained within Part 14, "Supplementary District Regulations."

2. Outdoor storage and display, when accessory to a permitted, special exception or conditional use, shall be regulated as follows:

A. Display areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use, required off-street parking areas, or required front yard.

   (1) Areas used as outdoor display shall be considered as floor area as if the display area is contained within a building. The area
shall be calculated using the perimeter of the entire display area.

B. Outdoor storage of materials is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Chapter.

(1) For the purposes of this Section, outdoor storage shall:
   (a) Be an accessory use to the principal use of the property.
   (b) Include accessory materials including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property.
   (c) Exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property.
   (d) Exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.

(2) The maximum area for outdoor storage shall be one thousand (1000) square feet.

(3) Storage areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use or required off-street parking areas.

3. Parking, Loading or Service Areas. All parking, loading or service areas shall be provided in accordance with Part 15 of this Chapter.

4. Landscaping and Screening. All landscaping and screening shall be installed in accordance with §1418 of this Chapter.

5. Signs. All signs shall be provided in accordance with Part 16 of this Chapter.

6. Illumination. All illumination shall be provided in accordance with the requirements of §1517 and §1518(J) of this Chapter.

7. Performance Standards. All uses shall comply with the performance standards as provided for in §1420 of this Chapter.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1005. Lot Area, Lot Width, and Coverage Requirements.

1. Minimum lot area: One (1) acre.

2. Minimum lot width at the street line: One hundred fifty (150) feet.

3. Minimum landscape area: Thirty (30) percent.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1006. Setback Requirements.

1. Front Yard. Front yard setback distances are determined by the kind of road or highway on which the property fronts as follows:

   A. Existing Perimeter Street. Eighty (80) feet from the street right-of-way line or ninety-five (95) feet from street centerline, whichever is greater.

   B. Internal Collector Street. Seventy (70) feet from the street right-of-way line or eighty-five (85) feet from street centerline,
whichever is greater.

C. **Internal Local Street.** Sixty (60) feet from the right-of-way line or seventy-five (75) feet from the street centerline, whichever is greater.

2. **Side Yard.** A minimum of fifty (50) feet each side.
   
   A. Loading areas, and outdoor display and storage areas shall be set back at least fifteen (15) feet from the side lot lines.

3. **Rear Yard.** A minimum of fifty (50) feet in depth.
   
   A. Loading areas, and outdoor display and storage areas shall be set back at least twenty (20) feet from rear lot line.

4. **Residential Buffer.** No building shall be located nearer than two hundred (200) feet, and no other structure, off-street parking lot, loading area, dumpster or outdoor storage area shall be located nearer than fifty (50) feet, to an existing residential building unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

   (Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1007. Building Height Regulations.

1. The maximum building height shall be three (3) stories or forty (40) feet, which ever is less.

2. The height of a principal building may be increased to a maximum height of seventy-five (75) feet provided the structure is setback a horizontal distance at least equal to its height from any right-of-way or property line.

   (Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1008. Design Features/Bonus Incentives.

To reduce the potential for traffic congestion, the following bonus incentives are available when prescribed design features are provided. These bonus incentives and specified design features are as follows:

<table>
<thead>
<tr>
<th>Design Features</th>
<th>Bonus Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinated vehicular access between two or more adjoining land uses that make use of only one shared access drive onto an adjoining road.</td>
<td>A five (5) percent increase in the maximum permitted lot coverage for each use.</td>
</tr>
<tr>
<td>Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.</td>
<td>Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a fifteen percent (15) reduction in the total number of parking spaces required for all uses.</td>
</tr>
<tr>
<td>Coordinated signage with two or more uses sharing only one free standing sign.</td>
<td>A five (5) percent increase in the maximum permitted lot coverage and a twenty-five percent (25) increase in the maximum permitted size of any attached or freestanding signs.</td>
</tr>
</tbody>
</table>

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)
Part 11
Floodplain Districts

§1101. Intent. These provisions are intended to prevent the creation of health and safety hazards, the needless loss of life or property from possible natural catastrophe and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. Additionally, these regulations are designed to prohibit or restrict construction of any mobile home, permanent building or structure, or uses and activities in any floodplain district in order to minimize future flood damage as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around water courses and induce flooding conditions. (Ord. 91-1109-1, 11/9/1991, §1101)

§1102. Definition of Terms Utilized in Floodplain Districts.

ALLUVIAL SOIL MAPS - soils maps prepared by the United States Department of Agriculture, Soil Conservation Service, which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

APPROXIMATED FLOODPLAIN DISTRICTS (F-1) - the Approximated Floodplain District shall be that floodplain area for which no specific flood profiles have been provided. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17. This elevation information shall be subject to review by the Township and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Resources, a river basin commission, etc.

CONSTRUCTION - the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. For floodplain purposes, "construction" includes structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Township.

DEVELOPMENT - any man-made change to improved or unimproved real estate including, but not limited to, buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

FLOOD - a temporary inundation of water on normally dry land areas.

FLOOD FRINGE (F3) - the portion of the one hundred (100) year floodplain located outside the floodway and for which flood elevations have been determined.

FLOODPLAIN - (1) a relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation.
by water; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

FLOODPLAIN DISTRICTS - the zoning districts that establish the bounds of the one hundred (100) year floodplain as identified by the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the Approximated Floodplain (F-1), Floodway (F-2) and Flood Fringe (F-3) Districts.

FLOODWAY (F-2) - that portion of the one hundred (100) year floodplain, including the channel of a river or other watercourse and adjacent land areas, which are required to carry and discharge the one hundred (100) year flood where the activities permitted elsewhere in the floodplain district will not cumulatively increase the water surface elevation more than one (1) foot at any given point. The detailed study of the regulatory flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain.

ONE HUNDRED (100) YEAR FLOODPLAIN - (1) the relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation on the average of once every one hundred (100) years; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source on the average of once every one hundred (100) years.

REGULATORY FLOOD - the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this Part, the one hundred (100) year flood, as defined by the Federal Insurance Administrator.

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation based upon the information contained in the official Flood Insurance Study.

START OF CONSTRUCTION - the first placement of permanent construction of a structure (other than a mobile 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 mobile home) without a basement or poured footing, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction facilities for servicing the site on which the mobile 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.

SUBSTANTIAL IMPROVEMENT - any reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty (50) percent 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 Part, substantial improvement is considered to have occurred 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 State Inventory of Historic Places.

TOXIC MATERIALS - the following materials and substances which are listed in §38.7 of the Department of Community Affairs Floodplain Management Regulations adopted pursuant to the Pennsylvania Floodplain Management Act (Act 1978-166) have been determined to be dangerous to human life:

A. Acetone.
B. Ammonia.
C. Benzene.
D. Calcium carbide.
E. Carbon disulfide.
F. Celluloid.
G. Chlorine.
H. Hydrochloric acid.
I. Hydrocyanic acid.
J. Magnesium.
K. Nitric acid and oxides of nitrogen.
L. Petroleum products (gasoline, fuel oil, etc.)
M. Phosphorus. N. Potassium.
O. Pesticides, (including insecticides, fungicides, and rodenticides).
P. Sodium.
Q. Sulphur and sulphur products.
R. Radioactive substances, insofar as such substances are not otherwise regulated.

(Ord. 91-1109-1, 11/9/1991, §1102)
§1103. Delineation of Districts.

1. The floodplain districts shall include all areas subject to inundation by flood waters of the regulatory flood. The basis for the delineation of the three (3) floodplain districts (Approximated Floodplain, Floodway and Flood Fringe Districts) shall be the Flood Boundary/Floodway Map (dated December 16, 1980) and the Official Flood Insurance Study prepared by the Flood Insurance Administrator.

2. Three (3) separate districts are necessary to equitably enforce floodplain management controls in the floodplain districts. The Approximated Floodplain District (F-1) shall include all areas of the Township subject to inundation by flood waters of the regulatory flood for which no specific flood profiles have been provided. The actual elevation and extent of the district is to be determined by the regulatory flood elevation. In order to determine the regulatory flood elevation, the following variety of sources of data shall be used.

   A. Alluvial soil maps prepared by the U.S. Soil Conservation Service.
   B. Local data from the 1972 flood.

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

4. The Floodway District (F-2), where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Boundary/Floodway Map. In the Flood Fringe District (F-3), where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe District shall be that area of the one hundred (100) year floodplain not included in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

5. The delineation of the floodplain, Approximated Floodplain, Floodway and Flood Fringe Districts may be revised by the Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps...
of Engineers, river basin commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.

6. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Administrator. Where interpretation is needed concerning the exact location of any boundary of the floodplain districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

(Ord. 91-1109-1, 11/9/1991, §1103)

§1104. District Provisions.

1. All uses, activities, and development occurring within the Approximated Floodplain, or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Part and with all applicable codes and ordinances such as the Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

2. No structure, including mobile homes, or land shall hereinafter be used and no structures, including mobile homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part.

3. All permitted uses shall be regulated by the provisions of the nearest zoning district. Where there happen to be conflicts between the provisions or requirements of the Approximated Floodplain, Floodway or Flood Fringe Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the floodplain districts be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the floodplain districts are located.

A. Approximated Floodplain (F-1) and Floodway (F-2) Districts. In the Approximated Floodplain and Floodway Districts no development, including mobile homes, shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities.

(1) Permitted Uses. In the Approximated Floodplain and Floodway Districts, the following uses and activities are permitted provided that they are in compliance with the provisions of the nearest zoning district, will not result in any increase in the level of the regulatory flood anywhere, are not prohibited by this or any other ordinance and provided that they do not require
structures, mobile homes, fill, vehicles, or parts thereof, storage of materials and equipment, substantial improvements or other development:

(a) Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry and sod farming and wild crop harvesting.

(b) Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as post and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

(c) All uses customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris; impervious parking and loading areas; and airport landing strips.

(d) The following uses and activities are permitted as special exceptions upon approval of the Zoning Hearing Board; provided, that they are in compliance with the provisions of the nearest zoning district, the provisions of the Lebanon County Floodproofing Building Code, will not raise the level of the regulatory flood at all and are not prohibited by any other ordinances:

1) Structures accessory to the uses and activities in subsection (a), above, but shall not be construed to include mobile homes, vehicles or parts thereof.

2) Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar related uses.

3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

4) Extraction of sand, gravel and other materials.

5) Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or, provided that such material and equipment is firmly anchored to prevent
flotation or movement; and/or, can be readily removed from the area within the time available after flood warning.

6) Other similar uses and activities provided they cause no increase in flood height and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building code and all other applicable codes and ordinances.

B. Flood Fringe District (F-3). In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district; provided, that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.

C. Prohibited Uses. In the Floodway (F-2), Flood Fringe (F-3), and Approximated Floodplain Districts (F-1) the following uses and activities are strictly prohibited:

1. Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.
2. Public or private nursing homes.
3. Jails or prisons.
4. Public or private schools or institutions of higher education.
5. New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.
6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply or more than five hundred fifty (550) gallons of such materials or any amount of radioactive substances.
7. Any other use, activity, or development not specifically permitted under the terms of this Part.

(Ord. 91-1109-1, 11/9/1991, §1104)

§1105. Additional Safeguards.

1. No part of any private on-lot sewage disposal system shall be constructed within the floodplain districts.
2. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.
3. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located-near a municipal boundary.
4. Use of fill is prohibited within the Approximated Floodplain and Floodway Districts, unless the property owner or applicant provides a document acceptable by the Zoning Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the regulatory flood at any point. Use of fill in the Flood Fringe District is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

5. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. Also, adjacent communities, the Department of Community Affairs, and the Flood Insurance Administrator must be notified. Additionally, the Township must be assured that the flood carrying capacity of an altered or relocated watercourse is maintained.

6. The placement or replacement of any mobile home in the Floodway (F-2) or Approximated Floodplain (F-1) Districts is prohibited, except in replacement units in existing mobile home parks and existing mobile home subdivisions. Said replacement units shall comply with the special anchoring requirements of §1.5 of the Lebanon County Floodproofing Building Code.

(Ord. 91-1109-1, 11/9/1991, §1105)

§1106. Factors to be Considered by the Zoning Hearing Board When Reviewing Special Exceptions and Variances. In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Part, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other ordinances and shall apply all of the following factors:

A. The danger of life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
I. The relationship of the proposed use or structure to the Comprehensive plan and floodplain management programs of the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

L. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places where appropriate.

M. No variance shall be granted to allow either in whole or in part any prohibited use listed in §1104(3) (C) of this Part.

N. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums.

O. Variances shall not be given in the floodway that result in any increase in flood levels during the one hundred (100) year flood.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

1. Increased insurance premium rates will result.

2. Construction occurring below the one hundred (100) year flood level will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Part.

(Ord. 91-1109-1, 9/11/1991, §1106)

§1107. Nonconformities. A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

1. Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Floodplain (F-1) Districts:

   A. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code; provided, that such measures and elevation techniques do not raise the level of the regulatory flood.

   B. May be expanded or enlarged, but not substantially improved; provided, that said expansion or enlargement (a) does not exceed twenty-five (25) percent of the area of the first floor of the struc-
ture existing at the time of adoption of this Part, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

2. Existing nonconforming structures or uses located in the Flood Fringe (F-3) District:

   A. May be substantially improved, moved, replaced, modified, altered, or repaired; provided, that such work is conducted in full compliance with the provisions of this Part, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.

   B. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Part; and, provided that said enlargement or expansion complies with the above requirements of subsections (a), (b) and (c) of §1107(1)(B).

3. If any nonconforming structure or use, including mobile homes, located in the floodplain districts is demolished, removed or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced or continued except in conformity with the provisions of this Part, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

(Ord. 91-1109-1, 11/9/1991, §1107)

§1108. Lot Area, Yard and Sign Requirements. The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district. (Ord. 91-1109-1, 11/9/1991, §1108)

§1109. Additional Administrative Requirements.

1. To insure that all construction and development within identified floodplain areas will be conducted employing flood damage controls, the Zoning Administrator shall require the following specific information to be included as part of an application for a permit:

   A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

      (1) All such proposals are consistent with the need to minimize flood damage.

      (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

      (3) Adequate drainage is provided to reduce exposure to flood hazard.
B. Such plan shall also include existing and proposed contours and elevations of the grounds, regulatory flood elevations, structure elevation, lowest floor elevation, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures.

C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Part, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

2. Review of Application by County Conservation District. A copy of all plans and application for construction and/or development in the identified floodplain areas to be considered for approval shall be submitted by the applicant to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Administrator for possible incorporation into the proposed plan.

3. Review of Application by Others. A copy of all plans and specifications for construction and/or development in the identified floodplain areas to be considered for approval may be submitted by the applicant at the discretion of the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit.

4. A record of all variances granted, including their jurisdiction, shall be maintained by the Township as well as reported in the annual report to the Flood Insurance Administrator.

§1110. Statement of Disclaimer. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Part shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision made hereunder. (Ord. 91-1109-1, 11/9/1991, §1109)

§1111. Building Permits Required. Building permits shall be required before any proposed construction, substantial improvement, or development is undertaken within any identified flood prone area of the Township. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required State and Federal permits. (Ord. 91-1109-1, 11/9/1991, §1111)
Part 12  
Planned Residential Development

§1201. **Intent.** In order to provide for a wide range of housing types and new design innovations in the field of residential development and at the same time assure the necessary amenities for residential living as provided for in all residential districts, the following section is included to assure the necessary ordinance flexibility for this kind of development. This section shall apply only to the R-1 Residential District. (Ord. 7/6/1978, §13.01)

§1202. **Procedure.**

1. An application for a permit authorizing a modification of the strict requirements of this Chapter for a planned residential development must be made to the Township Supervisors in three (3) copies. This application shall contain the following information:
   A. A legal description of the property under consideration which shall be a minimum of twenty-five (25) acres in area.
   B. A scaled topographic map of the entire parcel with a counter interval of not less than two feet (2').
   C. A site plan showing the location of all existing and proposed buildings and structures, parking lots, buffer strips, plantings, streets, public ways, and curb cuts.
   D. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces with indication of the organization to own and maintain such open space.
   E. A location map showing the location of the site in relation to the surrounding area.
   F. Architectural sketches, at the appropriate scale, showing building height, bulk, interior layout, and proposed use.
   G. A feasible proposal for sanitary sewers and storm water control.
   H. The substance of covenants, grants of easement, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements of grants for public utilities.
   I. The required modifications in the land use regulations otherwise applicable to the subject property.
   J. A schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually until the development is completed and accepted.
2. The Township Supervisors shall refer the application to the Planning Commission and the County Planning Department for study and recommendation. The two (2) agencies shall be required to make comment to the Township Supervisors within forty (40) days or the right to review will be considered forfeited. The Township Supervisors shall hold a public hearing within sixty (60) days after filing of the application for tentative approval following the same procedure for enactment of an amendment to the Zoning Ordinance (See §2002).

3. Within thirty (30) days following the conclusion of the public hearing, the Township Supervisors shall make a written report by certified mail to the applicant. Said report shall:

   A. Grant tentative approval of the development plan as submitted.
   B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
   C. Deny tentative approval of the development plan.

4. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify the Township Supervisors of his refusal to accept all said conditions, in which case the Township Supervisors shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period notify the Township Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all stated conditions, shall stand as granted.

The official written report granting or denying tentative approval shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the report shall be a statement of the respects in which the development plan is or is not in the public interest, including conclusions on the following:

   A. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.
   B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest.
   C. The purpose, location, and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
   D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services; provide adequate control over vehicular traffic; and further the amenities of light and air, recreation and visual enjoyment.
E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

F. The time period within which an application for final approval shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established shall not be less than three (3) months and, in the case of the phased development, not less than twelve (12) months for applications of each part of the plan.

5. The official written report shall be certified by the Secretary of the Township Supervisors and filed in his office. Where tentative approval has been granted, the same shall be noted on the zoning map.

Tentative approval shall not qualify a plat of the planned residential development for recording, development, or the issuance of any building permits, if the time period for submission of final application specified in said written report is being fulfilled. A plan which has received tentative approval shall not be modified, revoked, nor otherwise impaired by action of the Township without the consent of the applicant.

In the event tentative approval was granted, but prior to final approval, an applicant elects to abandon said plan and notifies the Township Supervisors in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to the Zoning Ordinance [this Chapter] as otherwise applicable thereto and the same shall be noted on the zoning map and in the records of the Township.

6. The application for final approval may be for all the land included in the plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township Supervisors within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of a subdivision stated within the Land Subdivision Regulations of Lebanon County. A public hearing on an application for final approval of the development plan or part thereof shall be required, provided the development or part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval.

A. When the final application has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by this Chapter and the official written report of tentative approval, the Township Supervisors, within thirty (30) days of such filing, shall grant final approval to said plan.

B. When the final application contains variations from the plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall within thirty (30) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the
event of such refusal, the applicant may either: refile his application without objected variations or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial. If no action is taken by the applicant, the plan shall be deemed to be abandoned. If a public hearing is requested, it shall be conducted in the manner prescribed in this article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall by official written communication grant or deny final approval of the development plan in such a form and containing the findings required for an application for tentative approval set forth in this Part.

7. A development plan or any part thereof which has received final approval shall be certified by the Township Supervisors and filed within ninety (90) days with the Lebanon County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Township Supervisors shall become null and void. No development shall take place until the plan has been recorded; and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

8. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, the landowner shall so notify the Township Supervisors, in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within twelve (12) months after the final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is re-subdivided and is reclassified by enactment of an amendment of this Chapter.

9. Any decision of the Township Supervisors under this Part granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitation provided for zoning appeals.

(Ord. 7/8/1978, §13.02)

§1203. Planned Development Standards.

1. **Dwelling Units Permitted** - The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and school use from the gross development area and deducting fifteen percent (15%) of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. The Township Supervisors shall determine the appropriate percentage of multi-family dwellings and/or commercial uses permitted in the development depending upon the size of the

-172 -
development and the character of the area in which such development is located; provided, however, that in no case shall more than fifty percent (50%) of the net developable land area be developed into multiple dwellings and no more than six percent (6%) of the net developable land area shall be developed into commercial uses.

2. **Lot Area and Frontage** - The minimum lot area and minimum lot frontage of dwelling lots established within the development shall not be less than one-half (½) of the normal minimum lot area or minimum lot frontage of the district in which the lot is located.

3. **Other Requirements** - All other applicable provisions of this Zoning Chapter such as off-street parking regulations and limitations of signs shall apply to the planned unit development. Layout and improvement of streets and driveways shall conform to the Land Subdivision Regulations of Lebanon County and other regulations pertaining thereto established by the Township Supervisors. (Ord. 7/8/1978, §13.03)
Part 13
Nonconforming Lots
Nonconforming Uses of Land
Nonconforming Structures
Nonconforming Uses of Structures and Premises
and
Nonconforming Characteristics of Use

§1301. Intent.

1. Within the districts established by this Chapter or amendment that may later be adopted, there exist;
   A. lots,
   B. structures,
   C. uses of land and structures, and
   D. characteristics of use,
which were lawful before this Chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these nonconformities to continue until they are removed. It is further the intent of this Chapter that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition to removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. 7/8/1978, §14.01)

§1302. Nonconforming Lots of Record. In any district a permitted building and customary accessory building(s) may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this
Chapter. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the minimum requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If one or more lots are on record in the Office of the Recorder of Deeds of Lebanon County and have been duly approved by the Township Supervisors, they may be developed according to the recorded plan even though said lots may not conform with the minimum requirements for area or width or both that are generally applicable in the district. However, no portion of said lots or parcels shall be used or sold in a manner which further diminishes compliance with lot width and area requirements as established by this Chapter.

(Ord. 7/8/1978, §14.02)

§1303. Nonconforming Uses of Land (or Land With Minor Structures Only). Where at the time of passage of this Chapter, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), the use may be continued so long as it remains otherwise lawful, provided that the following conditions are met:

A. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) continuous days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

B. No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 7/8/1978, §14.03)

§1304. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed in a manner which increases its nonconformity.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 7/8/1978, §14.04)
§1305. Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with replacement cost of one thousand dollars ($1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged or extended, except on contiguous property owned at the time of adoption of this Chapter.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter.

C. Any nonconforming use of a structure, or structure and premises, may as a Special Exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Chapter.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety percent (90%) of the replacement cost at the time of destruction.

(Ord. 7/8/1978, §14.05)

§1306. Repairs and Maintenance. Nothing in this Chapter shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

(Ord. 7/8/1978, §14.06)

§1307. Uses Under Special Exception Provisions not Nonconforming Uses. Any use which is permitted as a Special Exception in a district under the terms of this Chapter (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(Ord. 7/8/1978, §14.07)
Part 14
Supplementary District Regulations

§1401. Visibility at Intersections. On a corner lot in any district, a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

A. Seventy-five feet (75') from the point of intersection of the center line of intersecting streets, except that;

B. Clear sight triangles of one hundred feet (100') shall be provided for all intersections with arterial and major streets as designated in the Township Comprehensive Plan. (Ord. 7/8/1978, §15.01)

§1402. Lots in Two Districts. Where a district boundary line divides a lot in single or joint ownership of a lot of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty feet (30') into the more restricted portion, provided that the lot has frontage on a street in the less restricted district. (Ord. 7/8/1978, §15.02)

§1403. Front Yard Exceptions. When an unimproved lot is situated between two (2) improved lots with front yard setbacks less than those required for the district, the required front yard of the unimproved lot may be reduced to a depth equal to the average of the two, improved, adjoining lots; however, in no case shall a front yard be reduced by more than fifty percent (50%) of the required front yard of the district. (Ord. 7/8/1978, §15.03)

§1404. Foundations. All dwelling units hereafter erected or altered shall have a permanent continuous foundation. The footer shall be installed to a minimum depth of twenty-four inches (24") below ground level. (Ord. 7/8/1978, §15.04)

§1405. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that area, yard, and other requirements of this Chapter shall be met for each structure as though it were on an individual lot. (Ord. 7/8/1978, §15.05)

§1406. Accessory Buildings. No separate accessory building shall be permitted in any front or side yard. In rear yards, they shall not be permitted within five feet (5') of the rear lot line. However, where abutting a public street or alley, a garage shall be no less than fifteen feet (15') from the right-of-way of said street or alley. (Ord. 7/8/1978, §15.06)
§1407. Projections Into Yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Terraces or patios, provided that such terraces or patios are not under roof or otherwise enclosed and not closer than five feet (5') to any adjacent property line.

B. Projecting architectural features - bay windows, cornices, eaves, fireplaces chimneys, window sills, or other architectural features - provided they do not extend more than five feet (5') into any required yard nor closer than five feet (5') to any adjacent property line.

C. Uncovered stairs and landings.

D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five feet (5') into any required yard nor closer than five feet (5') to any adjacent property line.

(Ord. 7/8/1978, §15.07)

§1408. Accessory Uses.

1. Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four inches (24") or more shall be located in a rear yard only. Such pools shall be not less than fifteen feet (15') from side and rear property lines, with a continuous fence not less than three and one-half feet (3'/') in height above the ground level. Such fence shall be equipped with a lockable gate. Any deck, patio or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten feet (10') to the side and rear lot lines.

2. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen feet (15') from side or rear property lines.

3. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five feet (5') of any property line.

4. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(Ord. 7/8/1978, §15.08)

§1409. Exception to Height Regulations. The height limitations of this Part shall not apply to church spires or farm structures when permitted by other provisions of this Part, (i.e. silos, barns, etc.), belfries, cupolas, penthouses, and domes not used for human occupancy nor to chimneys, ventilators skylights, water tanks, bulkheads and similar features, utility poles and standards and necessary mechanical appurtenances usually
carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other government regulations. (Ord. 7/8/1978, §15.09)

§1410. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street approved by the Township Supervisors, and all structures shall be so located on said lot so as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. 7/8/1978, §15.10)

§1411. Parking, Storage, or Use of Major Recreational Equipment. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designated to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot used for residential purposes except in a carport, enclosed building or to the rear of the front yard setback line. Furthermore, such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. (Ord. 7/8/1978, §15.11)

§1412. Parking and Storage of Certain Vehicles. Automotive vehicles of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed structures. (Ord. 7/8/1978, §15.12)

§1413. Corner Lot Restrictions. On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street. When such lot is bounded by a public thoroughfare or private road which is less than twenty feet (20') in width (right-of-way), then those requirements indicated for interior lots shall apply. (Ord. 7/8/1978, §15.13)

§1414. Municipal Uses. In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation uses. (Ord. 7/8/1978, §15.14)

§1415. Public Utilities Exempt. The regulations of this Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ord. 7/8/1978, §15.15)
§1416. Home Occupation Regulations. In any district, a member of the immediate family owning and residing on the premises may use parts of a dwelling for any gainful occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence, and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than signs as are regulated by other South Annville Township Ordinance.

B. Home occupation shall be limited to the employment of not more than one (1) assistant.

C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the area of the first floor of the dwelling nor more than five hundred (500) square feet.

D. All parking shall be off-street and two off-street spaces shall be provided in addition to that required of the residence unit.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

(Ord. 7/8/1978, §15.16)

§1417. Gasoline Pumps and All Other Service Equipment. Gasoline pumps and all other service equipment shall be setback not less than twenty-five feet (25') from any lot line and/or street right-of-way and located in such a manner that vehicles stopped for service will not extend over the property line or right-of-way line. (Ord. 7/8/1978, §15.17)

§1418. Screening and Landscaping Requirements.

1. Yard Ground Cover. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g., grass, ivy, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced.

2. Landscaping Requirements.

A. Any required landscaping (landscaping strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, materials. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping and screening. No less than eighty (80) percent of the required landscaping area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

B. For each seven hundred fifty (750) square feet of required area for landscape strips, one (1) shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (for parking lots), one (1) shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.

-182 - Page Revised 11/12/2003
3. **Screening.** The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.

4. **Selection of Materials.** Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

5. **Landscaping Setbacks.**
   A. All landscaping materials, excluding yard ground covers, shall be set back five (5) feet from any adjoining street right-of-way line.
   B. No shrub nor tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any farm within the (A) Agricultural District.

6. **Landscaping and Screening for Parking Areas.** The following landscaping and screening requirements shall apply to all parking lots:
   A. **Landscape Strip.**
      (1) When a parking lot is located in a yard which abuts a street, a landscape strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscape strip. This strip shall be measured from the street right-of-way line. The strip may be located within any other landscape strip required to be located along a street.

<table>
<thead>
<tr>
<th>Number of Spaces in Parking Lot, Including Joint Facilities</th>
<th>Landscape Strip Width in Feet Measured From Street Right-Of-Way Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Than 100</td>
<td>20</td>
</tr>
<tr>
<td>100 to 250</td>
<td>25</td>
</tr>
<tr>
<td>Over 250</td>
<td>30</td>
</tr>
</tbody>
</table>

   (2) Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of fifteen (15) feet from all property lines. Such setbacks shall be used for landscape strips.
   B. **Interior Landscaping.**
      (1) In any parking lot containing twenty (20) or more parking spaces (except a parking garage), ten (10) percent of the total area of the lot shall be devoted to interior landscaping.
      (2) Such interior landscaping may be used, for example, at the end of parking space rows to help visually define travel lanes through or next to the parking lot.  
      (3) Landscape islands shall be provided to break up rows of parking spaces at least every ten (10) parking spaces.  
      (4) All interior landscaping shall be provided in concrete
curbed islands.

(5) Landscaped areas situated outside the parking lot, such as perimeter or peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

(6) For the purpose of computing the total area of the parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

(7) A combination of trees, shrubs or other approved material shall be provided. Ground cover alone shall not satisfy this landscape requirement.

(8) Shrubbery provided at interior drive intersections shall be maintained at a maximum height of thirty (30) inches.

(9) At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished grade level.

(10) Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 1/2) feet. Wheel stops or curbing shall be provided.

(11) If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

C. Screening.

(1) When a parking lot is located on a property which is within two hundred (200) feet of, and which adjoins land in a residential zone or an existing residential building, the parking lot shall be screened from the adjoining residential property.

§1419. Required Traffic Study Standards.

1. All residential developments or subdivisions containing ten (10) or more dwelling units or residential lots, all non-residential subdivisions containing ten (10) or more lots or units of occupancy and all non-residential developments (with the exception of agricultural development) with buildings containing in excess of six thousand (6,000) square feet of usable space, shall provide studies and reports in accordance with the requirements of this Section. This requirement shall apply to any development that shall exceed any of the above criteria either initially or cumulatively form the effective date of this Section.

2. General. The applicant is responsible for assessing the traffic impacts associated with a proposed development that meets any condition set forth above. The Township or its designee will review the applicant's assessment and supply available data upon request to aid the applicant in preparing the study. The applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the applicant is responsible for ensuring that any submitted development plans meet the minimum State and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft study, the Township or its designee may review the data sources, methods and findings
and provide comments in written form. The applicant shall be responsible for all costs for such review. The applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final study.

3. **Traffic Impact Study Contents.** A traffic impact study prepared for a specific site development proposal shall follow the basic format shown below. Additions or modifications should be made for a specific site, when appropriate. This basic format allows for a comprehensive understanding of the existing site, future conditions without the proposed use and the impacts associated with the proposed development plan. Following is a brief narrative for each section of a traffic impact study.

   A. **Introduction.** This section identifies the land use and transportation setting for the site and its surrounding area.

   1. **Site and Study Area Boundaries.** A brief description of the size of the land parcel, general terrain features, legal right-of-way lines of the highway, and the location within the jurisdiction and the region should be included in this section. In addition, the roadways that afford access to the site and are included in the study area should be identified. The exact limits of the study area should be based on engineering judgment and an understanding of existing traffic conditions at the site. In all instances, however, the study limits must be mutually agreed upon by the developer, its engineer, and the Township.

   2. **Site Description.** This Section should contain a brief narrative that describes the proposed development in terms of its function, size and near and long term growth potential. This description should be supplemented by a sketch which clearly shows the proposed development within the site boundaries, its internal traffic circulation pattern and the location and orientation of its proposed access points.

   3. **Existing and Proposed Site Uses.** The existing and proposed uses of the site should be identified in terms of the various zoning categories in the jurisdiction. In addition, identify the specific use on which the request is made since a number of uses may be permitted under the existing ordinances.

   4. **Existing and Proposed Nearby Uses.** Include a complete description of the existing land uses in the vicinity of the site as well as their current zoning. The applicant should also state the proposed uses for adjacent land, if known. This latter item is especially important where large tracts of underdeveloped land are in the vicinity of the site and within the prescribed study area.

   5. **Existing and Proposed Roadways and Intersections.** Within the study area, describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies.

   B. **Analysis of Existing Conditions.** This section describes the results, as well as the data collection efforts, of the volume/capacity analysis to be completed for the roadways and intersections in the vicinity of the site under existing conditions.

   1. **Daily and Peak Hour(s) Traffic Volumes.** Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways

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2Editor’s Note: Text underlined in Ord. 10-10-01 as enacted.
within the study area. Turning movement and mainline volumes are to be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.

(2) **Volume/Capacity Analyses at Critical Points.** Utilizing techniques described in the Highway Capacity Manual or derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.

(3) **Level of Service at Critical Points.** Based on the results obtained in the previous section, levels of service (A through F) are to be computed and presented. This section should also include a description of typical operating conditions at each level of service.

C. **Analysis of Future Conditions Without Development.** This section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.

(1) **Daily and Peak Hour(s) Traffic Volume.** Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in §1419(3)(B)(1)in terms of locations and times (daily and peak hours).

(2) **Volume/Capacity Analyses at Critical Locations.** Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.

(3) **Levels of Service at Critical Points.** Based on the results obtained in the previous section, determine levels of service (A through F).

D. **Trip Generation.** Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township.

E. **Trip Distribution.** Identify the direction of approach for site generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that the Township can replicate these results.

F. **Traffic Assignment.** Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from §1419(3)(C) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

G. **Analysis of Future Conditions With Development.** This section describes the adequacy of the roadway system to accommodate future traffic with development of the site.

(1) **Daily and Peak Hour(s) Traffic Volumes.** Provide mainline and turning movement volumes for the highway network in the study area as
well as driveways and internal circulation roadways for the appropriate time periods.

(2) **Volume/Capacity Analyses at Critical Points.** Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to §1419(3)(B)(2) and §1419(3)(C)(2).

(3) **Levels of Service at Critical Points.** As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.

(4) **Final Design.** Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.

**H. Recommended Improvements.** In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. The levels of service shall not deteriorate to worse than C if they are currently A or B, must be maintained if they are C, and improved to C if they are D, E, or F. In addition, there shall be no increase in delay if a satisfactory level of service can not be attained. These proposals would not include committed projects by the State and local jurisdictions that were described in §1419(1) and reflected in the analysis contained in §§1419(2) and 1419(3).

(1) **Proposed Recommended Improvements.** Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.

(2) **Volume/Capacity Analyses at Critical Points.** Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.

(3) **Levels of Service at Critical Points.** As a result of the revised volume/capacity analysis presented in the previous section, present levels of service for the highway system with improvements.

**I. Conclusion.** The last section of the report should be a clear concise description of the study findings. This concluding section should serve as an executive summary.

4. **Contribution in Lieu of Preparation of Studies.** If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Board to waive the preparation of such study, provided:

A. The applicant for approval of any residential subdivision or land development shall provide the Township with a certification of the number and type of dwelling units to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

B. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

C. The contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by any Authority for tapping and connection fees and shall be in addition to all other review,
(27, §1419(4)(D), cont'd)

inspection and other fees or charges imposed by the Township and/or any Authority, and all sums otherwise agreed to be paid by the applicant.

D. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.

E. All contributions in lieu of preparations of fees shall be paid prior to approval of the final plan by the Township Supervisors.

F. All developments receiving a modification of preparation of a traffic evaluation study in accordance with this section shall provide, as a minimum, the information required in §1419(3)(D).

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, §5)

§1420. Industrial Performance Standards.

1. Legislative Intent.

A. The Board of Supervisors desires to provide standards for the operation of industrial uses within the Township in order to protect the health, safety and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare, heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. These items can cause a serious danger to the public health and safety if they are not properly handled and limited. For example, excessive noise has been demonstrated to cause hearing loss, and air pollution has been proven to exacerbate respiratory difficulties. The dangers of fire are well known, and the control of substances which create a risk of fire is necessary.

B. The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access control and landscaping and screening requirements. Traffic and access controls will lessen the possibility of vehicular accidents. Landscaping and screening will provide a barrier to the use and discourage trespassing. The limitation of outdoor storage serves a similar purpose.

C. The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions. This will allow police, firefighters and rescue personnel to gain access to the premises in an efficient and safe manner in times of emergency.

2. Enforcement.

A. The industrial performance standards contained in this Part shall be the minimum standards to be met and maintained by all industrial uses within the Township.

B. For the purposes of this section, industrial uses shall be defined as those uses, regardless of location, which are specified as permitted uses or uses by special exception, in the Industrial District established by this Chapter including uses of a similar nature not specifically identified in this Chapter but which would be permitted in an industrial district.

C. Industrial uses existing within the Township on the effective date of this Section which do not currently meet and maintain the standards contained herein shall bring their operations into compliance within six (6) months from the effective date of this Section. It shall be the
responsibility of the owner and/or operator of the industrial use to determine if the industrial use meets and maintains the standards set forth in this Section.

D. The owner and/or operator of any industrial use existing on the effective date of this Section shall have the right to appeal a determination that the industrial use does not meet and maintain the industrial performance standards contained herein to the Zoning Hearing Board in accordance with Part 19 herein.

E. The owner and/or operator of any industrial use may, as a special exception, apply to the Zoning Hearing Board for relief from the requirements of the industrial performance standards contained in this Part.

3. **Exterior Uses and Storage.**

A. For the purposes of this Section, outdoor storage shall:

1. Be an accessory use to the principal use of the property.
2. Include accessory materials including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property.
3. Exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property.
4. Exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.

B. All organic rubbish or storage shall be in airtight, vermin proof containers.

C. All industrial uses, as defined herein and not located within the Industrial District, shall be conducted within completely enclosed buildings.

D. In the Industrial District, and except as herein after provided, any use is permitted either indoors or outdoors but in compliance with the applicable performance standards.

1. All industrial uses, including storage, within 200 feet of a residential district boundary or an existing residential building, shall be conducted within completely enclosed buildings unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

E. Within all other districts, all industrial uses, including storage, within 500 feet of a residential district boundary or an existing residential building, shall be conducted within completely enclosed buildings unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

F. Outdoor storage of materials is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Chapter.

1. The maximum area for outdoor storage shall be one thousand (1000) square feet.
2. Storage areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use or
required off-street parking areas.

4. Certification. All applications for industrial uses must be accompanied by a certification from a registered professional engineer in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the appropriate district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.

5. Noise.

A. Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements are to be made at any point in residential or commercial districts as indicated in Table I following.

B. Impact noise shall be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop forge hammer. Measurements are to be made at any point in residential or commercial districts as indicated in Table I.

C. Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels in a residential district shall be reduced by 5 decibels for impact noises.

D. The following sources of noise are exempt:

   (1) Transportation vehicles not used in the ordinary cause of business and not under the control of the owner, tenant, lessor.
   (2) Occasionally used safety signals, warning devices, and emergency pressure relief valves.
   (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

6. The following Table I describes the maximum sound pressure level permitted from any industrial source and measured in any adjacent residential district or existing residential use or any commercial district lot. All industrial uses shall be limited by the following standards:

**TABLE I**

<table>
<thead>
<tr>
<th>Octave band in cycles</th>
<th>7 a.m. to 7 p.m.</th>
<th>7 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>- 75</td>
<td>74</td>
</tr>
<tr>
<td>75</td>
<td>- 150</td>
<td>59</td>
</tr>
<tr>
<td>150</td>
<td>- 300</td>
<td>52</td>
</tr>
<tr>
<td>300</td>
<td>- 600</td>
<td>46</td>
</tr>
<tr>
<td>600</td>
<td>- 1,200</td>
<td>42</td>
</tr>
<tr>
<td>1200</td>
<td>- 2,400</td>
<td>39</td>
</tr>
<tr>
<td>2400</td>
<td>- 4,800</td>
<td>36</td>
</tr>
<tr>
<td>above</td>
<td>- 4,800</td>
<td>33</td>
</tr>
</tbody>
</table>

For any noise of an impulsive or periodic character the permissible limits...
for each octave band shall be reduced by five (5) decibels.

Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

7. **Vibration.**

A. Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

B. The maximum vibration is given as particular velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

\[
P.V. = 6.28 F \times D
\]

where:
- \( P.V. \) = Particle velocity, inches per second
- \( F \) = Vibration frequency, cycles per second
- \( D \) = Single amplitude displacement of the vibration, inches

C. Table I designates the applicable columns of Table II that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table II. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

<table>
<thead>
<tr>
<th>Use</th>
<th>Adjacent Lot Line</th>
<th>Commercial Dist. Boundaries</th>
<th>Residential Dist. Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Uses</td>
<td>C</td>
<td>B</td>
<td>A</td>
</tr>
</tbody>
</table>

The maximum peak particle velocities that correspond to the above designations are as follows:

<table>
<thead>
<tr>
<th>Vibration</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steady State</td>
<td>0.02</td>
<td>0.05</td>
<td>0.10</td>
</tr>
<tr>
<td>Impact</td>
<td>0.04</td>
<td>0.10</td>
<td>0.20</td>
</tr>
</tbody>
</table>

D. The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. (Particle velocity in inches multiplied by the frequency in cycles per second.)

E. For purposes of this Chapter steady-state vibrations are vibrations, which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses, which do not exceed sixty (60) per minute, shall be considered impact vibrations.

F. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for
residential district boundaries (Column A) shall be reduced to one-half of the indicated values.

8. Dust and Particulates.

A. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity within the boundaries of any lot, shall not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the State of Pennsylvania rules and regulations governing air contamination and air pollution, and, in case of conflict, the most restrictive shall apply.

B. The emission rate of particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous 4 hour period which will result in the highest average emission rate.

C. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

D. Industrial Uses. For all industrial uses, the maximum emission rate of dust and particulate matter from all stacks shall be five-tenths pounds (0.5) per hour per acre of lot area.


A. Emission of oxides of sulfur (as sulfur dioxide) from combustion and other process shall be limited in accordance with the requirement of each district. The oxides of sulfur may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

B. Industrial Uses. For all industrial uses, the maximum emission rate of oxides of sulfur from all stacks shall be five-hundreths (0.05) pounds per hour per acre of lot area.

10. Smoke.

A. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.

B. Industrial Uses. For all industrial uses, the emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.


A. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)," or its equivalent.

B. Industrial Uses. For all industrial uses odorous materials released from any operation or activity shall not exceed the odor threshold concentration at or beyond the property line measured at either ground level or habitable level.


A. The ambient air quality standards for the State of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State of Pennsylvania, the release of such materials shall
be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24 hour sampling period.

B. Industrial Uses. For all industrial uses the release of airborne toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value across lot lines.

A. Activities involving the storage, utilization or manufacture of products which decompose by detonation shall be in accordance with the regulations of each industrial district.

B. Such materials shall include, but are not limited to, all primary explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

C. Industrial Uses. For all industrial uses, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.

A. Industrial Uses. For all industrial uses, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

15. Fire Hazard Liquids and Gases.
A. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this Section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.

B. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table for all industrial uses.

<table>
<thead>
<tr>
<th>LIQUIDS</th>
<th>GASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above Ground, Flash Point, °F</td>
<td>Above Ground</td>
</tr>
<tr>
<td>Less than 70</td>
<td>70° - 200°</td>
</tr>
<tr>
<td>5,000 gal</td>
<td>20,000 gal.</td>
</tr>
<tr>
<td></td>
<td>150,000 SCF*</td>
</tr>
</tbody>
</table>

Page Added 11/12/2003
16. **Glare and Lighting Standards.**

A. **Glare.** Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles when measured within a residential district or at an adjoining residential use.

(1) **Direct Glare.** Direct glare is defined for the purpose of this Chapter as illumination beyond the property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries meeting the standards of subsection (16)(A)(2) below.

(2) **Indirect Glare.** Indirect glare is defined for the purpose of this Chapter as illumination beyond the property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed a maximum of zero point three-tenths (0.3) footcandles and an average of one-tenth (0.1) footcandles. Deliberately induced sky-reflected glare, such as by casting a beam upward for advertising purposes, is prohibited.

B. **Luminaries.** All luminaries for parking areas, walkways, and similar purposes shall be so hooded or shielded so that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. No luminary may be placed more than twenty-five (25) feet above the ground, and the maximum illumination at ground level shall not exceed three (3) footcandles.

17. **Heat.** For the purposes of this Chapter, heat is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change be in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

18. **Radioactive Radiation.** No activities shall be permitted which emit dangerous radioactivity at any point. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Pennsylvania.

19. **Liquid or Solid Waste.** No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with standards approved by the Department of Environmental Protection or any other regulating department or agency including, but not limited to, the South Annville Township Sewer Authority and any other inter-municipal agreements, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to
20. Electromagnetic Radiation. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisor Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: 1) American Institute of Electrical Engineers, 2) Institute of Radio Engineers, and 3) Electronic Industries Association.


A. A written plan of emergency access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement.

B. The owner's plan of action for emergency access to the building shall be submitted to the Township at the time of submission for a permit.

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, §6)

§1421. Commercial Performance Standards.

A. Enforcement of commercial performance standards shall follow the enforcement procedures of §1420(4). Commercial uses shall be defined as those uses regardless of location which are specified as permitted uses, uses by special exception or conditional use in any of the commercial districts of this Chapter including uses of a similar nature not specifically identified in this Chapter but which would be classified as Commercial by the Township Zoning Officer.

B. General Commercial Design Standards.

(1) Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts which shall be clearly marked and designated for such storage.

(2) All multiple use commercial centers under single ownership shall have only one free standing advertising sign. Additional flat wall signs shall be allowed in accordance with the sign regulations of this Chapter.
(27, §1422, cont'd)

(3) To the greatest extent possible commercial buildings shall be designed to have fifty percent (50%) of the minimum required landscape area contained between the street right-of-way line and the building face.

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, §7)

§1422. Adult Uses. Where authorized by special exception, adult uses, including but not limited to adult bookstore, adult movie theater, massage parlor, and adult live entertainment use, shall be subject to the following regulations:

A. Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this Chapter 27.

(1) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult use typically involve insufficient self-regulation to control these secondary effects.

(2) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods.

(3) To not attempt to suppress any activities protected by the free speech protections of the U.S. Constitution, but instead to control secondary effects.

B. No adult use shall be located within: (i) 500 lineal feet of the lot line of any library, public park, existing dwelling, primary or secondary school, place of worship, day care center or child nursery.

C. No adult use shall be located within 1,000 lineal feet of any existing adult use.

D. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines.

E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. The building [shall be windowless or have an opaque covering over all windows or doors of any area in which materials are displayed.

F. No adult use shall be used for any purpose that violates any Federal, State or municipal law.

G. Signs shall comply with all requirements of Part 16 of this Chapter.

H. The adult use shall not include the sale or display of obscene materials, as defined by State law, as may be amended by applicable court decisions.

I. The adult use shall meet all of the following dimensional
requirements:

(1) Minimum lot area: one (1) acre.
(2) Minimum front yard: sixty (60) feet.
(3) Minimum side and rear yards: fifty (50) feet.
(4) Minimum lot width: two hundred fifty (250) feet at the building line.
(5) Maximum building height: thirty-five (35) feet except as provided in Part 14 of this Chapter 27.

J. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

K. Only lawful massages as defined by court decisions shall be performed in a massage parlor.

L. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.

M. Any application for an adult use shall state the names and home addresses of (i) all individuals intended to have more than a five (5%) percent ownership in such use or in a corporation owning such use and (ii) an on-site manager responsible to ensure compliance with this Chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

N. The adult use shall not operate between the hours of 12 midnight and 7 a.m.

O. As specific conditions of approval under this Chapter, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 p.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits enclosed viewing booths, among other matters).

P. No adult use may be changed to a different adult use without obtaining a new special exception approval.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, §6)

§1423. Forestry Activities. In accordance with the requirements of §603(f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal §603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, §7)

§1424. Obscenity. Obscenity shall be prohibited in all zoning districts in the Township.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, §7)
Part 15

Off-Street Parking

§1501. Off-Street Parking Facilities, When Required. Accessory off-street parking facilities, including access driveways, shall be required in accordance with the provisions of this Part as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

A. Whenever a building is constructed or a new use established;
B. Whenever the use of an existing building is changed to a use requiring more parking facilities;
C. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Part.

(Ord. 7/8/1978, §16.01)

§1502. Continuation of Parking Facilities. All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for commercial automobile service or repair and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas established therefor by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant to be filed for record with the Recorder of Deeds of Lebanon County.

(Ord. 7/8/1978, §16.02)

§1503. Standards and Definitions. For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

ACCESSORY PARKING SPACE - an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less than ten feet (10') wide and not less than twenty feet (20') long, exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

FLOOR AREA - the total area all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded), or, where set forth in the schedule in §1504 only the floor area used by a specific use.

SEAT - the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty inches (30") on center.

(Ord. 7/8/1978, §16.03)
§1504. Schedule of Minimum Required Off-Street Parking Spaces.

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INSTITUTIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>1. Civic and educational; primary and secondary school; library places for public assembly</td>
<td>1 space for each employee plus 1 space for each five (5) seats in assembly rooms.</td>
</tr>
<tr>
<td>2. Governmental; municipal building used for administrative functions</td>
<td>1 space for each two hundred (200) square feet of office floor area plus 1 space for each four (4) seats in assembly room.</td>
</tr>
<tr>
<td>3. Place of worship</td>
<td>1 space for each five (5) seats in principal assembly rooms.</td>
</tr>
<tr>
<td>4. Welfare: Hospital</td>
<td>1 space per three (3) beds plus 1 space for each employee on the largest shift.</td>
</tr>
<tr>
<td></td>
<td><strong>Health Center</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Home for the aging; Nursing Home</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Group Foster Home</strong></td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>5. One, two and multi-family</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td><strong>OFFICE BUILDING</strong></td>
<td></td>
</tr>
<tr>
<td>6. Medical and dental offices and clinics</td>
<td>1 space per two hundred (200) square feet of floor area plus 1 space for each doctor and dentist.</td>
</tr>
<tr>
<td>7. Other Offices</td>
<td>1 space per four hundred (400) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.</td>
</tr>
</tbody>
</table>
8. Motel, hotel 1 space per guest room or unit.
9. Mortuary 1 space per thirty (30) square feet of assembly rooms, or 1 space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces.

RETAIL BUSINESS

10. Retail stores, banks, service 1 space per three hundred (300) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.
11. Eating places, bars, taverns 1 space per two hundred (200) square feet of floor area, or 1 space per two (2) seats, whichever requires the greater number of spaces.
12. Club, lodge, or other assembly hall 1 space per four (4) seats in building.

COMMERCIAL BUSINESS

13. Indoor theater 1 space per four (4) seats in building.
14. Dance hall, skating rink, swimming pool 1 space per fifty (50) square feet of area used for dancing, skating, or swimming.
15. Bowling alley Four (4) spaces per bowling lane.
16. Service and storage 1 space for every two (2) employees on the combined employment on the two (2) largest successive shifts.
17. Executive offices, sales 1 space per two hundred (200) square feet of executive and sales office floor area of one and one-half (11-2) spaces per employee, whichever is larger.
18. Service establishments, laboratories, manufacturing plants and other uses provided in the Industrial District [Ord. 10-10-01] One (1) space for every two (2) employees on the two largest shifts or one (1) space per 100 square feet of gross floor area, whichever is greatest. [Ord. 10-10-01]
19. Storage and warehousing [Ord. 10-10-01] One (1) space per employee on the two (2) largest shifts [Ord. 10-10-01]

20. For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above deemed most similar to the proposed use. [Ord. 10-10-01]

(Ord. 7/8/1978, §16.04; as amended by Ord. 10-10-01, 10/10/2001, §§8,9)

§1505. Separate or Combined Use or Facilities. A building containing one (1) use shall provide the off-street parking space as required for the specific use. A building or group of buildings containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of spaces required for each use. (Ord. 7/8/1978, §16.05)

§1506. Parking and Garage Facilities for Residences. Accessory parking facilities shall be located on the same lot as the dwelling served. Each single family, duplex, two-family and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two (2) automobiles for each dwelling on the premises. (Ord. 7/8/1978, §16.06)

§1507. Site Plan Approval.

1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a detailed drawing (site plan), drawn to scale, showing the proposed layout of the parking area. The drawing shall indicate all of the design elements required hereafter.

2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

(Ord. 7/8/1978, §16.07; as amended by Ord. 10-10-01, 10/10/2001, §10)

§1508. Surfacing.

1. All parking lots shall be constructed and maintained with a paved surface of bituminous materials or another dust-free surface approved by the Board.

2. All parking compounds proposed for automobiles shall be paved to meet the following minimum standards:

   A. Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in PENNDOT Specifications, Publication 408, and its latest revisions.

   B. The bituminous surface shall consist of a minimum of two (2) inches of ID-2 binder course and one and one-half (1½) inch ID-2 wearing course. Material shall be equal or superior to current PENNDOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications.

3. Parking compounds proposed for trucks shall require a heavier pavement section. The pavement section for parking compounds for trucks shall be designed for their intended use but in all instances the paving section shall not be less than the design guidelines for the minimum depths of pavement courses, flexible
pavement, collector functional classification, (Table 2.1) as provided in PENNDOT Publication 70, Guidelines For the Design of Local Roads and Streets, as amended. (Ord. 7/8/1978, §16.08; as amended by Ord. 10-10-01, 10/10/2001, §11)

§1509. Separation From Streets and Sidewalks. Parking spaces shall be guarded by curbs or concrete wheel stops which are arranged so that parked cars cannot project into streets, yards, landscaping or sidewalks. (Ord. 7/8/1978, §16.09; as amended by Ord. 10-10-01, 10/10/2001, §11)

§1510. Drainage. Parking lots shall be graded to a minimum slope of one (1) percent and a maximum slopes of five (5) percent. Adequately sized inlets and stormwater management facilities shall be provided to discharge storm water in accordance with the applicable stormwater management regulations. (Ord. 7/8/1978, §16.09; as amended by Ord. 10-10-01, 10/10/2001, §13)

§1511. Parking Space Size. Parking spaces shall be sized as follows:

A. Parallel parking spaces shall be a minimum of twenty-three (23) feet by eight (8) feet.

B. Non-parallel parking spaces shall be a minimum of nineteen (19) feet by nine (9) feet.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §14)

§1512. Handicap Parking Spaces. Handicap parking spaces shall be designed and provided in accordance with the standards of the Americans With Disabilities Act.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §15)

§1513. Parking Spaces and Interior Drives.

1. Interior drives within any commercial or industrial land development shall be designed so as to prevent blockage of vehicles entering or leaving the site.

2. Interior drives between or along rows of parking spaces shall have the following minimum width:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Width of Driveway in Feet One-Way Traffic</th>
<th>Width of Driveway in Feet Two-Way Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 Degrees</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>60 Degrees</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>45 Degrees</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>30 Degrees</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>Parallel</td>
<td>12</td>
<td>24</td>
</tr>
</tbody>
</table>

3. No interior drive shall be less than twelve (12) feet wide for each lane of travel.

4. Not less than a five (5) foot radius shall be provided for horizontal curves in interior drives and parking areas.

5. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of interior drives or
parking facilities.

6. Interior drives shall be clearly marked by adequate painted markings, curbing and signs so that operations of vehicles intending to patronize such parking areas shall not duly impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

7. All parking spaces and interior drives shall be adequately marked and maintained. The lines defining parking spaces shall be a solid white line with at least a four (4) inch width. Painted lines for interior drives and painted arrows shall be provided and maintained to control parking and direct traffic circulation.

8. A sufficient back-up area shall be provided for all dead-end parking areas by extending the interior drive a minimum of ten (10) feet beyond the last parking space(s).

9. For any parking area designed or expanded for over thirty vehicles, permanent curbed raised islands shall be provided to separate parking spaces from access lanes.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §16)

§1514. Off Street Loading Areas.

1. Size; Surfacing. The loading area shall be at least fifteen (15) feet wide and sixty-five (65) feet long. It shall be surfaced and maintained with a bituminous material in accordance with the requirements of this Chapter.

2. Layout. The loading area shall be arranged so that there will be no need for motorists to obstruct or back over any public right-of-way, access drive, or any parking spaces.

3. Location. A ground level loading area may be located in any side or rear yard. Wherever possible, off-street loading facilities shall be located on the face of a building not facing any adjoining residentially zoned land.

4. Spaces Required. Off-street loading spaces must be provided for each building erected, enlarged, or for any change of use in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number Spaces</th>
<th>Unit of Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital or other institution</td>
<td>None</td>
<td>First 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 100,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 sq. ft. (or fraction)</td>
</tr>
<tr>
<td>Hotel</td>
<td>None</td>
<td>First 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 100,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 sq. ft.</td>
</tr>
<tr>
<td>Industry or manufacturing</td>
<td>None</td>
<td>First 2,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>2,000 to 25,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 40,000 sq. ft.</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td>None</td>
<td>Less than 100 dwelling units</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>100 to 300 dwelling units</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 200 dwelling units (or fraction)</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Number Spaces</td>
<td>Unit of Measurement</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Office building, including banks</td>
<td>1.0</td>
<td>First 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>10,000 to 100,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each additional 100,000 sq. ft. (or fraction)</td>
</tr>
<tr>
<td>Retail sales and services, per store</td>
<td>1.0</td>
<td>First 3000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
<td>3,000 to 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 40,000 sq. ft.</td>
</tr>
<tr>
<td>Shopping centers</td>
<td>1.0</td>
<td>2,500 sq. ft. up to 100,000 sq. ft.</td>
</tr>
<tr>
<td>gross lease area</td>
<td>+1.0</td>
<td>Each additional 100,000 sq. ft.</td>
</tr>
<tr>
<td>Theater, auditorium, bowling alley, etc.</td>
<td>1.0</td>
<td>None First 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>3,000 to 10,000 sq. ft.</td>
</tr>
<tr>
<td>Undertaking establishment or funeral parlor</td>
<td>1.0</td>
<td>None First 3,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>3,000 to 5,000</td>
</tr>
<tr>
<td>Wholesale or warehousing, (except Mini-warehousing)</td>
<td>1.0</td>
<td>None First 1,500 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>1,500 to 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each additional 30,000 sq. ft.</td>
</tr>
</tbody>
</table>

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §17)

§1515. Lighting.

Parking areas, loading areas and pedestrian areas shall be lighted to the following standards:

A. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface.

B. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way.

C. Poles for mounting lights shall not exceed twenty-five (25) feet in height.

D. All lighting plans shall be delineated on the plan and shall include photo metrics.

E. Appropriate footer and mounting details shall be included on the plans.

F. Light fixture and pole styles shall be approved by the Township.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §18)

§1516. Access Drive Requirements. Every parking lot shall be connected to a street by means of an access drive. Access drives shall be designed in accordance with the following:

A. Access drives shall be connected to a street of lesser classification when there is more than one street classification involved.

B. The number of access drives intersecting with a street may not exceed two (2) per lot. The Zoning Hearing Board may, by special exception,
grant additional access drive connections where the street frontage is greater than two thousand (2000) feet.

C. Access drives shall be designed so as to prevent blockage of vehicles entering or leaving the site.

D. The edge(s) of all access drives shall be set back the following minimum distances:
   (1) Two hundred (200) feet from any portion of any street intersection.
   (2) Two hundred (200) feet from any other access drive located upon the same lot.
   (3) Fifteen (15) feet from any side or rear property line. However, this setback shall be waived when a shared access/parking area is proposed.

E. A one-hundred (100) foot clear sight triangle shall be provided and maintained at the intersections of all access drive and streets.
   (1) Clear sight triangles shall be indicated on all plans.
   (2) No building, structure, landscaping, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

F. The cartway of all access drives shall be designed and constructed in accordance with the design guidelines for the minimum depths of pavement courses, flexible pavement, collector functional classification, (Table 2.1) as provided in PENNDOT Publication 70, Guidelines for the Design of Local Roads and Streets, as amended.

G. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

<table>
<thead>
<tr>
<th>Number of Lanes</th>
<th>Cartway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three (3) lanes</td>
<td>Thirty -six (36) feet</td>
</tr>
<tr>
<td>Two (2) lanes</td>
<td>Twenty -four (24) feet</td>
</tr>
<tr>
<td>One (1) lane</td>
<td>Twelve (12) feet</td>
</tr>
</tbody>
</table>

H. Parallel parking may be permitted along one side of access drives provided the required width is increased by eight (8) feet.

I. The maximum grade of any access drive shall not exceed four (4) percent within one hundred (100) feet of the centerline of the intersecting street. The maximum grade of access drives shall not exceed ten (10) percent. Vertical and horizontal curves shall be provided as required by the applicable subdivision and land development ordinance.

J. Access drives shall be provided with an unobstructed green area (setback) that is parallel to, and along the entire length of the access drive.
   (1) The width of the green area shall be measured from the edge of paving and be a minimum of fifteen (15) feet in width.
   (2) The green area may be utilized for storm water management facilities, utilities, lighting, landscaping and other compatible uses. In no case shall any building or structure be located within the required green area.

K. Access drives which terminate in a cul-de-sac shall not exceed
one thousand six hundred (1,600) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac to the center of the turnaround area.

L. Access Drive Lighting. Any subdivision or land development plan that proposes an access drive shall provide access drive lighting in accordance with the following:

1. Lighting shall be provided at a minimum average of one-half (½) foot candles at an elevation of three (3) feet above the surface.
2. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises.
3. Poles for mounting lights shall not exceed twenty-five (25) feet in height.
4. All lighting plans shall be delineated on the plan and shall include photo metrics.
5. Appropriate footer and mounting details shall be included on the plans.
6. Light fixture and pole styles shall be approved by the Township.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §19)
Part 16

Signs

A. Definitions

$1601. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PERSON - any natural person, partnership, firm, association, corporation, or other legal entity.

PREMISES - area occupied by a business or other public enterprise. When more than one business occupies a single building on the ground floor, each business area shall be considered a separate premise. A business or other public enterprise which occupies other floors shall be considered separate premises.

SIGN - any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word sign shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this ordinance.

A. Ground-Pole Sign - a sign supported by one or more uprights, poles or braces placed in or upon the ground.

B. Illuminated Sign - a sign that provides artificial light directly, or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

C. Off-Premises Advertising Sign - a sign which contains a message unrelated to a business or profession conducted upon the premises where such sign is located, or which is unrelated to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

D. Permanent Sign - any sign which is not a temporary sign.

E. Projecting Sign - a sign which projects from and is supported by a wall of a building.

F. Roof Sign - any sign erected and maintained upon or above the roof of any building.

G. Temporary Sign - a sign, constructed of cloth, canvas, fabric, wood or other similar material, with or without a structural frame, and intended for a limited period of display.
H. Wall Sign - a sign which is attached directly to or painted upon a building wall, and which does not extend more than eighteen (18) inches therefrom, nor extend above the roof line.

SIGN AREA - area of the smallest triangle, rectangle or circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three-dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle which can totally circumscribe the sign in the plane of its largest dimension.

In this Chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter. (Ord. 8/9/1986)
B. General Regulations

§1621. Signs Permitted in All Districts. Signs listed in this section are permitted in all zones and shall not require licenses or stickers, and they shall not be counted when calculating the number of signs on a premises; provided, such signs conform with the general regulations for signs enumerated in §§1622 to 1627 of this Part:

1. Name and address of resident, but not to include any commercial advertising, of not more than two (2) square feet in a sign area;

2. No trespassing signs or other such signs regulating the use of a property, such as No Hunting, No Fishing, etc. of no more than two (2) square feet in area in residential zones and five (5) square feet in all commercial and industrial zones;

3. Real estate signs not exceeding five (5) square feet in area in residential zones, and twenty-five (25) square feet in all commercial and industrial zones, which advertise the sale, rental, or lease of the premises upon which said signs are located. Such real estate signs shall be removed within ten (10) days after the premises advertised has been sold, rented or leased;

4. Bulletin boards for public, charitable, or religious institutions, when located on the premises thereof, and with a sign area of no more than thirty-six (36) square feet if single-faced, nor more than fifty (50) square feet if double faced, and if used exclusively for noncommercial announcements;

5. Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and playgrounds, and the like;

6. Memorial signs or tablets and signs denoting the date of erection of buildings;

7. Flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization;

8. Temporary signs no larger than thirty-six (36) square feet in area advertising the sale of edible farm products produced on the premises, or advertising auctions, and special events of charitable or public service groups;

9. Permanent residential development signs not exceeding twenty-five (25) square feet in area at major entrances designed to identify a residential subdivision and containing no commercial advertising;

10. Signs identifying places of worship when located on the premises thereof;

11. Signs identifying a golf course or country club, or other recreational facility when located on the premises thereof and containing no commercial advertising.

(Ord. 8/9/1986)

§1622. Signs Prohibited in All Districts. The following signs shall not be permitted, erected, or maintained in any district, notwithstanding
anything else contained in this ordinance or elsewhere. Sign which are prohibited in paragraphs marked with an asterisk(*) shall be removed or brought into conformity with the provisions of this ordinance within ninety (90) days after the ordinance is passed.

1. Signs which incorporate in any manner any flashing or moving illumination or illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or their apparent visible movement achieved by electrical pulsations or by actions of normal wind currents, except when not visible from motor vehicles traveling on public roadways. Hanging signs which simply swing in the wind, clocks, barber poles, and time and temperature signs may be exempted provided they comply with all other provisions of this ordinance.

2. Light sources which cast light on signs shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located.

*3. Any sign or sign structure which constitutes a hazard to public safety or health.

*4. Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, either when driving on a roadway or when entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.

*5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

*6. Signs which make use of words such 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.

*7. Any obsolete sign, which no longer advertises a bona fide business conducted, or a product sold. In any case, ninety (90) days shall be allowed for removal of an obsolete sign.

*8. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body. No sign located on public property or a public right-of-way shall bear any commercial advertising or announcement.

9. Signs painted, on, attached to, or supported by a tree, stone, cliff or other natural object, except signs permitted under section 201(9).

10. String lights, other than temporary holiday decorations, which are unshielded from off the property on which they are located.

11. Searchlights, pennants, spinners, banners and streamers except for occasions such as grand openings and then only with special permission of the Sign Review Board/Sign Inspector/Zoning or Enforcement Officer. Use shall be limited to a fifteen (15) day period.

(Ord. 8/9/1986)
§1623. Limit on Number of Signs per Premises. Notwithstanding anything else in this Part or elsewhere, no more than five (5) signs may be erected or maintained on or off any premises at any one time; except that when a premises is located on a corner lot and has public entrances on two or more public ways, or where a building has both a front and rear public entrance, one (1) additional sign may be erected. In calculating the total number of signs on a premises, both permanent and temporary signs shall be combined in the total. (Ord. 8/9/1986)

§1624. Limit on Height of Signs. No sign, or any part thereof, including braces, supports, or lights shall exceed a height of twenty-five (25) feet. Height shall be measured from grade level directly below the face of the sign to the highest part of the sign. (Ord. 8/9/1986)

§1625. Limit on Sign Area. Notwithstanding anything else in this ordinance or elsewhere, or the total sign area per premises, including both permanent and temporary signs, [sign area] shall not exceed two (2) square feet per lineal front foot of the main building on the premises, except that no premises shall be limited to less than twenty (20) square feet of total sign area. In no case shall the total sign area of all signs on one premises exceed two hundred (200) square feet. Notwithstanding anything else in this Part, the total sign area for a basement premises shall not exceed twenty (20) square feet. (Ord. 8/9/1986)

§1626. Safety and Maintenance.

1. Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in a reasonable and prudent manner. In the absence of an electrical ordinance, the National Electrical Code shall be used as the standard for all wiring systems.

2. All signs and all parts thereof shall be kept in a good state of repair and maintenance. (Ord. 8/9/1986)
C. Specific Kinds of Signs; Signs in Certain Zones

§1631. Projecting Signs. In addition to the general provisions of this Part 16, the following regulations shall apply to all projecting signs:

1. No projecting sign shall project more than five (5) feet beyond the building line in the direction of the street, nor shall any portion of any projecting sign be closer than two (2) feet to the face of the street curb or curb line.

2. No portion of any projecting sign shall be less than ten (10) feet above grade level.

3. No single face of a projecting sign shall exceed fifteen (15) square feet in sign area.

4. No projecting sign shall have a vertical dimension greater than six (6) feet.

5. There shall be no more than one (1) projecting sign for any premises unless the premises is located on a corner lot or has public entrances on two (2) or more public ways, in which case one (1) projecting sign may be erected for and toward each public way.

(Ord. 8/9/1986)

§1632. Wall Signs. In addition to the general provisions of this ordinance, the following regulations shall apply to all wall signs:

1. No wall sign shall extend above the top of the wall upon which it is placed.

2. No wall sign, or any part thereof, shall project more than twelve (12) inches from the wall upon which it is mounted. If external lighting is used, reflectors must be ten (10) feet above the surface of the ground, be equipped with wire mesh guards, and must not extend more than two (2) feet from the wall of the building.

3. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.

(Ord. 8/9/1986)

§1633. Ground-Pole Signs. In addition to the general provisions of this Part, the following regulations shall apply to all ground-pole signs:

1. Every ground-pole sign and all parts, braces, and supports thereof shall be located entirely behind the property line and shall not project over public rights-of-way or other adjoining lands. However, ground-pole signs may be permitted between the property line and the building setback lines.

2. No ground-pole sign shall be larger than thirty-six (36) square feet in sign area on a single sign face, nor larger than fifty (50) square feet of sign area for both faces combined, nor in excess of ten (10) feet in any dimension of the sign face.

3. A premises may erect and maintain one (1) projecting sign or one (1) ground-pole sign, but not both. However, no individual business or
other enterprise within a shopping center may erect or maintain a groundpole sign.

4. No more than one (1) sign shall be mounted to a supporting structure on any ground-pole sign, except for a directional sign permitted in §306.

5. Notwithstanding any other provisions of this Chapter, for any property located on a corner lot or having public entrance to two (2) or more public ways, one (1) ground-pole sign may be erected for and toward each public way.

(Ord. 8/9/1986)

§1634. Roof Signs. In addition to the general provisions of this Part, the following regulations shall apply to all roof signs:

1. When viewed from a distance of fifty (50) feet directly in front of the sign surface, and a point five (5) feet above ground level, a roof sign shall exhibit a background which contains nothing other than a portion of the building which supports the sign.

2. No more than one (1) roof sign may be erected or maintained on a single premises.

(Ord. 8/9/1986)

§1635. Directional Signs. In addition to the general provisions of this Part, the following regulations shall apply to all directional signs:

1. Signs may be erected along major roadways to direct vehicles or pedestrians to premises in locations far removed from or not easily seen from major roadways. Such signs shall be reviewed by the Sign Review Board prior to the issuance of a sign permit by the Zoning or Enforcement Officer.

2. Directional signs shall be ground-pole signs with a maximum area of ten (10) square feet on a single-face or twenty (20) square feet on a double-faced sign, with the exception that bus shelter signs may be thirty-six (36) square feet.

3. The content of directional signs shall be limited to the name of the establishment and direction and distance information.

4. Directional signs shall not be located more than five hundred (500) feet from an entrance or other roadway leading to the advertiser and shall be located either on the same side of the major highway and in advance of such entrance, or along the side of the highway closest to those travelers who are to see the advertisement.

5. No more than two (2) individual signs shall be erected within the permitted area, and those shall all be attached to a single ground support structure. When more than two (2) directional signs are requested at a single location, all information shall be combined in one (1) sign which shall not exceed an area of twenty-five (25) feet for a double-faced sign.

6. The Sign Review Board shall review any applications for directional signs prior to the issuance of a sign permit by the Sign Inspector/ Zoning or Enforcement Officer.
7. The longest dimensions of a dimensional sign shall not exceed two (2) times its shortest dimension and shall exhibit a light background with contrasting dark border.

(Ord. 8/9/1986)

§1636. Professional Occupation Signs. Denoting only the name, office hours, symbol, and/or profession of an occupant, not exceeding two (2) signs per building, the total area for both signs shall not exceed fifty (50) square feet.

(Ord. 8/9/1986)

§1637. Agricultural - Rural Residential District.
1. All signs are prohibited in Agricultural-Rural Residential Districts except those enumerated in §1602 and §1635.

2. Illuminated signs are prohibited in Agricultural-Rural Residential Districts, except for street address signs, signs indicating doctors of medicine, signs indicating churches or other places of worship, and signs necessary for public safety.

3. Regardless of anything else in this Part, no sign which exceeds thirty-six (36) square feet of area on a single-faced, or fifty (50) square feet of area on a double-faced sign may be erected or maintained in an Agricultural-Rural Residential District.

(Ord. 8/9/1986)

§1638. Signs in R-1 and R-2 Districts.
1. All signs are prohibited in R-1 and R-2 Districts except those enumerated as follows:
   A. Signs permitted in Agricultural-Rural Residential Districts, and
   B. Wall signs denoting the name of an apartment building, fraternity or sorority house, boarding or rooming house, tourist home, non-profit club, community or municipal center, funeral home, or any other similar enterprises as are now allowed or may hereafter be allowed in these zones.

2. Illuminated signs are permitted in R-1 and R-2 Districts, except for street signs, signs indicating doctors of medicine, signs indicating churches or other places of worship, and signs necessary for public safety.

3. Sign area restrictions in R-1 and R-2 Districts are the same as in Agricultural and Rural Residential Districts.

(Ord. 8/9/1986)

§1639. Signs in the Commercial and Industrial Districts.
1. The following signs are permitted within the Commercial and Industrial Districts:
   A. Projecting signs in accordance with §1631.
   B. Wall signs in accordance with §1632.

*"donating" in original

*"not" in original

Page Revised 11/12/2003 -197-
C. Ground-pole signs in accordance with §1633.
D. Roof signs in accordance with §1634.

2. Directional signs, as provided by §1635, shall be allowed within the Commercial and Industrial Districts by special exception.

(Ord. 8/9/1986; as amended by Ord. 10-10-01, 10/10/2001, §20)

§1640. Authority for Variances. Variances to this sign ordinance shall be granted by the Zoning Hearing Board in accordance with the provisions of §1903. (Ord. 8/9/1986; as amended by Ord. 10-10-01, 10/10/2001)

§1641. Appeals. The Zoning Hearing Board shall have the power to hear and rule on appeals from the decision of the Zoning Officer. Such appeals must be filed with the Zoning Hearing Board within thirty (30) days of the Zoning Officer's decision. (Ord. 8/9/1986)

§1642. Zoning/Enforcement Officer.

Duties of the Zoning/Enforcement Officer:

A. The Zoning/Enforcement Officer shall examine all applications for permits for erection of signs, issue licenses for new signs and for continued use of signs which conform with the requirements of this Chapter, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs and make required reports.

B. If the Zoning/Enforcement Officer shall find that any sign has been constructed or erected or is being maintained in violation of the provisions of this Chapter, he shall promptly notify the owner or lessor thereof, in writing. If the owner or lessor fails to remove or alter the sign so as to comply with the provisions of this Chapter within thirty (30) days, the Zoning/Enforcement Officer shall cause such sign to be removed or altered in such way as to conform with the provisions of this Chapter. The costs of such removal or alteration shall be borne by the owner or lessor of such sign, and shall be a lien upon the premises.

C. The Zoning/Enforcement Officer shall cause any sign which is an immediate peril to person or property to be removed immediately. The cost of such removal shall be borne by the owner or lessor of such sign, and if removed by South Annville Township, shall be a lien upon the premises.

(Ord. 8/9/1986; as amended by Ord. 10-10-01, 10/10/2001, §21)

§1643. Licenses and Stickers for Permanent Signs.

1. General Provisions for All Permanent Signs.

A. All permanent signs except those enumerated in §1621 must be licensed.

B. Application for a license for a permanent sign shall be made on a form provided by the Zoning/Enforcement Officer.

C. Licenses for permanent signs are valid for as long as they are in compliance with this Part. If any sign is in violation of this Part. (material seems to be missing.)

2. Permits to Build New Permanent Signs, or to Alter or Move Existing Permanent Signs.
A. No permanent sign shall hereafter be erected, structurally altered, or moved until the person proposing to erect, alter, or move such sign shall have obtained a permit therefor from the Zoning/Enforcement Officer. Such permit shall be issued only when the Zoning/Enforcement Officer is satisfied that such sign will, in every respect, comply with all of the applicable provisions of this ordinance. Such permit shall be valid for one hundred and thirty (130) days. The fee for granting such a permit shall be set by South Annville Township.

B. Any person desiring such a permit shall file application therefor upon a form which shall contain or have attached thereto the following information:

1. name, address, and telephone number of applicant;
2. a map, drawn to scale, showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the location of the sign in relation to nearby buildings and thoroughfares;
3. a plan, drawn to scale, showing design of sign, materials used, and method of construction and means of attachment to the building or the ground;
4. name of person, firm, corporation or association erecting, altering, or moving said sign;
5. written consent of the owner of the land on which the sign is to be erected, altered or relocated;
6. any electrical or building permit required and issued for said sign under municipal ordinances; and
7. any other information the Zoning/Enforcement Officer shall require in order to show full compliance with this and all other applicable laws of South Annville Township.

C. After permission to erect, alter, or move a permanent sign has been obtained and said sign has been constructed, painted and placed as specified in the permit application, the owner of the sign shall notify the Zoning/Enforcement Officer who shall inspect the sign. If the sign is as specified in the permit application and does not violate any provision of this or other applicable ordinances, a license shall be issued to the owner, valid for a period of time not less than one (1) year.

3. Licenses for Existing Permanent Signs. All owners of permanent signs in existence at the time of passage of this Part shall make application for a sign license within ninety (90) days of the passage of this Part. After application to license an existing permanent sign has been received, the Zoning/Enforcement Officer shall inspect the sign. If the sign is safe and in good repair and does not violate the provisions of this Part for such existing signs, a license shall be issued to the licensee, valid for the current year; subject, however, to the following provisions:
A. Conforming Signs - All permanent signs which are in existence at the time of passage of this ordinance, and which conform to the provisions of this Part, shall be eligible for a sign license.

B. Nonconforming Signs - All permanent signs which are in existence at the time of passage of this ordinance, but which do not conform to one or more applicable provisions of this ordinance, shall be eligible for a sign license, excepting those signs denoted with an asterisk (*) in §1622. Eligible nonconforming signs may be relicensed for two (2) three (3) year periods, or a total of nine (9) years. At the end of that time, the nonconforming sign must be removed; with the exception that any existing nonconforming Billboards that are in existence at the enactment of this ordinance may be relicensed every two (2) years until such time as there is a further resolution by South Annville Township prohibiting said relicensing. However, said nonconforming Billboard relicensing must comply with the rest of the provisions of this §1643.

(Ord. 8/9/1986)

§1644. Licenses for Temporary Signs.

1. All temporary signs as they are defined in this Part 16, are pegitted providing size, content, and location of the temporary sign remain within the overall restrictions of this ordinance, and said temporary signs are not erected or maintained for more than thirty (30) days.

2. No licenses are needed for temporary signs providing that they comply with all other provisions of this §1644.

3. Nonconforming temporary signs shall not be permitted, and the Zoning/Enforcement Officer may cause any such nonconforming temporary sign to be removed without notice.

(Ord. 8/9/1986)

§1645. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars ($300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 8/9/1986)
§1701. Administration and Enforcement. An administrative official designated by the Township Supervisors shall administer and enforce this Chapter. He may be provided with the assistance of such other person as the Township Supervisors may direct.

If the administrative official shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions. (Ord. 7/8/1978, §17.01)

§1702. Building Permits Required. No building or other structure shall be erected, constructed, moved, added to, altered, nor the use therein changed without a permit therefor issued by the administrative official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, Special Exception, or variance as provided by this Chapter. (Ord. 7/8/1978, §17.02)

§1703. Application for Zoning Permit.

1. Application for Zoning Permit. The application for a zoning permit shall be submitted in such form as the Zoning Administrator may prescribe by the owner or lessee of any building, structure or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the applicant shall demonstrate that the application has authorization from the owner or lessee to make such application. The full name and address of the applicant and the landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and addresses of the officers of the corporation shall be included on the application. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the property.

2. Description of the Work. The application shall contain a description of the proposed work and/or use and occupancy of the building, structure and/or land and any other information required by the Zoning Administrator to determine compliance with this Chapter and other applicable Township and County ordinances, statutes and regulations. The application shall be accompanied by plans in a form acceptable to the Zoning Administrator, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, parking areas, and other pertinent information. The
application shall be accompanied by all required fees as established by the Board of Supervisors by ordinance or resolution.

3. **Approval or Disapproval of Application.** Upon receipt of the application, the Zoning Administrator shall examine the application and supporting information to determine compliance with this Chapter and other applicable Township and County ordinances, statutes and regulations. The Zoning Administrator shall determine if subdivision and/or land development approval has been obtained, if State sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Administrator with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit under the Township Driveway Ordinance or a PENNDOT Highway Occupancy Permit has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Administrator shall mark the application as either approved or disapproved. The Zoning Administrator shall retain a copy of the application for the Township files. If disapproved, the Zoning Administrator shall forward a statement to the application explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board.

4. **Issuance and Posting of Permits.** Upon approval of the application by the Zoning Administrator, the Zoning Administrator shall issue a zoning permit and a placard which placard shall be visibly posted on the site of operations during the entire time of construction.

(Ord. 7/8/1978, §17.03; as amended by Ord. 10-10-01, 10/10/2001, §22)

§1704. **Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses.**

1. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Zoning Compliance has been issued by the administrative official stating that the proposed use of the building or land conforms to this Chapter.

2. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the administrative official. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Chapter. Upon enactment or amendment of this Chapter, owners or occupants of nonconforming uses or structures shall apply for Certificates of Zoning Compliance.

3. No permits for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.

4. A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary Certificate may include such conditions and safeguards as will protect the safety of the occupants and public.

5. The administrative official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person.
6. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Chapter and punishable under §2005 of this Chapter.

(Ord. 7/8/1978, §17.04)

§1705. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of this Chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Chapter. If such uses are of such a nature and are so located that, at the time of petition of Special Exception they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or

B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Zoning Hearing Board may, subject to all regulations for the issuance of Special Exceptions elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

(Ord. 7/8/1978, §17.05)

§1706. Expiration of Building Permit.

1. If the work described in any building permit has not begun within ninety (90) days from the issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice that future work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

(Ord. 7/8/1978, §17.06)

§1707. Construction and Use to be Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approval plans and applications. No changes of any kind shall be made to the application, permit or any of the plans submitted with the application without the written approval of the Zoning Officer. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Chapter and punishable as provided by §2005 hereof. (Ord. 7/8/1978, §17.07)
$1801. Establishment And Membership.

1. There shall be a Zoning Hearing Board which shall consist of three members who shall be appointed by the Board of Supervisors.

2. Membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received a fifteen (15) day 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. The Board of Supervisors may appoint by resolution at least one but no more than three (3) residents of the municipality to serve as alternate members of the Board. The terms of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1802, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to §1803 unless designated as a voting alternate member pursuant to §1802 of this Chapter.

$1802. Organization.

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 the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §2204. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)
§1803. Expenditures For Services.

1. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

2. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing 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 Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to §1802. In no case shall the compensation paid to members of the Board or any alternate members exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

(Ord. 7/6/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)

§1804. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act of July 3, 1968, as amended and reenacted, as well as the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. All persons who wish to be considered parties to a hearing shall enter their appearance on forms provided by the Zoning Hearing Board.

C. Every person who requests a hearing before the Zoning Hearing Board shall submit a fully completed application to the Zoning Officer or the Zoning Hearing Board on the form prescribed by the Zoning Hearing Board. The Zoning Officer shall reject all incomplete applications. The date of an Applicant's request shall be the date when a fully completed Application accompanied by the appropriate fee is submitted to and received by the Zoning Officer.

D. All requests for a continuance of a scheduled hearing shall be submitted in writing with the reasons therefor and shall contain a statement that the Applicant agrees to an extension of time period, within which the Zoning Hearing Board is required to hold a hearing or to render a written decision. No more than two (2) continuances shall be permitted unless the party requesting the continuance pays the fee prescribed by the Board of Supervisors pursuant to resolution.

E. The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board.
cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the costs.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)

§1805. Effect of Zoning Hearing Board's Decision. The following time requirements and conditions shall apply to approvals granted by the Zoning Hearing Board:

A. Permit Period.

(1) The applicant or appellant shall secure all necessary zoning and building permits within two (2) years after the approval date of the variance, special exception, or other action of approval by the Zoning Hearing Board.

(2) The Zoning Hearing Board may grant an extension of the two (2) year permit period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.

(3) Should the applicant or appellant fail to obtain all necessary zoning permits within the time limitations of this Section, it shall be conclusively presumed that the applicant or appellant has waived, withdrawn, or abandoned the appeal or application, and all provisions, variances, special exceptions and Zoning Permits granted shall be deemed automatically rescinded by the Zoning Hearing Board.

B. Construction Period.

(1) The applicant or appellant shall complete the building, alteration, or use within two (2) years after a Zoning Permit has been issued.

(2) The Zoning Hearing Board may grant an extension of the two (2) year construction period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.

(3) Should the applicant or appellant fail to complete such construction, alteration, or use within the time limitations of this Section, the Zoning Hearing Board may rescind or revoke the granted variance, special exception, or Zoning Permit. The Zoning Officer shall provide the applicant or appellant with a written notice at least ten (10) days prior to such decision of the Zoning Hearing Board. The decision to rescind or revoke such approvals shall be based on one or more of the following findings of the Zoning Hearing Board:

(a) That there is no good cause for the failure to complete such construction, alteration, or use within the required time.

(b) That conditions have so changed since the approval of the Zoning Permit that revocation of the action is justified.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)
Part 19
Zoning Hearing Board; Powers and Duties

§1901. Appeals from the Zoning Officer.
1. The Zoning Hearing Board shall hear and decide the following appeals:

   A. Appeals in which it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

   B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

   C. Appeals from the Zoning Officer's determination of a preliminary opinion pursuant to Article IX, Section 916.2 of the Pennsylvania Municipalities Planning Code;

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1902. Substantive Challenges to the Validity of the Zoning Ordinance.
The Zoning Hearing Board shall hear substantive challenges to the validity of the Zoning Ordinance, except those brought before the Board of Supervisors.

A. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Zoning Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the applicant and shall also consider;

   (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools 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 the Zoning Ordinance or map;

   (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

   (4) The impact of the proposed use on the site'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; and

   (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Board fails to act on the applicant's request within this time limit, a denial of the request is deemed to have occurred on the
forty-sixth (46th) day after the close of the last hearing.

C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the applicant requests or consents to an extension of time.

D. Public notice of the hearing shall be provided as specified in §1804(1) of this Chapter.

E. Challenges to the validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges, shall be raised by an appeal taken within thirty (30) days after the effective day of the Ordinance.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1903. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance upon a finding that the applicable provisions of the Pennsylvania Municipalities Planning Code regarding the granting of variances have been met by the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Chapter.

2. All applicants for a variance shall submit the following:
   A. Statement describing the proposed use.
   B. A location map showing the entire tract and its relation to the surrounding area drawn at a scale of one thousand (1,000) feet to the inch.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1904. Special Exceptions.

1. General. Special exceptions are deemed to be uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Part, in addition to all other requirements of this Chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Chapter. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and insure compliance with the MPC and this Chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

2. Plan Required. The applicant shall submit a site plan, the number of copies of which shall be established by the Board, at a sufficient scale and at a sufficient level of detail to demonstrate compliance with all applicable requirements drawn to a scale of not more than one hundred (100) feet to the inch and which shall include all of the following:
   A. The location of all existing floodplains, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts, and other significant natural features on the tract and within two hundred (200) feet of the tract.
   B. The location of all streets, adjoining tracts, and buildings
within two hundred (200) feet of the tract.

C. The location of all proposed land uses including residential uses by types.

D. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of each type of dwelling unit.

E. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.

F. The location, size (numbers shown), 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.

G. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.

H. The location and dimensions of sidewalks and all other common areas.

I. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

J. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.

K. Site contours at two (2) foot intervals.

L. All proposed site grading and drainage provisions and proposals. Zoning districts and applicable area, bulk, and yard requirements. Certification by the person who prepared the site plan.

M. Zoning districts and applicable area, bulk, and yard requirements.

N. Certification by the person who prepared the site plan.

O. Certification of ownership and acknowledgment of plans signed by owner and developer.

2. **General Standards.** In order for the Zoning Hearing Board to grant a special exception, the applicant shall demonstrate all of the following. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the Section which gives the applicant the right to seek the special exception.

B. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. The applicant shall have similar responsibilities with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.

C. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this Chapter and any other governing law.
D. The applicant shall establish by credible evidence that the proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.

E. The applicant shall establish by credible evidence that adequate public facilities are available and existing to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).

F. For development within the Floodplain Districts, the applicant shall establish by credible evidence that the application complied with those requirements listed in Chapter 8 of the Code of Ordinances and the necessity of the development to be located in the floodplain.

G. The applicant shall establish by credible evidence that the proposed use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

H. For all lands located in the Agricultural District or adjacent to the Agricultural District, the applicant shall establish by credible evidence that the proposed use of the site or development shall not be inconsistent with or frustrate the legislative intent of the Agricultural District.

I. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

J. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the special exception application is adequately safeguarded.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1905. Appeals Regarding the Floodplain Zone. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone. (Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1906. Appeals Regarding Development Rights and Density. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance. (Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1907. Appeals Regarding Sedimentation and Erosion Control andStorm Water Management. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Pennsylvania Municipalities Planning Code.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1908. Appeals from a Notice of Violation Issued under Part 17 of this Chapter. (Ord. 7/8/1978, Art. 19; as added by Ord. 10-10-01, 10/10/2001, §24)

§1909. Parties Appellant Before Zoning Hearing Board.
1. Appeals and proceedings to challenge any provision under this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, by any officer or agency of the Township, or any person aggrieved. Requests for a variance and for a special exception under this Chapter may be filed with the Zoning Hearing Board by any landowner. An appeal or request shall state:

A. The name and address of the applicant.
B. The name and address of the owner of the real estate to be affected by the proposed special exception, or variance.
C. A brief description and location of the real estate to be affected by such proposed change.
D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereon.
E. A statement of the section of this Ordinance under which the variance, or special exception is requested, may be allowed, and reasons why it should be granted.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1910. Time Limitations. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1911. Stay Of Proceedings. Upon the filing of any proceeding referred to in this Part and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Hearing Board determines there are facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed, otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board, by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)
Part 20
Administrative Matters

1. The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Township Supervisors.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or application of appeal. (Ord. 7/8/1978, Art. 22)

1. The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed provided, however, that no such action may be taken until after a public hearing in relation thereto by the Township Supervisors, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Township at least once in each of two (2) successive weeks.

2. If the amendment is initiated by any party other than the municipal planning agency or county planning agency, the governing body shall submit each amendment to the municipal planning agency and/or county planning agency at least thirty (30) days prior to the hearing on such proposed amendment to provide these agencies with an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. (Ord. 7/8/1978, Art. 23)

§2003. Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. (Ord. 7/8/1978, Art. 24)

§2004. Complaints Regarding Violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis
thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter. (Ord. 7/8/1978, Art. 25)

§2005. Violations. The construction, alteration, maintenance or use of any structure, building, sign, land, or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Chapter; or the use of property for a use different from that set forth in any zoning or certificate of zoning compliance which has been granted for the property without applying for and being granted a permit and certificate of zoning compliance for such new or different use; or the excavation, grading of or earth-moving activities on any property in preparation for the erection of a structure or change in use of a property without first obtaining a permit; or the failure to comply with any other provision of this Chapter; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance or conditional use is granted by such court are hereby declared to be violations of this Chapter. The owner or tenant of any land or structure or parts thereof and any architect, builder, contractor, agent or other person who commits, assists in or maintains a violation shall also be considered to have violated this Chapter and shall be subject to penalties and remedies for such violation.


§2006. Enforcement Notice. If it appears to the Zoning Administrator that a violation of this Chapter shall exist, the Zoning Administrator shall send an enforcement notice to the owner of record 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, to any other person requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within thirty (30) days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this Chapter. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

§2007. Enforcement Action. If the enforcement notice is not complied with promptly, the Zoning Administrator shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this Chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning
Administrator or Township Solicitor to institute a civil enforcement proceeding before a district justice. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

§2008. Penalties. Any person who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred ($500.00) Dollars plus all court costs, including the reasonable attorneys' 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 a district justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this Chapter shall be paid over to the Township for the general use of the Township. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

§2009. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy or certificates of use issued under this Chapter; or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors, then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

§2010. Separability Clause. Should any Section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 7/8/1978, Art. 27; as amended by Ord. 91102, 9/11/2002, §8)

§2011. Repeal of Conflicting Ordinances; Effective Date. All ordinances or parts of ordinances in conflict with this Zoning Chapter, or inconsistent with the provisions of this Chapter, are here repealed to the extent necessary to give the Chapter full force and effect. This Chapter shall become effective on July 13, 1978. (Ord. 7/8/1978, Art. 28; as amended by Ord. 91102, 9/11/2002, §8)