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PART 1

TITLE, APPLICATION AND PURPOSE

§27-101. Title and Short Title.

1. Title. An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings and other structures, the height, number of stories and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations in Union Township, Lebanon County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

2. Short Title. This Chapter shall be known as, and may be cited as, the “Union Township Zoning Ordinance of 1988.”

(Ord. 39, 11/9/1988, §101)


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:

A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

(1) To exceed the height or bulk.

(2) To accommodate or house a greater number of families.

(3) To occupy a greater percentage of lot area.

(4) To have narrower or small 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.

C. No part of a yard, or other open space, or off-street parking or loading 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.

D. No yard or lot existing at the time of 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 within their respective zoning districts established by this Chapter.

E. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination, as an administrative review, 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.

F. All territory which may hereafter be annexed to the Township shall be considered to be in the Open Space - Timberland Conservation (OSTC) District until otherwise classified.

(Ord. 39, 11/9/1988, §102; as amended by Ord. 86, 11/14/2001)

§27-103. Purpose: Statement of Community Development Objectives.

This Chapter, including the provisions, requirements and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the comprehensive plan of the Township, and is intended to promote public health, safety, morals and the general welfare by achieving, among others, the following purposes and objectives for development:

A. Lessen congestion on the roads and highways.
B. Secure safety from fire, panic and other dangers.
C. Provide adequate areas for vehicle parking and loading space.
D. Provide adequate light and pollution free air.
E. Promote health and the general welfare.
F. Avoid undue congestion of population.
G. Encourage the most appropriate use of land.
H. Facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public improvements.
I. Conserve the value of land and buildings.

J. Encourage the harmonious and orderly development of land.

(Ord. 39, 11/9/1988, §103)

§27-104. Minimum Standards.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and/or general welfare of the residents and inhabitants of the Township.

(Ord. 39, 11/9/1988, §104)

§27-105. Community Development Objectives.

1. This Chapter was prepared with careful consideration being given to, among other things, the character of various areas within the Township and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.

2. The basis for this Chapter is the comprehensive plan, as adopted by the Board of Supervisors. This comprehensive plan enumerates, in detail, the locally desired development goals and objectives which this Chapter seeks to accomplish.

(Ord. 39, 11/9/1988, §105)
PART 2
DEFINITIONS

§27-201. Definitions.

For the purpose of this Chapter, certain terms, phrases and words are defined as follows:

A. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular.

B. General Terms. The word “shall” or “must” is always mandatory; the word “may” is permissive, the words “used for” includes “designed for,” “arranged for,” “intended for,” “maintained for,” or “occupied for.” The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof”. The word “person” includes “individual,” “profit or nonprofit organization,” “partnership,” “company,” “unincorporated association,” “corporation” or other similar entities.

C. Terms, Phrases, and Words Not Defined. When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

D. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY BUILDING - a subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building.

ACCESSORY USE - a use customarily incidental and subordinate to, and located on the same lot occupied by the principal use to which it relates.

ADVERTISING SIGNS - see “signs, advertising.”

AGRICULTURE - the cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nursery, horticulture, forestry and animal husbandry.

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

ALTERATION - any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof,
whether by extension on any side or by an increase in height or the moving of such building from one location or position to another.

ANIMAL HUSBANDRY - the raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

ANIMAL HUSBANDRY, INTENSIVE -

(a) An operation defined as a concentrated animal operation (CAO) under the Pennsylvania Nutrient Management Act, Act 6, as amended, 3 P.S. §1701 et seq.

(b) An operation which exceeds 100 animal equivalent units as animal equivalent units are calculated and defined under the Pennsylvania Nutrient Act, Act 6, as amended, 3 P.S. §1701 et seq.

(c) For purposes of this definition, the Zoning Officer shall refer to the regulations promulgated pursuant to Act 6 for the necessary calculations.

[Ord. 75]

ANIMAL HUSBANDRY, NONINTENSIVE - the practice of raising, breeding or keeping of livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations and similar uses satisfying the above criteria.

APARTMENT HOUSE - see “dwelling, multifamily.”

AREA - the extent of surface contained within the boundaries or extremities of land.

ATTACHED BUILDING - see “building, attached.”

ATTIC - that part of a building which is immediately below and wholly or partly within the roof framing.

BASEMENT - a story partly below the finished grade but having ½ or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BILLBOARD - see “sign.”
**BLOCK** - a tract of land or a lot or group of lots, bounded by streets, public parks, railroad right-of-way, water courses or bodies of water, boundary lines of the Township or by any combination of the above.

**BLOCK OR LOT FRONTAGE** - that portion of a block or lot which fronts on a single street.

**BOARD OR ZONING HEARING BOARD** - the Zoning Hearing Board of Union Township, Lebanon County, Pennsylvania.

**BUILDING** - any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind. A multifamily building divided by unpierced masonry division walls extending from the ground to the underside of the roof shall not be deemed to be more than one building for the purpose of this Chapter.

**BUILDING, ATTACHED** - a building which has two or more walls or portions thereof in common with an adjacent building.

**BUILDING COVERAGE** - the percentage which when multiplied by the lot area will determine the permitted building area for all roofed structures and buildings, including all accessory structures and buildings.

**BUILDINGS, DETACHED** - a building surrounded by open space on all four sides within the same lot.

**BUILDING LENGTH** - the longest horizontal distance of any building measured from exterior face to exterior face of walls.

**BUILDING LINE** or **BUILDING SETBACK LINE** - a fixed line, within a property, defining the minimum distance between any building or structure or portion thereof to be erected or altered and an adjacent right-of-way or street line. Such line shall be measured at right angles from the street right-of-way line and shall be parallel to said right-of-way line at such a distance therefrom as required herein for the minimum front yard dimension in the particular zoning district.

**BUILDING, SEMIDETACHED** - a building which has one wall or portion thereof in common with an adjacent building.

**BULK** - a term used to describe the size, volume, area or shape of buildings or other 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 - a roofed-over structure open on two or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

CELLAR - a story partly below the finished grade, having more than \( \frac{1}{2} \) or more of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

CERTIFICATE OF USE AND OCCUPANCY - a statement, based on an inspection, signed by the Zoning Administration Officer, setting forth that a building, structure, sign and/or land complies with this Chapter, and/or that a building, structure, sign and/or land may be lawfully employed for specific uses, or both, as set forth therein.

CO-LOCATION - the act of placing two or more antennas on one communication tower or other structure. [Ord. 81]

COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas. [Ord. 81]

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet. [Ord. 81]

COMMUNICATIONS TOWER - a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. [Ord. 81]

CONSTRUCTION - the building, reconstruction, demolition activities for reconstructions, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing and fastening of construction materials in a permanent position. Earth moving activities shall not be deemed construction.

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

DETACHED BUILDING - see "building, detached."
DENSITY - the total member of dwelling units per acre, computed by dividing the total number proposed by the total number of acres to be developed.

DWELLING - a building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term “dwelling” shall not be deemed to include hotel, motel, rooming house or tourist home, but shall include mobile homes.

(a) SINGLE-FAMILY - a building arranged, designed or intended for and occupied exclusively by one family.

(b) TWO-FAMILY - a building arranged, designed, and intended for occupancy by two families living independently and having no cooking or sanitary facilities in common with each other or with any other dwelling unit.

(c) MULTIFAMILY - a building arranged, designed and intended for occupancy by three or more families living independently and having no cooking or sanitary facilities in common with each other or with any other dwelling unit. This includes apartment houses, apartment hotels, flats and garden apartments.

DWELLING UNIT - a building or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit and having no cooking or sanitary facilities in common with any other dwelling unit.

FAMILY -

(a) Two or more persons, related by blood, marriage or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common, including not more than three persons who are unrelated to the tenant or occupant if such tenant or occupant also resides therein.

(b) Not more than three unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

FEEDLOT - a feedlot shall be determined to be any of the following facilities:

(a) Any tract of land or structure wherein any type of fowl or by-products thereof are raised intensively for sale at wholesale or retail.
(b) Any structure, pen or corral wherein cattle, horses, sheep, goats, swine or other animals are maintained intensively in close quarters.

FLOOR AREA OR GROSS FLOOR AREA (BUILDING AREA) -

(a) The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating buildings. In particular, the floor area of a building or buildings shall include:

1) Basement space.

2) All spaces other than cellar space with structural headroom of 7 feet, 6 inches or more.

3) Interior balconies and mezzanines.

4) Enclosed or roofed porches or terraces or other roofed spaces.

5) Attic spaces (with or without a finished floor) providing structural headroom of 7 feet and 6 inches or more is available over 50% of such attic space.

6) Accessory buildings.

(b) However, the “floor area” shall not include:

1) Cellar space, except that cellar space used for retailing.

2) Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.

3) Terraces, breezeways, uncovered steps or open space.

FOUNDATION - the structural base materials needed to adequately support, stabilize and attach a building or an above grade structure with the ground. [Ord. 60]

GARAGE, PRIVATE - an enclosed space for the storage of one or more private motor vehicles provided that no business, occupation or related service is conducted thereon.

GARDEN APARTMENTS - a multifamily dwelling, not exceeding three stories in height, containing three or more separate dwelling units, which have common hallways and entrances on a lot which is held in single and separate
ownership having yards in common, but which may also have other joint facilities and services. The term “garden apartment” shall not be construed to include row house or townhouse.

**GASOLINE SERVICE STATION** - a structure, building or area of land or any portion thereof that is used for the sale of gasoline or any other motor vehicle fuel and oil and/or other lubricating substances, which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing motor vehicles, but not including the painting and/or body thereof. Any business of industry dispensing gasoline only for its own use and vehicles will not be deemed to be a gasoline service station.

**GOVERNING BODY** - the Union Township Board of Supervisors.

**GRADE** - grade shall mean the average finished ground elevation adjoining the buildings.

**GROUP CARE FACILITY** - a State authorized, certified or licensed facility situated and operated as a substitute home with a family environment serving 13 or less mentally disordered, handicapped, dependent or neglected persons who do not require nursing care. Adult supervision and supportive care shall be provided to residents on a 24 hour basis and shall be in accordance with the Public Welfare Code of Pennsylvania, 62 P.S. §101 et seq.

**HAZARDOUS WASTE** - any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities, or any combination of these factors, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(a) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population.

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

**HEIGHT OF BUILDINGS** - the vertical distance from the grade at the front of the building or the average of the grades of the street fronts, if building faces more than one street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gables, hipped and pitched roofs.
HEIGHT OF A COMMUNICATIONS TOWER - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. [Ord. 81]

HEIGHT OF SIGNS OR OTHER STRUCTURES - the vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HOME OCCUPATION - a use customarily conducted within a dwelling unit or accessory building and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwellings and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name sign, pursuant to §27-505. [Ord. 39A]

HOTEL - a building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms of the same floor.

JUNKYARD - a lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal or discarded materials, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. Junkyards are synonymous with reclamation centers, recycling points and salvage yards for purpose of this Chapter.

LOT - a tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term “lot” shall also mean parcel, plot, site or any similar term.

LOT AREA - the area of land contained within the limits of the property lines bounding that area. 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 or more intersecting streets and which has an interior angle of less than 135° at the intersection of two street lines.

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

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

LOT LINE - any line dividing one lot from another.
LOT WIDTH - the width measured at the minimum building setback line between side lot lines and parallel to the front lot line, but in no case shall the street frontage be less than ½ of the required lot width.

MOBILE HOME - a transportable, single unit structure intended for permanent occupancy as a single-family dwelling or office, which is contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except to minor and incidental unpacking and assembly operations. [Ord. 57]

MOBILE HOME PARKS AND SUBDIVISIONS - a lot or area which is planned development and designated to contain two or more mobile homes for rent or for sale. Any lot or area proposed to utilize such design where individual mobile home sites are proposed for sale shall be known as a mobile home subdivision. Both parks and subdivisions are not to be construed to include recreational vehicles.

MOBILE HOME SITE - an area within a mobile home park or mobile home subdivision designated to contain one mobile home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a mobile home park, or sold to an occupant, as in a mobile home subdivision.

MODULAR HOME - a sectional, single-family dwelling, intended for permanent occupancy, contained in two or more units designed to be permanently joined into one integral unit, which arrives at a site complete and ready for occupancy, except for assembly operations and construction of the necessary permanent foundation. For the purposes of this Chapter, modular homes shall be treated the same as conventional stick-built single family dwellings.

MOTEL - a building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term “motel” includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

MUNICIPALITY - Union Township, Lebanon County, Pennsylvania.

NONCONFORMING STRUCTURE OR BUILDING - a structure or building or part thereof which does not conform to the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Chapter, or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.
NONCONFORMING USE - the use of a building, structure, sign or land which does not conform to the applicable regulations of the district in which it exists, either at the time of the enactment of this Chapter or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of this Chapter or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

OPEN SPACE - unoccupied space open to the sky and on the same lot with the principal use.

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 - an off-street space available for the parking of one motor vehicle and measuring a minimum of 10 feet by 20 feet, exclusive of driveways, passageways and maneuvering space appurtenant thereto.

PARTY WALL - a wall on an interior lot line used or adopted for joint services between two buildings.

PERSONAL WIRELESS SERVICE FACILITIES - facilities for the provision of personal wireless services. [Ord. 81]

PERSONAL WIRELESS SERVICES - include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. [Ord. 81]

PLANNING COMMISSION - the Planning Commission of Union Township.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which corresponds to a set of requirements set forth for such uses in separate Part of this Chapter.

ROOMING HOUSE - a building or parts thereof occupied by four or more persons for living and sleeping purposes, which persons are unrelated to the tenant or occupant if such tenant or occupant also live therein. The term “rooming house” includes the term “boarding house.”

ROW HOUSE - see “townhouse.”

SEMICONTACHED BUILDING - see “building, semi-detached.”

SEWAGE DISPOSAL -
(a) **ONLOT** - any structure designed to biochemically treat sewage within the boundaries of an individual lot.

(b) **PUBLIC** - a sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal facility.

**SIGN** - any structure, building, wall or other outdoor surface, or any device or part thereof, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction, identification or advertisement. The word “sign” includes the word “billboard,” but does not include the flag, pennant or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

**SIGN, ADVERTISING** - a “sign” which directs attention to a service, business, profession or industry conducted, sold, manufactured or assembled or offered for sale elsewhere than upon the premises where the sign is displayed.

**SIGN, BUSINESS** - a “sign” which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development or advertising the services of professionals or building trades during construction or alteration shall be deemed a “business sign.”

**SLOPE** - for the purpose of this Chapter, slope shall be determined by establishing two points on the lot. The first point shall be 75 feet from the outside edge of the proposed building foundation to the highest elevation on the lot. The second point shall be 75 feet from the outside edge of the proposed building foundation to the lowest elevation on the lot. When the highest or lowest elevation on the lot is less than 75 feet from the proposed building foundation, because of minimum yard dimensions, then the lot line shall be used at the appropriate point.

**SPECIAL EXCEPTION** - a use permitted with special permission, granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accordance with this Chapter when such use is not permitted by right.

**STORY** - that portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. Each level of a split level building shall be considered a ½ story.

**STORY, HALF** - any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not
more than 75% of such space has structural headroom of 7 feet and 6 inches or more. Any space which has more than 75% of its area having such headroom shall be deemed to be a fully story.

STREET - a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word “street” includes thoroughfare, avenue, boulevard, court, drive expressway, highway, lane, alley and road or similar terms.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 60]

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

TOWNHOUSE - a dwelling arranged, designed and intended for, and occupied exclusively by, one family; said dwelling consisting of a group of not more than eight such attached dwellings (including the end unit), each such dwelling separated by unpierced party walls and each dwelling having at least one separate entrance from the outside.

USABLE OPEN SPACE - an unenclosed portion of the area of a lot, which is not devoted to driveways, parking spaces or principal structures, including common buildings such as shelters, pavilions or recreational structures centrally located, accessible to occupants of the building or buildings.

USE - the specific purpose for which land, sign, structure, or building is designed, arranged, intended or for which it may be occupied or maintained or any activity, occupation, business or operation which may be carried on thereon or therein. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE - a waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Chapter where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions, or circumstances pertaining only to the lot in question and, when granting of the waiver, would not be contrary to the public interest.

WATER SYSTEM -
(a) ONLOT - a system for supplying and distributing water to a single dwelling or other structure from a source located on the same lot.

(b) PUBLIC - a system for supplying and distributing water from a common source to buildings and other structures.

YARD, FRONT - an open, unoccupied space, open to the sky between an adjacent right-of-way and a line drawn parallel thereto (the building line), at such distance therefrom as required herein for the minimum front yard in any zoning district and extending for the full width of the lot.

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

YARD, SIDE - an open, unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district and extending from the front yard to the rear yard.

ZONING ADMINISTRATIVE OFFICER OR ZONING OFFICER - the agent or official designated by the Board of Supervisors to administrate and enforce this Chapter.

ZONING MAP - the Union Township Official Zoning Map.

ZONING ORDINANCE - the Union Township Zoning Ordinance of 1988, and as amended. [Ord. 86]

(Ord. 39, 11/9/1988, 201; as amended by Ord. 39A, 8/9/1995, 1; by Ord. 57, 9/11/1996; by Ord. 60, 12/11/1996, 1; by Ord. 75, 4/14/1999; by Ord. 81, 6/14/2000, §1; and by Ord. 86, 11/14/2001)
ZONING ORDNANCE - GRAPHIC PRESENTATION OF TERMS
SINGLE FAMILY DETACHED
*ONE DWELLING UNIT

TWO-FAMILY DETACHED
*TWO DWELLING UNITS

TWO-FAMILY SEMI-DETACHED
*FOUR DWELLING UNITS

MULTI-FAMILY DETACHED
(GARDEN APARTMENTS)
*TEN DWELLING UNITS

SINGLE FAMILY SEMI-DETACHED
*TWO DWELLING UNITS

SINGLE FAMILY ATTACHED
(TOWNHOUSE, ROW HOME, QUADRAPLEX)
*ONE DWELLING UNIT

MULTI-FAMILY SEMI-ATTACHED
*EIGHT DWELLING UNITS

ZONING ORDINANCE - GRAPHIC PRESENTATION OF TERMS
HORIZONTAL BUILDING DISTANCE REQUIREMENTS

Front to Rear
Front to Front
Or
Rear to Rear

Front (Rear)

2 x Height

Front to Side

Front

1.5 Height

Side

Front to Side

Front (Rear)

1.0 x Height

Side

Side to Side

27-24
PART 3
ZONING MAP AND ZONING DISTRICTS

§27-301. Official Zoning Map.

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 part of this Chapter, together with all future notations, references and amendments.

A. Identification of Official Zoning Map. The official zoning map shall be identified by the signature of the Board of Supervisors and attested to by the Secretary of that body, together with the date of the adoption of this Chapter.

B. Changing the Official Zoning Map.

(1) If, in accordance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters 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 Board of Supervisors.

(2) 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 or any State law, if applicable. All changes shall be noted on the official zoning map by date with a brief description of the nature of the change.

C. Location of Official Map. The official zoning map shall be located in a place, as designated by the Board of Supervisors, and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time.

D. Replacement of Official Zoning Map.

(1) 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 Board of Supervisors may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereto. The new official zoning map shall be identified by the signatures of the Board of Supervisors, attested by the
Secretary of the body and bearing the following words: “This is to certify that this official zoning map supersedes and replaces the official zoning map adopted ____________ as part of Ordinance No. __________ of Union Township, Lebanon County, Pennsylvania.”

(2) 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. 39, 11/9/1988, §301)


For the purpose of this Chapter, the Township is hereby divided into districts which shall be designated as follows:

A. OSTC - Open Space - Timberland Conservation
B. A - Agriculture.
C. R-1 - Low Density Residential.
D. R-2 - Medium Density Residential.
E. C - Commercial.
F. IP - Industrial Park.
G. F-1 - Approximated Floodplain.
H. F-2 - Floodway.
I. F-3 - Floodfringe.

(Ord. 39, 11/9/1988, §302)

§27-303. 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:

A. Designation of District Boundaries. Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines or Township boundary lines shall be construed
to follow such features indicated. Where boundaries are indicated as being approximately perpendicular to the right-of-way line of a street, highway or alley, such boundary shall be construed as being perpendicular thereto. Where a district boundary line does not follow such a line, position is shown on said zoning map by reference to an ordinance describing such lines or by a specific dimension expressing its distance, in feet, from a street center line or other boundary line as indicated and running parallel thereto.

B. **Determination of Location of Boundaries.** Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

*(Ord. 39, 11/9/1988, §303)*
PART 4

DISTRICT REGULATIONS


1. **Intent.** The Open Space - Timberland Conservation District is designed to allow limited residential and recreational development on predominantly wooded or forested areas within the Township. Further, this district is recognized to contain ecologically sensitive characteristics which need regulation for protection and preservation for the enjoyment and benefit of future generations.

2. **Permitted Uses.**
   
   A. Forest, scenic, and wildlife preserves.
   
   B. Agriculture, horticulture, truck gardening, nurseries, nonintensive animal husbandry and similar uses.
   
   C. Roadside stands for the sale of farm products grown on the premises, provided approved off-road parking spaces are provided for customers.
   
   D. Single-family dwellings.
   
   E. Churches, associated parish house and cemeteries.
   
   F. Lodges or clubs for climbing, hunting, fishing, gunning, nature observation or other similar recreation purposes.
   
   G. Public and private recreational uses, such as parks, picnic groves, areas for short term camping, golf courses, shooting preserves, fish hatcheries, nature preserves and shooting ranges.

3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.
   
   A. Private garage or private parking area.
   
   B. Signs pursuant to §27-505.
   
   C. Home occupations pursuant to §27-502.
   
   D. Customary accessory uses and buildings provided they are clearly incidental to the principal use.

4. **Uses Permitted by Special Exception.**
A. Removal of topsoil or trees (see §27-804(B)).

B. Airfields, strips or landing facilities and buildings accessory thereto, provided that the following conditions are met:

1. Minimum lot area of 15 acres.

2. Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within 750 foot radius of the runway.

3. Runway shall be no closer than 500 feet to any residential district and no closer than 200 feet to any property line or road right-of-way line.

4. 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.

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

6. Any pulsating or intermittent lighting is prohibited.

7. Floodlights, spotlights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

8. Any radio electronic device shall be permitted only with approval and license by the Federal Communications Commission.

9. All facilities of this nature shall conform and operate under the standards set by the Federal Aviation Administration and the Pennsylvania Aeronautical Commission.

10. 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.

C. Restaurants, tea rooms and other places serving food and nonalcoholic beverages.
D. Convenience stores for the retailing of consumer goods not otherwise prohibited by law.

5. **Minimum Lot Area and Lot Width.** The following lot area and lot width requirements apply to all permitted and special exception uses, except where more restrictive regulations are established within this Chapter:

<table>
<thead>
<tr>
<th>Slope</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 15%</td>
<td>5 acres</td>
<td>300 ft.</td>
</tr>
<tr>
<td>8-15%</td>
<td>3 acres</td>
<td>200 ft.</td>
</tr>
<tr>
<td>Less than 8%</td>
<td>1 acre</td>
<td>150 ft.</td>
</tr>
</tbody>
</table>

[Ord. 60]

6. **Minimum Yard Dimensions.** The following yard dimensions apply to all permitted uses and special exception use, except where more restrictive regulations are established elsewhere within this Chapter:

<table>
<thead>
<tr>
<th>Slope</th>
<th>Front Yards</th>
<th>Side Yards</th>
<th>Rear Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 15%</td>
<td>55 feet</td>
<td>55 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>8-15%</td>
<td>55 feet</td>
<td>25 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Less than 8%</td>
<td>55 feet</td>
<td>25 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

[Ord. 60]

7. **Maximum Building Coverage and Height.**

A. Maximum building coverage - 20%.

B. Maximum height - 35 feet or 2½ stories, whichever is less, subject to the provisions of §§27-501(5) and 27-804(H).

[Ord. 60]

(Ord. 39, 11/9/1988, §401; as amended by Ord. 60, 12/11/1996, §2)

§27-402. **Agricultural District (A).**

1. **Intent.** The regulations of the Agricultural District 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 existing farm land and conversion to nonfarm usage is discouraged. Limited residential, nonresidential and farm-related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting.

2. **Permitted Uses.** The following uses are permitted, subject to the requirements listed herein and in §§27-402(5) and 27-402(6) of this Chapter:

A. Agriculture, crop and truck farming, pasturing, truck gardening, including greenhouses, horticulture, nurseries, aviaries, hatcheries, apiaries and similar agricultural uses.

B. Nonintensive animal husbandry.

C. Pet kennels, provided that they are located a minimum of one hundred (100) feet from any road right-of-way or lot line.

D. Public conservation areas for the preservation of open space, water, soil, forest and wildlife resources.

E. Public park and recreation areas, forest preserves, game refuges and similar nonintensive uses.

F. Golf courses and country clubs.

G. Churches, associated parish houses, and cemeteries.

H. Single-family dwellings, in accordance with the requirements of §§27-402(5) and 27-402(6) of this Chapter.

[Ord. 75]

3. **Customary Accessory Uses.** Structures incidental to any of the above permitted uses, including the following:

A. Roadside stands for the sale of "home-grown" or "home-made" products when located not less than 20 feet from the road cartway and not within the road right-of-way.

B. Home occupations and accessory uses, as regulated in §27-502 of this Chapter.

4. **Special Exceptions.** Upon approval by the Zoning Hearing Board, the following special exception uses are permitted provided the use complies with the conditions listed herein and §27-901 of this Chapter:

A. Semipublic or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures necessary for the operation of these uses.
B. Riding academies, commercial stables and animal hospitals.

C. Saw mills and other establishments associated with forestry.

D. Agriculturally oriented commercial establishments (e.g., farm implement dealers, feed mills, seed stores, butchering shops, etc.).

E. Group care facilities provided that:

(1) Plans for the facilities are approved by the appropriate local and State agencies; i.e., Department of Labor and Industry and Department of Public Welfare, etc.

(2) The group homes do not cluster in large number in the Township, that is, no more than 3% of the population (according to the most recent U.S. Census) of the Township can be residents of group homes.

(3) There shall be no more than 13 aged, handicapped, dependent, neglected, disabled or mentally ill residents and no more than 8 mentally retarded residents in any one group care facility unless the applicable State standards are changed, then the new standards shall apply.

F. Airfields, strips or landing facilities and buildings accessory thereto, provided that the following conditions are met:

(1) Minimum lot area of 15 acres.

(2) Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within a 750 foot radius of the runway.

(3) Runway shall be no closer than 500 feet to any residential district and no closer than 200 feet to any property line or road right-of-way line.

(4) 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.

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

(6) Any pulsating or intermittent lighting is prohibited.
(7) Floodlights, spotlights and other lighting devices shall be arranged or
shielded so as to illuminate parallel to the ground and not in an upward
direction.

(8) Any radio or electronic device shall be permitted only with approval and
license by the Federal Communications Commission.

(9) All facilities of this nature shall conform and operate under the
standards set by the FAA and the Pennsylvania Aeronautical Commissions.

(10) The Zoning Hearing Board may impose other conditions as are appropri-
ate to public safety and welfare, including hours of operation, frequency
of use and a location in relation to existing residences.

G. Intensive animal husbandry, subject to the following mandatory conditions:

(1) An approved nutrient management plan by the Pennsylvania Depart-
ment of Environmental Protection, as required by the Nutrient
Management Act regulations located at 25 Pa. Code, Chapter 83(D), as
amended, which shall be demonstrated in writing.

(2) The operation shall not be permitted within 500 feet of any residentially
zoned property line or 300 feet of any lot line or road right-of-way.

(3) Solid or liquid waste facilities associate with the operation must be in
writing under 25 Pa. Code, Chapter 83(D), as amended.

(4) The applicant shall demonstrate that he has received all State and local
highway occupancy permits required by various regulations governing
the same.

(5) Applicant must demonstrate that there shall be no liquid runoff or
contamination from the storage of animal waste resulting from the
operation.

(6) Applicant must demonstrate suitable financial responsibility for any
manure spills or the closing out of the manure storage facility.

(7) Piggeries for the feeding of garbage are specifically prohibited.

[Ord. 75]

5. General District Requirements. All principal buildings, structures and uses
erected or established after the adoption date of this Chapter shall comply with the
following requirements:
A. Lot lines created in an effort to subdivide Agriculture District (A) zoned lands, shall be no less than 500 feet from an existing structure designed for or used for intensified farming purposes.

B. No subdivision shall be permitted that would violate the feedlot provisions of this Chapter.

C. No building shall exceed 2½ stories or 35 feet in height unless authorized as a special exception, excluding silos used for storage of haylage or silage.

6. Minimum Lot Area, Lot Width, Building Coverage and Yard Dimensions. The following lot area, lot width, building coverage and yard dimension requirements apply to all permitted and special exception uses, except where more restrictive regulations are established elsewhere in this Chapter:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Min. Lot Width</th>
<th>Bldg. Coverage</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling and group care facilities</td>
<td>1 acre</td>
<td>125 ft.</td>
<td>20%</td>
<td>50 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Nonresidential uses permitted by right</td>
<td>4 acres</td>
<td>150 ft.</td>
<td>20%</td>
<td>50 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Nonresidential uses permitted by special exception</td>
<td>5 acres</td>
<td>150 ft.</td>
<td>20%</td>
<td>50 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

7. Maximum Building Height. Maximum height of buildings - 35 feet or 2½ stories, whichever is less, subject to the provisions of §§27-501(5) and 27-804(H). [Ord. 60]

(Ord. 39, 11/9/1988, §402; as amended by Ord. 60, 12/11/1996, §3; and by Ord. 75, 4/14/1999)

§27-403. Low Density Residential (R-1).
1. **Intent.** The regulations for the Low Density Residential District are designed to accommodate and encourage low density development, primarily residential in nature, consistent with the characteristics of the prevailing open environment of the Township. Development is restricted to low density, single-family residential development and related compatible uses designed to serve the residential community.

2. **Permitted Uses.**
   
   A. Single-family detached dwellings.
   
   B. Nurseries, greenhouses, and agriculture, except as in §27-403(4).
   
   C. Public schools, parochial schools, institutions of higher education, private schools which do not provide corrective, rehabilitative or remedial care or instruction, public libraries, police, fire stations or other public buildings owned and operated by the Township or a municipal authority organized by the Township.
   
   D. Public parks and playgrounds.
   
   E. Churches or similar places of worship.

3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal uses.
   
   a. Private garage or private parking areas.
   
   b. Signs pursuant to §27-505.
   
   c. Home occupations pursuant to §27-502.
   
   d. Other customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

4. **Uses Permitted by Special Exception.**
   
   A. Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled, but excluding institutions for the insane, criminal, drug or alcohol patients.
   
   B. Accessory uses not located on the same lot as the principal use.
   
   C. Recreation areas and structures operated by membership clubs for the benefit of their members.
D. Golf courses and country clubs.

E. Commercial swimming pools.

F. Nonintensive animal husbandry or pet kennels, subject to the following conditions:

(1) A minimum lot size of 5 acres shall be provided.

(2) Buildings in which livestock, poultry, insects or other than customary household pets are kept shall be no closer than 200 feet to any lot line or road right-of-way.

(3) No storage of manure or odor or dust producing substances shall be permitted within 200 feet to any lot line or road right-of-way.

G. Kennels or riding stables.

H. Removal of topsoil or trees (see §27-804(C)).

I. Planned Residential Development pursuant to §27-511.

5. **Minimum Lot Area, Lot Width, Building Coverage and Yard Dimensions.** The following lot area, lot width, building coverage and yard dimension requirements apply to all permitted and special exception uses, except where more restrictive regulations are established elsewhere within this Chapter:

<table>
<thead>
<tr>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling with onlot water and sewage disposal</td>
<td>1 acre</td>
<td>150 ft.</td>
<td>20%</td>
</tr>
<tr>
<td>Single-family detached dwelling with public water or sewage disposal</td>
<td>20,000 sq. ft</td>
<td>100 ft.</td>
<td>30%</td>
</tr>
</tbody>
</table>
## ZONING

<table>
<thead>
<tr>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling with public water and sewage disposal</td>
<td>10,000 sq. ft.</td>
<td>75 ft.</td>
<td>40%</td>
</tr>
<tr>
<td>Nonresidential uses permitted by right or special exception</td>
<td>1 acre</td>
<td>150 ft.</td>
<td>20%</td>
</tr>
</tbody>
</table>

[Ord. 60]

6. **Maximum Building Height.** Maximum height of buildings - 35 feet or 2½ stories, whichever is less, subject to the provisions of §§27-501(5) and 27-804(H). [Ord. 60]

(Ord. 39, 11/9/1988, §403; as amended by Ord. 60, 12/11/1996)

§27-404. **Medium Density Residential (R-2).**

1. **Intent.** The regulations of the Medium Density Residential District are designed to promote the development of a variety of medium density housing types in areas where necessary municipal services, commercial facilities and other community amenities are available.

2. **Permitted Uses.**

   A. Single-family detached and semidetached dwellings.
   
   B. Two-family detached dwellings.
   
   C. Public parks and playgrounds.
   
   D. Public schools, parochial schools, institutions of higher education, private schools.
   
   E. Churches or similar places of worship.
F. Public buildings owned and operated by the Township or a municipal authority organized by the Township.

G. Police and fire and police stations. [Ord. 86]

H. Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled but excluding institutions for the insane, criminal, drug or alcohol patients.

3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.

   A. Private garage or private parking area.

   B. Signs pursuant to §27-505.

   C. Home occupations pursuant to §27-502.

   D. Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

4. The following uses are permitted as special exceptions, 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:

   A. Rooming or boarding houses.

   B. Kennels or riding stables.

   C. Professional offices.

   D. Multifamily dwelling units pursuant to §§27-504, 27-507 and 27-508.

   E. Planned residential development pursuant to §27-511.

   F. Special exceptions as specified in the R-1 Residential District.

   G. Mobile home parks subject to the following regulations:

      (1) A mobile home park shall contain a minimum of 10 acres.

      (2) Maximum density in a mobile home park or subdivision shall be 5 units per acre.
(3) Regardless of lot size, each mobile home shall have a minimum front yard of 30 feet, rear yard of 25 feet and two sides of 10 feet each. In no case shall the distance between any two mobile homes be less than 25 feet.

(4) All roads in a mobile home park or subdivision shall be paved with an all-weather surface approved by the Township Board of Supervisors at least 34 feet wide.

(5) Each mobile home in a mobile home park must have at least two paved parking spaces sufficient in size for at least two automobiles, provided on the individual mobile home lots.

(6) Each parking space in a mobile home park or subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

(7) All mobile home parks shall be provided with a buffer yard at least 50 feet in width around the park perimeter. Such yards shall be well landscaped or maintained and planted with shrubbery approved by the Zoning Hearing Board and the Township Supervisors.

(8) All mobile home parks shall be served by a public water and public sanitary sewer facilities.

(9) Recreation and open space areas shall be provided at the rate of 1 acre recreation for every 20 mobile home spaces.

5. **Minimum Lot Area, Lot Width, Building Coverage and Yard Dimensions.** The following lot area, lot width, building coverage and yard dimension requirements apply to all permitted and special exception uses, except where more restrictive regulations are established within this Chapter:

<table>
<thead>
<tr>
<th></th>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each dwelling unit</td>
<td>1 acre</td>
<td>100 ft.</td>
<td>25%</td>
<td>30 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>40 ft.</td>
</tr>
</tbody>
</table>
Each dwelling unit with public water or sewage disposal

<table>
<thead>
<tr>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,000 sq. ft.</td>
<td>90 ft.</td>
<td>40%</td>
<td>40 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Each dwelling unit with public water and sewage disposal

<table>
<thead>
<tr>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,000 sq. ft.</td>
<td>60 ft.</td>
<td>45%</td>
<td>30 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Nonresidential uses permitted by right or special exception

<table>
<thead>
<tr>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 acre</td>
<td>25%</td>
<td>30 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40 ft.</td>
</tr>
</tbody>
</table>

[Ord. 60]

6. **Maximum Building Height.** Maximum height of buildings - 35 feet or 2½ stories, whichever is less, subject to the provisions of §§27-501(5) and 27-804(H). [Ord. 60]

(Ord. 39, 11/9/1988, §404; as amended by Ord. 60, 12/11/1996, §5; and by Ord. 86, 11/14/2001)

§27-405. **Commercial District (C).**

1. **Intent.** The regulations of the Commercial District are designed to accommodate commercial activity within the Township. Since these enterprises are for the most part dependent upon traffic generated by a major thoroughfare, these uses are grouped together to facilitate shopping and access via automobile. The requirements contained in this article are designed to promote safe and expedient conveyance of the resulting high traffic volumes.

2. **Permitted Uses.**

A. Department stores.

B. Medical and dental clinics and laboratories.

C. Stores for the retailing of consumer goods.
D. Personal service shops, including barber, beauty shops, tailors, shoe repair, dry cleaning.

E. Banks, business and professional offices and express offices.

F. Taxi and bus passenger stations.

G. Mortuary and undertaking establishments.

H. Restaurants, tea rooms, cafes and other places serving food, including private clubs, or beverages and beverage distribution centers.

I. Amusement enterprises, arenas, bowling alleys, dance halls and other recreation establishments.

J. Drive-in restaurants.

K. Laundries and dry cleaning.

L. Printing and publishing.

M. Shops, contractors, plumbing, heating, painting, upholstering.

N. Hotels and motels, bed and breakfast. [Ord. 39A]

O. Lumber, coal and fuel distribution yards.

P. Automobile dealers and automobile washes.

Q. Automobile filling stations, repair and service garages, subject to the following regulations:

   (1) No major repair work shall be performed out of doors.

   (2) All fuel pumps shall be located outside of building on private property and in no case within 35 feet of any street line.

   (3) All automobile parts, dismantled and derelict vehicles and similar articles shall not be stored for longer than 6 months, except within an enclosed building.

   (4) All fuel, oil or similar substances shall be stored at least 35 feet from any street or lot line.

R. Sales of manufactured, mobile and modular housing, subject to the following regulations:
(1) No manufactured, mobile or modular home for sale may be inhabited at any time before or after said sale while said home is on the business premises.

(2) Minimum lot size for the sale of manufactured, mobile and modular housing shall be 2 acres.

3. **Permitted Accessory Uses.**

   A. Off-street parking pursuant to §27-506.

   B. Signs pursuant to §27-505.

   C. Other accessory uses, structures or building, provided such are clearly related to the principal use.

   D. A single-family detached dwelling, provided it is related to the main business, may be constructed within the criteria of §§27-403(5), 27-403(6).

   E. Apartments. [Ord. 39A]

4. **Uses Permitted by Special Exception.**

   A. Industrial uses on less than 20 acres pursuant to §27-509.

   B. Industrial parks on 20 acres or more pursuant to §27-510. Industrial parks must be so designed and constructed so that they blend into the local scheme, land use and integrity of the surrounding area rather than detract from it. Detailed plans and descriptions must be prepared to document the handling of these items: sewage, waste products, electric and telephone lines, traffic control, surface water runoff, architectural plan of each business (buildings and grounds), and other social and environmental considerations deemed necessary by the Zoning Hearing Board, plus adherence to all appropriate Township, County, State and Federal regulations.

   C. Removal of trees or topsoil pursuant to §27-804(B).

   D. Sand pits, gravel pits pursuant to §27-804(B).

   E. Junkyards, reclamation centers, recycling points and salvage yards.

5. **Minimum Lot Area, Lot Width, Building Coverage and Yard Dimensions.**

   A. The following lot area, lot width, building coverage and yard dimension requirements apply to all permitted and special exception uses, except where more restrictive regulations are established elsewhere within this Chapter:
ZONING

Yard Dimensions

<table>
<thead>
<tr>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 acre</td>
<td>100 ft.</td>
<td>50%</td>
<td>50 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

B. No building shall extend nearer to any other district boundary in the rear than the rear yard required in that district, nor nearer the side yard than the side yard required in that district.

C. Parking areas may be included in 50% of the required yards of the Commercial District, except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped.

D. A minimum of 30% of the lot shall be covered with vegetation.

E. No buildings shall exceed 50 feet in height except in accordance with §§27-501(5) and 27-804(H)(2).

[Ord. 60]


A. Off-street parking shall be provided in accordance with the §27-506 of this Chapter.

B. Each business use shall provide off-street loading and unloading space, as per §27-506, at the side or rear of the building for each 4,000 square feet of floor area or fraction thereof in each building. Such space or spaces shall be not less than 560 square feet in area with a dimension of 10 feet by less than 560 square feet in area with a dimension of 10 feet by 56 feet per space, which shall be located exclusive of any public right-of-way. Each such space shall have a vertical clearance of not less than 15.6 feet

7. Limitations of Signs. Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold, or displayed on the premises shall be permitted and further provided that all signs and advertising structures be maintained in accordance with §27-505 of this Chapter.

8. Performance Requirements.

A. All of the above listed uses must be nonobjectionable in terms of smoke or dust emission, odors, noise or glare, and shall not be injurious or have an adverse effect on adjacent areas or the Township as a whole.

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B. Should the Zoning Officer determine there is any possibility of the above-mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.


§27-406. Industrial Park (IP).

1. **Intent.** The Industrial Park District is designed to accommodate and promote wholesale activities, warehousing, and industrial operations dependent on existing land uses, physical conditions and availability of nearby municipal utilities and transport facilities. The district accommodates extensive industrial activities in these areas so as to minimize any detrimental effects that they might have on other uses in the Township and at the same time provides an industrial zone free of encroachment from other activities.

2. **Permitted Uses.**

   A. Industrial parks on 20 acres or more pursuant to §27-510.
   
   B. Any use permitted in §27-405, Commercial District (C).

   [Ord. 60]

3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal uses.

   A. Any accessory use permitted in §27-405, Commercial (D).
   
   B. Other accessory uses, structures or buildings provided such are clearly related to the principal use.

   [Ord. 60]

4. **Minimum Lot Area, Lot Width, Building Coverage and Yard Dimensions.** All uses, other than industrial parks which are regulated pursuant to §27-510, shall comply with all applicable requirements set forth in §27-405. [Ord. 60]


1. **Intent.** These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in any Floodplain District in...
order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the water courses and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and to minimize future flood damage.

2. **Definition of Terms Utilized in Floodplain Districts.**

**ALLUVIAL SOIL MAPS** - soils maps prepared by the United States Department of Agricultural, 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 (F-1) shall be that floodplain area for which no specific flood profiles have been provided. Where the specific base flood elevation cannot be determined for this area using other sources of data such as the U.S. Army of Engineers, Floodplain Information Reports, U.S. Geological Survey floodprone quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques currently acceptable by the Federal Insurance Administrator (e.g., HEC-2). Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17 or 17B. 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 Protection, a river basin commission, etc.

**BASE FLOOD** - the flood, also known as the 100 year flood, which has a 1% chance of being equaled or exceeded in any given year; 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.

**BASE FLOOD ELEVATION** - the determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a 1% or greater chance of occurrence in any given year.

**CAMPING, SHORT-TERM** - location of a camping unit within any one campground for a period not to exceed 15 days in any 1 calendar month.

**CONSTRUCTION** - the term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For floodplain purposes, "new 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 manmade change to improved or unimproved real estate including, but not limited, to buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

**FLOOD** - a general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD FRINGE (F-3)** - the portion of the 100 year floodplain not included in the floodway. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). These areas are shown on the Floodway Map or Flood Insurance Rate Map (FIRM).

**FLOODPLAIN** -

1. A relatively flat or low land area adjoining 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. For the purposes of this Section, the floodplain shall be considered to be the 100 year floodplain which is a floodplain having a 1% chance of being subject to the above conditions during any given year.

**FLOODPLAIN DISTRICTS** - the zoning districts that establish the bounds of the base flood as identified 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)** - the channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than 1 foot at any point. The detailed study of the base flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by the FEMA.

**HISTORIC STRUCTURE** - any structure that is:
(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

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

(3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   (a) By an approved state program as determined by the Secretary of the Interior.
   (b) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basements). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built in violation of the applicable nonelevation design requirements of this Section and the Lebanon County Floodproofing Building Code.

MANUFACTURED HOMES - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (1) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK AND/OR SUBDIVISION - a lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known a manufactured home subdivision.

100 YEAR FLOOD (BASE FLOOD) - a flood selected as the base flood, that has a 1% or greater chance of occurring in any given year.
RECREATIONAL VEHICLE - a vehicular type of portable structure which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) self-propelled or mounted on or drawn by another vehicle and (4) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

STRUCTURE - a walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home or any other manmade object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

START OF CONSTRUCTION - the first placement of permanent construction of a structure (outer than a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within the manufactured home parks or manufactured home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE - damage of any origin sustained by structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction, alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds 50% of market value of the structure either, (1) before the improvement or repair is started or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Section, 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 correct an existing violation of State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."

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

(1) Acetone.
(2) Ammonia.
(3) Benzene.
(4) Calcium carbide.
(5) Carbon disulfide.
(6) Celluloid.
(7) Chlorine.
(8) Hydrochloric acid.
(9) Hydrocyanic acid.
(10) Magnesium.
(11) Nitric acid and oxides of nitrogen.
(12) Petroleum products (gasoline, fuel oil, etc.).
(13) Phosphorus.
(14) Potassium.
(15) Pesticides (including insecticides, fungicides and rodenticides).
(16) Sodium.
(17) Sulfur and sulfur products.
(18) Radioactive substances, insofar as such substances are not otherwise regulated.

3. **Delineation of Districts.**

A. The Floodplain Districts shall include all areas of this Township subject to inundation by flood waters of the base flood. The basis for the delineation of the three Floodplain Districts (Approximated Floodplain, Floodway and Flood Fringe Districts) shall be the official Flood Boundary and Floodway Map or Flood Insurance Rate Map (dated December 4, 1974, or the most recent revision thereof) and the Official Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), or for those areas here no floodway has been identified in the Official Flood Insurance Study, other available studies or sources of information.

B. Three 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 base flood for which no specific flood profiles have been provided. The actual elevation and extent of the district is to be determined by the base flood elevation. In order to determine the base flood elevation, the following variety of sources of data shall be used:

1. Other official flood hazard boundary or floodway maps.
2. Alluvial soil maps prepared by the U. S. Soil Conservation Service.
3. Local data from the 1972 flood.
6. Other available studies and sources of flood plain information.

C. In lieu of the previously mentioned, the Township shall require the applicant to determine the base flood elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect current 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. The actual elevation and extent of the district shall be determined by the base flood elevation.

D. 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 Section using criteria that a certain area within the floodplain must be capable of carrying the water of the base flood without increasing the water surface elevation of that flood more than 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 Maps. 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 100 year floodplain not included in the Floodway District. The basis for the outermost boundary of the Flood Fringe District shall be the base flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

E. All subdivision proposals and other proposed new developments shall provide base flood delineations; however, subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a registered professional engineer.

F. The delineation of the Floodplain, Approximated Floodplain, Floodway and Flood Fringe Districts may be revised by the Township Board of Supervisors where natural or manmade 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 to obtained from the Federal Emergency Management Agency (FEMA) and/or the River Basin Commission.

G. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. 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.

4. **District Provisions.** All uses, activities, construction, including manufactured homes and other development occurring within the Approximated Floodplain, Floodway or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable State and Federal codes, ordinances and requirements including, but not limited to, Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance. Under no circumstances shall any use, encroachment,
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. No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Section. All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. 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 is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to toe the district in which the Floodplain Districts are located.

A. Approximated Floodplain (F-1) and Floodway (F-2) Districts.

(1) In the Approximated Floodplain and Floodway Districts no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that 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.

(2) Permitted Uses. In the Approximated Floodplain and Floodway Districts, the following uses and activities are permitted provided that (a) the information required in subsection (9) of this Section is submitted as a part of the permit application, (b) they are in compliance with the provisions of the rarest zoning district, (c) they will not result in any increase in the level of the base flood anywhere, (d) they are not prohibited by this or any other ordinance, (e) they do not require the placement or use of permanent onlot sewage facilities within any of the Floodplain Districts and (f) they do not require encroachments, new construction, manufactured homes, storage of materials and equipment, substantial improvements, fill, vehicles or parts thereof, 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 or recreational vehicle uses; 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 posts and pillars and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

(c) All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs or structural supports less than 8 feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with the applicable requirements of the Lebanon County Floodproofing Building Code; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.

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

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

(f) Extraction of sand, gravel and other materials.

(g) 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.

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 [Appendix A] and any other applicable State or Federal 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:

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(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 manufactured home parks and manufactured home subdivisions and substantial improvements to existing manufactured 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 of more than 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 Section.

5. Additional Safeguards.

A. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the Floodplain District shall be permitted only when in compliance with this Section and Pennsylvania Department of Environmental Protection permit requirements.

B. No part of any private onlot sewage disposal system shall be constructed within any Floodplain Districts.

C. 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.

D. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a Township boundary.

E. Filling or the dumping of fill material is prohibited in the Floodplain Districts on vacant lots or on land not scheduled for approved construction activities. Fill may only be used in the Floodplain Districts to raise the finished surface
of the lowest floor of a structure to an elevation of a minimum of 2 feet above
the base flood elevation provided the following conditions are met:

(1) Use of fill shall be in compliance with the Lebanon County Floodproofing
Building Code and any other applicable ordinances.

(2) Use of fill shall be permitted only when the property owner or applicant
provides a document acceptable by the Zoning Officer, certified by a
register professional engineer, stating that the cumulative effect of the
proposed fill, in conjunction with the other anticipated development, will
not result in an increase in the water surface elevation of the base flood
at any point.

F. Prior to any stream or watercourse alteration or relocation, permit shall be
obtained from the Department of Environmental Protection, Bureau of Dams,
Waterways and Wetlands. Also adjacent communities, the Department of
Community and Economic Development, and the Federal Emergency
Management Agency (FEMA) must be notified. Additionally, the Township
must be assured that the flood carrying capacity of an altered or relocated
watercourse will be maintained by the developer.

G. The placement of any manufactured home in the Floodway (F-2) or Approximated
Floodplain (F-1) Districts is prohibited except as a replacement unit in
an existing manufactured home park or an existing manufactured home
subdivision. Said replacement units shall comply with the special anchoring
and site requirements of §1.5 of the Lebanon County Floodproofing Building
Code [Appendix A].

6. Factors to be Considered by the Zoning Hearing Board When Reviewing
Special Exceptions and Variances. In viewing applications for special exceptions
and variances, the Zoning Hearing Board shall consider and shall apply all relevant
factors specified in this Section, in the Pennsylvania Municipalities Planning Code
(Act 247, as amended), and other State or Federal 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. No variance shall be granted to allow either in whole or in part any prohibited use listed in subsection (4) of this Section.

M. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.

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, nor any State or Federal permitting requirements.

O. Variances shall not be granted which result in any increase in the base flood elevation.

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.
ZONING

(2) Construction occurring below the base flood elevation will increase risks to life and property.

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

7. 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:

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

(1) 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 base flood.

(2) May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the Township, (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.

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

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

(2) May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Section, and provided that said enlargement or expansion complies with the above requirements (a), (b) and (c) of subsection (7)(A)(2).

C. If any nonconforming structure or use, including manufactured homes, located in the Floodplain Districts is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of 50% 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 Chapter, the Lebanon County Floodproofing Building Code [Appendix A], and any other applicable ordinance.

8. **Lot Area, Yard and Sign Requirements.** The lot area, yard, sign and other requirements of the land in question shall be the same as the district requirements of the nearest zoning district.

9. **Additional Administrative Requirements.**

   A. To insure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as part of an application for a permit:

   (1) A plan which accurately locates the proposed construction and/or development with respect to the Floodplain District boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

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

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

   (c) Adequate drainage is provided to seduce exposure to flood hazard.

   (2) Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the grounds, base 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. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures and the Zoning Officer may require more detailed contour and elevation data.

   (3) 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 Section, the Lebanon County Floodproofing Building Code [Appendix A], and other applicable ordinances.
B. **Review of Application by Others.** The Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g., County Conservation District, Planning Commission, Township Engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.

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

10. **Conflicting Ordinances.** Ordinances or parts of ordinances in conflict with this Section, or inconsistent with the provisions of this Section are hereby repealed to the extent necessary to give the Floodplain District full force and effect.

11. **Statement of Disclaim.** The degree of flood protection sought by the provisions of this Section 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 manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Section 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 Section 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 Section or any administrative decision made thereunder.

12. **Building Permits Required.** Building permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified floodprone area of the Township. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of any other required State and Federal permits including, but not limited to, the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or State Fire Marshall. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file. After the issuance of a building permit or site plan approval by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer.

(Ord. 39, 11/9/1988, §407; as amended by Ord. 82, 7/12/2000; and by Ord. 86, 11/14/2001)
§27-408. Mobile Homes.

1. **Intent.** To regulate the placing and keeping of trailer coaches, mobile homes, trailer parks, trailer coach lots and mobile home parks upon lands within the Township of Union, providing for the requiring and issuing of permits and fixing the fee therefore, prohibiting unsafe and unsanitary conditions, providing for inspections, defining certain terms and providing fines and penalties for the violations thereof.

2. Be it enacted and ordained by the Supervisors of the Township of Union, under and by virtue of the authority contained in the Second Class Township Code, and it is hereby enacted and ordained by the authority of the same as follows:

   A. **Definitions.**

   DEPENDENT TRAILER COACH or DEPENDENT MOBILE HOME - is one which does not have a water closet and bathtub or shower.

   EXISTING TRAILER PARK or MOBILE HOME PARK - is that area of land on which trailer coaches or mobile homes are parked and occupied or on which sanitary facilities, roads or other facilities have already been installed to accommodate additional trailer coaches or mobile homes intended for human habitation at the date this Chapter becomes effective.

   FLOODPLAIN - is that area of land subject to inundation of flood water of the 100 year frequency.

   INDEPENDENT TRAILER COACH - is one which does have a water closet and bathtub or shower.

   MOBILE HOME - a transportable, single-unit structure intended for permanent occupancy as a single-family dwelling or office, which is contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations. [Ord. 57]

   SERVICE BUILDING - a building house communal toilet, laundry or other sanitary facilities necessary for the health and convenience of the trailer occupants.

   TRAILER COACH - any vehicle used or maintained for use as a conveyance upon highways or township streets so designed and so constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons.
TRAILER COACH LOT OR MOBILE HOME LOT - a unit of level, adequately drained ground of definite size, clearly indicated by corner markers for the placing of a trailer coach or mobile home or trailer coach and tow car or mobile home and tow car.

TRAILER PARK OR MOBILE HOME PARK - any site, lot, field or tract of ground upon which two or more trailer coaches or mobile homes are placed and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such park.

3. Application.
   A. **General.** On or after the effective date of this Chapter, it shall be unlawful for the owner of any lot or parcel of land in Union Township to keep or permit to be kept, upon any premises owned by him any inhabited trailer coach or mobile home without full compliance with this Chapter.

   B. **Dependent Trailers or Mobile Homes Not to Be Used.** No dependent trailer or dependent mobile home whatsoever shall be used for human occupancy after the effective date of this Chapter.

4. Permits.
   A. **Application.** Application for permits shall be made by the owner of the premises to the Township Secretary or other authorized person for permission to keep any inhabited trailer coach or mobile home on the premises, using a form to be provided by the Township. One permit shall cover one trailer coach or mobile home only for the life of such trailer coach or mobile home.

   B. **Fees.** An application shall be accompanied by an established fee.

5. Trailer Parking Outside a Trailer Park or Mobile Home Park.
   A. **Parking on Streets.** It shall be unlawful within the limits of Union Township for any person to park any trailer coach or mobile home on any street, alley, highway or other place for more than 24 hours.

   B. **Parking or Use of Trailers or Mobile Homes on Private Land** Except for the parking of unused and unoccupied trailers for sales of trailers only and for storage of one vacant trailer or mobile home on an unoccupied lot, no trailer coach or mobile home shall be parked, used or occupied on any tract of ground within the Township of Union, Lebanon County, except as provided in this Chapter; provided, however, that the Township Supervisors may at any regular or special meeting approve a temporary trailer or mobile home permit in hardship cases.
C. **Parking on the Premises of an Occupied Dwelling.** No person shall park, use or occupy any trailer coach or mobile home for more than 48 hours on the premises of any occupied dwelling or vacant lot unless a permit therefor shall have been first obtained, nor shall any person permit such parking, use or occupancy of his premises unless the occupant of the trailer coach or mobile home shall have first obtained a permit therefor.

D. **Application For Permit.** Applications for the permit shall contain the street and number of the occupied dwelling, the name of the occupant of the said dwelling and his permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use and a statement that all waste water from trailer coach or mobile home shall be emptied into a proper sewer connected fixture. Application for permit to locate on a vacant lot shall contain the street with the name and approximate distance from the nearest intersection, a statement of the nature and location of sanitary facilities and a statement that all waste water from the trailer coach or mobile home shall be emptied into a proper sewer connected fixture.

E. **Trailers or Mobile Homes on Vacant Lots.** There shall be no more than one mobile home or trailer coach on each acre of ground. Every mobile home or trailer coach must have its own sewage disposal system approved in accordance with the rules and regulations of the Department of Environmental Protection. Each trailer coach or mobile home must be set on a permanent masonry foundation. Metal straps or bands, wire rope or similar material must be connected from the mobile home frame to the ground or pad at least at all corners to anchor the unit. [Ord. 86]

6. **Permit for Trailer Park or Mobile Home Park.**

   A. It shall be unlawful within Union Township for any person or persons to construct or operate a trailer park or mobile home park without first securing a permit.

   B. No trailer park or mobile home park shall be operated within Union Township, except as provided in this Chapter.

   C. The permit for a trailer park or mobile home park shall be obtained from the Township Secretary or other authorized person at an established fee, plus an additional fee for each available space, whether or not occupied, and shall be made prior to expiration at an established fee for each available space whether or not occupied. Such renewal shall be for a period of 12 months.

   D. Permit for trailer parks or mobile home parks must be conspicuously displayed at all times.

   E. There shall be no refund for unused permits.
7. **Application for a Trailer Park or Mobile Home Park Permit.**

A. Any applicant for permit to operate a trailer park or mobile home park shall agree in his application that a responsible attendant shall be in charge of the trailer park or mobile home park at all times. At the time of application, the name, address and telephone number of the attendant to be in active charge of the proposed trailer park or mobile home park shall be set forth. Any changes after the permit is granted shall be filed with the authority issuing the permit within 10 days from the date of change. Such attendant shall supervise the park and be, together with the licensee, responsible for any violation of the provisions of this Chapter which occurs in the operation of such a trailer park or mobile home park.

B. With each application a preliminary park plan, conforming information and form to a preliminary plan in the Subdivision Regulations of Lebanon County shall be submitted for inspection and approval. Following approval of the preliminary park plan, the developer shall file with the Township Supervisors a final plan prepared in a similar manner to the final plan required in the subdivision regulations. Plan shall comply with the standards in §VIII.

8. **Procedure for Approval of Plans.**

A. **No Development Prior to Approval.** No person, firm or corporation proposing to open a trailer park or mobile home park, or expand an existing trailer park or mobile home park so as to accommodate additional trailers, in the Township of Union shall proceed with any construction work on the proposed park until he has obtained from the Township Supervisors written approval of the preliminary plan of the trailer park or mobile home park according to the procedures herein outlined and has received a permit therefor from the Township Secretary or other authorized person.

B. **Compliance With Subdivision Regulations.** Preliminary and final plans as required by this Chapter shall comply in form and content to the Lebanon County Subdivision Regulations insofar as applicable, and the provisions of this Chapter.

C. **Approval of Preliminary Plan.**

   (1) **Pre-Application Procedure.** The trailer park or mobile home park developer shall meet with the Planning Commission prior to formal application to discuss the plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by this Chapter or other ordinances if deemed advisable.

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(2) The trailer park or mobile home park developer shall consult the Lebanon County Soil and Water Conservation District representative and obtain in writing:

(a) Determination of the suitability of the soils.

(b) Determination of the result of the development on the surface water flow and water course.

(c) Determination on the probably result of the development on the subsurface water resources in the area.

(d) Criteria for the design of stormwater erosion and sediment control measures and structures for the development.

(e) Determination of and delineation of the floodplain of the 100 year flood frequency where applicable.

(3) Application. The subdivider shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material as required.

(4) Planning Commission Review. The Planning Commission shall review the trailer park or mobile home park plan as submitted, shall consult with officials of the Township or authority concerned and shall give the owners of adjoining land an opportunity to discuss the trailer park or mobile home park as it affects their property.

(5) Planning Commission Action. Within 30 days of submitting, the Planning Commission shall take formal action on the plan giving approval, conditional approval (giving conditions) or disapproval (giving reasons). The Planning Commission shall also ascertain from the appropriate Township officials the cost of installing the required improvements and notify the developer of the amount of any improvement bond required, if any.

D. Approval of Final Plans.

(1) Upon completion of any modifications required by the Planning Commission, the developer may apply for approval of final plans.

(2) Planning Commission Review. The Planning Commission shall review the final plan for conformance with the preliminary plans and all requirements of these rules and regulations. Within 30 days of receipt of complete information, the Planning Commission shall approve or disapprove such plan, stating in writing its reasons for disapproval.
(3) **Filing** Following approval, the developer shall file the original copy of the approved plans, together with two copies, with the Township Secretary or other authorized person within 10 days. Should the developer fail to file such plan within said period, the approval shall be null and void.

9. **Trailer Park and Mobile Home Park Standards.**

   **A. Location.** The site should not be:

   (1) Close to swamps or other potential breeding places for insects or rodents.

   (2) Subject to fire or safety hazards

   (3) Exposed to chronic nuisances, such as noise, smoke, fumes or odors.

   (4) The site should have access to a public street or highway adequate to handle the traffic generated by the park.

   (5) No trailer coach or mobile home or water supply or sewage system, including drain field, shall be placed within the boundary of a floodplain.

   **B. Access.** All trailer lots shall abut on an interior drive.

   **C. Storm Drainage.** Plans for adequate handling of runoff from a 5 year storm experience shall be prepared by a registered civil engineer who shall prepare plans for all necessary culverts, storm sewers and other drainage structures.

   **D. Driveways.** All driveways shall be adequately drained. Alignment and design shall be according to the County Subdivision Regulations. Entrance and exit to public lots shall be planned for maximum safety and adequate control.

   **E. Parking Spaces.** Two parking spaces shall be provided for each trailer lot or mobile home lot. Credit may be given for one required space for each 22 feet of curb space available for parking on streets and/or separate curbed off-street parking space may be provided in a plan suitable for the Planning Commission.

   **F. Walks.** All walks shall be of not less than 4 inches in thickness. A walk not less than 3 feet in width shall be provided on each side of all drives servicing trailer or mobile homes. Such walks shall connect to all service buildings and to pedestrian exists to the park in manner suitable to the Planning Commission. A sidewalk not less than 30 inches in width shall connect from these walks to each trailer or mobile home.
G. **Lighting.** Drives for public walkways shall be lighted to the satisfaction of the Planning Commission and a minimum of 200 watts of light shall be provided for each 80 feet of driveway.

H. **Trailer Coach Lots And Mobile Home Lots.** A lot shall be provided for each trailer coach or mobile home with the boundaries indicated by corner markers. Each lot shall be not less than 3,000 square feet in area with a minimum width of 40 feet and a minimum depth of 75 feet. Every trailer coach or mobile home shall be so located on the lot that there shall be at least 30 feet clearance between coaches or homes.

I. **Setbacks.** There shall be a 40 foot setback for all buildings, trailers and parking areas from the right-of-way line of any public or platted street. Where a future right-of-way line has been officially established by the Township, the setback shall be measured from said line. All buildings, trailer coaches, mobile homes or parking areas shall be setback a minimum of 25 feet from all sides and rear property lines of the trailer park or mobile home park and a minimum of 25 feet from drives.

J. **Play Space.** A minimum of 10,000 square feet of suitable play space shall be provided in an area or areas suitable to the Planning Commission for trailer parks or mobile home parks of 10 or less trailer lots or mobile home lots. An additional 200 square feet of play space shall be provided for each additional trailer lot or mobile home lot.

K. **Other Public Space.** Adequate space shall be provided for clothes drying adjoining laundry facilities.

L. **Waste Disposal.** Adequate central location for collecting waste and rubbish shall be provided. An incinerator may be provided if approved by the Planning Commission.

M. **Water Supply.** Water supply shall be approved by the State Department of Health (Environmental Protection). [Ord. 86]

N. **Hot Water Supply.** An abundant supply of hot water shall be provided at all times in service buildings and behind washing and laundry facilities.

O. **Toilet Facilities.** Toilet facilities shall be provided in accordance with recommended standards for trailer courts or mobile home courts.

P. **Laundry Facilities.** Automatic washing and drying equipment shall be provided adequate to the needs of the park with not less than one washer and one dryer for each 10 trailers or mobile homes or major fraction thereof.

Q. Service buildings, toilets, water supply and sewage disposal facilities shall be provided in accordance with the HHFA publication “Recommended Standards
for Trailer Courts," and shall meet the requirements of the Pennsylvania Department of Environmental Resources.

R. **Fire Hydrants.** Where adequate public water is available a fire hydrant shall be installed within 600 feet of every trailer or mobile home.

S. Each mobile home shall be situated on a mobile home stand having not fewer than 10 columns or piers to support the weight of the mobile home; alternatively, the mobile home may be supported by columns on a concrete pad or slab. In either case, metal straps or bands, wire rope or similar material must be connected from the mobile home frame to the ground or pad at least at all corners to anchor the unit.

T. Each mobile home shall be provided with a skirting of durable material which shall entirely enclose the area beneath the mobile home.

10. **Operation of Trailer Parks or Mobile Home Parks.**

A. **Care of Camp.** All drainage facilities, driveways, sidewalks, parking areas, service buildings, water supply and sewage disposal systems and other facilities required by this Chapter shall be maintained in a workable, safe and sanitary condition at all times.

B. **Water Supply.** If the water supply for a trailer camp of mobile home camp is from a private source, it shall be tested for sanitary quality at intervals of 180 days. Tests shall be at a laboratory approved by the Pennsylvania Department of Environmental Protection. [Ord. 86]

C. **Garbage Receptacles.** The park shall provide supervision and equipment sufficient to prevent littering the ground with rubbish and debris. Fly-tight metal depositories with tight-fitting covers shall be located at each trailer or mobile home or at a central location conveniently located not farther than 200 feet from any trailer coach or mobile home. Depositories shall be kept in a sanitary condition at all times. Garbage and rubbish shall not be mixed.

D. **Registration.** The park shall keep a record of all guests, noting:

1. Name and address of each occupant.
2. License numbers of all units.
3. State issuing such licenses.
4. Time of arrival and departure.
The park shall keep a copy of the registry available for inspection at any time by any authorized person and shall not destroy such a registry until the expiration of 12 months following the date of departure thereof.

E. **Other Construction.** No other structure shall be erected on the lot or attached to the trailer or mobile home.

F. **Plumbing Installation.** All plumbing installation, alteration or repairing in the park shall be done in accordance with the “American Standard National Plumbing Code.”

G. **Electric Work.** All electrical work shall be in conformity with the National Board of Fire Underwriters.

H. **Animals.** It shall be the duty of the park attendant to prevent the running at large of dogs, cats or other animals or pets.

11. **Relocation or Suspension of Permit.** If upon inspection it shall be found that the permit holder has violated any provision of this Chapter, the Township Supervisors shall have the power to revoke or suspend any license and order the trailer coaches or mobile homes removed or the trailer park or mobile home park.

12. **Inspection.** An inspection shall be made by a designated representative of the Township Supervisors to determine that all requirements of this Chapter have been complied with. The Township Supervisors may also require that the park be inspected at any time.

13. **Provisions.** The provisions and regulations of this Chapter shall apply upon the adoption thereof to new trailer parks or mobile home parks, to any extension of the same or to any increase in the number of trailers or mobile homes in a park; provided, however, that the Township Supervisors may, upon application, grant such extensions of time or waive such requirements as may in their judgment be required by the specific circumstances, if literal enforcement of the provisions and regulations of this Chapter would result in unnecessary expense or hardship.

(Ord. 39, 11/9/1988, §408; as amended by Ord. 86, 11/14/2001)
APPENDIX A

LEBANON COUNTY
FLOODPROOFING
BUILDING CODE

Adopted by the
Lebanon County Commissioners
05/27/99
ARTICLE I

FLOOD DAMAGE CONTROL REGULATIONS

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to construction, development and substantial improvements occupying in any designated Floodplain District.

§1.1 Basements and First Floors

A. Basements and Lowest Floors

1. All new construction and substantial improvements of residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the Base Flood Elevation.

2. All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the Base Flood Elevation in accordance with §1.1 (B) of this Ordinance.

3. Enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   a. A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than 1 foot above grade.

   c. Openings may be equipped with screens, louvers, valves, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

B. For structures to be floodproofed to an elevation at or above 2 feet above the Base Flood Elevation (nonresidential structures only):

1. Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
2. A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits; certified by a registered professional engineer, surveyor or architect.

3. A certificate prepared by the registered professional engineer or architect who prepared the plans in §1.1(B1) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that:

   a. Below an elevation of two (2) feet above the Base Flood Elevation the structure is watertight, with walls substantially impermeable to the passage of water.

   b. The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the Base Flood.

§1.2 Fill

A. Filling or the dumping of fill material is prohibited in designated floodplain areas on vacant lots or on land not scheduled for approved construction activities.

B. Fill shall only be used to raise the finished surface of the lowest floor to an elevation of two (2) feet above the base flood, the following conditions shall be met:

   1. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for the intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a nonresidential structure.

   2. Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

   3. Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.

   4. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer.

   5. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

   6. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, surveyor or architect.
professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.

§1.3 Placement of Buildings and Structures

A. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

B. The following shall not be placed or caused to be placed in any of the designated Floodplain Districts: Fences, except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.

C. Recreational Vehicle Placement. Recreational vehicles to be placed within any floodplain area shall either: (1) be on the site for fewer than 180 consecutive days and fully licensed and ready for highway use or (2) meet the provisions of §1.5 of this Ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent foundation or attached additions.

§1.4 Anchoring

A. All buildings manufactured homes and/or substantial improvements thereto, and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

B. All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to prevent flotation, collapse or lateral movement.

§1.5 Manufactured Home - Special Anchoring and Site Requirements

Where permitted, all manufactured homes and/or substantial improvements thereto to be located in a designated Floodplain District shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors as well as additional precautions in the following manner:

A. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
B. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points for manufactured homes fifty (50) feet or more in length and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

D. Any manufactured home which is substantially improved shall be similarly anchored.

E. Where permitted, all individual manufactured homes and substantial improvements thereto, new manufactured home parks and manufactured home subdivisions, expansions to existing manufactured home parks and manufactured home subdivisions, existing manufactured home parks and manufactured home subdivisions, shall be located and/or designed so that:

1. Manufactured homes and/or substantial improvements thereto are placed on permanent foundations.

2. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home and/or substantial improvement thereto will be at or above an elevation of at least two (2) feet above the base flood elevation.

3. Adequate surface drainage and access for a hauler are provided.

F. Manufactured homes and/or substantial improvements thereto which are elevated by piers or pilings shall be:

1. Placed on lots large enough to permit steps.

2. Placed in stable soils on piling foundations no more than ten (10) feet apart.

3. Said pilings shall be adequately reinforced if they extend more than six (6) feet above ground level.

G. An evacuation plan indicating alternate vehicular access and escape routes for manufactured home parks and manufactured home subdivisions shall be filed with the appropriate local officials where appropriate.

H. Manufactured homes shall not be placed in the Floodway or Approximated (or General) Floodplain Districts, except in existing manufactured home parks and existing manufactured home subdivisions.

§1.8 Floors, Walls and Ceilings
A. Wood flooring used at or below the lowest floor level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

B. Plywood used at or below the lowest floor level shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.

C. Basement ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.

D. Window frames, door frames and door jambs used at or below the lowest floor level shall be made of metal.

§1.7 Electrical Systems

A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installation shall be permitted only at elevations of two (2) feet or more above the base flood elevation.

B. No electrical distribution panels shall be allowed at an elevation of less than two (2) feet above the level of the base flood elevation.

C. Separate electrical circuits shall serve lower levels and shall be dropped from above.

§1.8 Plumbing

A. Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the base flood elevation.

B. No part of any onsite sewage disposal system shall be constructed within any Floodplain District.

C. All new or replacement water supply systems and/or sanitary sewage systems shall be designed and located to preclude infiltration of flood waters into the system and discharges from the system into flood waters.

D. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the system and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

E. Onsite waste disposal and/or storage systems shall be located to avoid impairment to them or contamination from them during flooding.

§1.9 Paints and Adhesives
A. Adhesive used at or below the lowest floor level shall have a bonding strength that is unaffected by inundation.

B. Doors and all wood trim at or below the lowest floor level shall be sealed with a waterproof paint or similar product.

C. Paints or other finishes used at or below the lowest floor level shall be capable of surviving inundation.

§1.10 Storage

A. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life, shall be stored below an elevation two (2) feet above the base flood elevation.
ARTICLE II
ADMINISTRATION

To insure that the aforementioned flood damage controls are being employed in all new construction, development, substantial improvements and placement or relocation of any structure (including manufactured homes) within any Floodplain District, the Zoning Officer shall provide the applicant with information concerning the location of the Floodway, Flood Fringe and Approximated (or General) Floodplain District boundary relative to his proposed construction and the water surface elevation of the base flood at the proposed construction site.

§2.1 Plan Requirements

To insure that all construction and development on property which contains identified floodplain area will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as a part of an application for a building permit:

A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing flood plain 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, water, gas, telephone, 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 (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the grounds, base 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. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures and the Zoning Officer may require more detailed contour and elevation data.

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 Ordinance, the municipality's zoning and subdivision and land development regulations, and any other applicable ordinances.
D. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of all other required State and Federal permits including, but not limited to, the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or State Fire Marshal. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.

§2.2 Review of Application by Others

A. The Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified flood plain areas be submitted to other appropriate agencies and/or individuals (e.g., County Conservation District, Planning Commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.

B. All other necessary governmental permits such as those required by State and Federal law shall be presented for review upon permit application.
ARTICLE III

DEFINITIONS

A. **Base Flood.** The flood, also known as the 100 year flood, which has a 1% chance of being equaled or exceeded in any given year, 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.

B. **Base Flood Elevation.** The determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a 1% or greater chance of occurrence in any given year.

C. **Basement.** Any area of a building having its floor subgrade on all sides.

D. **Construction.** The term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvements, erection or relocation of a building or structure, including manufactured homes and gas or liquid storage tanks. For floodplain purposes, "new construction" includes structures for which the "start of construction" commenced on or after the effective date of the adoption of these floodplain management regulations.

E. **Development.** Any manmade change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

F. **Flood.** A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

G. **Floodplain District.** The zoning district that establishes the bounds of the base flood as identified by the Federal Insurance Administrator in the Official Flood Insurance Study so that necessary floodplain management control measures can be instituted in flood prone areas. This district has been divided into three possible subdistricts: the Floodway and Flood Fringe Districts, and/or the Approximated (or General) Floodplain District.

H. **Floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

I. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, provided that such enclosure is not built so
as to render the structure in violation of the applicable nonelevation design requirements of this Ordinance.

J. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (1) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

K. **Manufactured Home Park/Subdivision.** A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.

L. **One Hundred Year Flood (Base Flood).** A flood, selected as the base flood, that has a one percent (1%) chance of being equaled or exceeded in any given year.

M. **Recreational Vehicle.** A vehicular-type of structure which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) self-propelled or mounted on or drawn by another vehicle and (4) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes, but it not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

N. **Structure.** A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other manmade object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

O. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

P. **Substantial Improvement.** Any repair, reconstruction, major 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 structures either, (1) before the improvement or repair is started or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Ordinance, substantial improvement is considered to have occurred when the first alteration cat 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 correct any existing violation of State or local health, sanitary or safety code specifications which are solely necessary to assure safe living.
conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."
ZONING

ARTICLE IV

PENALTY, APPEALS AND VALIDITY

The Lebanon County Planning Department is authorized to administer the provisions of this Ordinance providing for the control of damage caused by flood and providing for certain minimum standards in the construction of structures within a flood control area and for the administration of the same and providing penalties for the violation thereof as herein provided, and to enforce the provisions of this Ordinance on behalf of the Lebanon County Commissioners. With the approval of the governing body, the Lebanon County Planning Department may, in addition to other remedies provided herein, institute in the name of Lebanon County any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct or use constituting a violation of this Ordinance.

§4.1 Penalties for Noncompliance

A. Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than $500 and/or such person, the members of such partnership and the officers of such corporation be imprisoned for not more than 60 days. Each day that a violation is continued shall constitute a separate offence.

§4.2 Appeals

A. Any applicant aggrieved by any action of the Lebanon County Planning Department or Zoning Officer or other administrator under this Ordinance who refuses to approve a permit application, shall have the right, within 30 days after such refusal received in writing, to appeal to the Court of Common Pleas of Lebanon County.

§4.3 Validity.

Should any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part hereof.
PART 5
SUPPLEMENTARY DISTRICT REGULATIONS


The supplementary district requirements are designed to contain a list of complimentary and general requirements which augment and clarify regulations listed elsewhere in this Chapter. Where applicable, these regulations shall apply uniformly to every use, activity, building or structure hereafter erected, altered, established or expanded. These regulations apply to all zoning districts and are listed comprehensively herein to avoid duplication and repetition throughout the remainder of this Chapter.

A. Visibility at Intersections; Safe Sight Distance. On a corner lot nothing shall be erected, (except street signs, utility poles, traffic signs or trees whose branches are trimmed to a height of 10 feet) placed, planted or allowed to grow in such manner as to impede vision between a height of 2½ and 10 feet above the center line grades of the intersecting streets in the area bound by the street center lines of such intersecting streets and a line joining the street center lines at a distance of 75 feet from the point of intersection.

B. Fences, Walls and Hedges, Trees. Fences, walls and hedges shall be permitted in an yard; provided, however, that no fence, wall (except retaining wall) or hedge in a required front yard shall be over 36 inches in height. Fences exceeding 36 inches shall be permitted provided that said fence contains an open area of not less than 75%.

C. Erection of More Than One Principal Structure or Building on a Lot. In any district, more than one structure or building housing a permitted 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 or building as though it were on an individual lot. However, no more than two additional family dwellings shall be permitted on any single lot.

D. Exceptions to Height Regulations. The height limitations contained herein do not apply to spires, clock towers, microwave towers, cupolas, silos, antennas, flagpoles, water tanks, ventilators, chimneys, television, transmission or radio towers, elevators or stair bulkheads or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

E. Buildings to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Board of Supervisors, and all buildings shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. Private streets shall be a minimum of 16 feet in width for public safety. They
will be approved if adequate surface and subsurface drainage are provided and maintenance is guaranteed in perpetuity by a bona fide homeowner's association or similar organization and appropriated financial security for repairs and maintenance. [Ord. 39A]

F. **Corner Lot Restriction.** On every corner lot there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located.

G. **Lots in Two Districts.** Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for that district in which the largest portion lies shall apply.

H. **Lot Area and Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers.** Where a lot is not served by a public water supply and/or sanitary sewage system and the prevailing subdivision and land development ordinance or other State or local ordinance in force require a higher standard for lot area or lot width than this Chapter, the more restricted regulations of such other ordinance or regulation shall apply.

I. **Front Yard Exceptions.** When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that in no case shall the front yard be reduced by more than 50% of the required front yard for that district.

J. **Projections Into Required Yards.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard requirements or building coverage:

1. Terraces or patios, provided that such terraces or patios are unroofed or otherwise enclosed and are not closer than 5 feet to any adjacent lot line.

2. **Projected Architectural Features.** Bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features; provided, that any single feature does not exceed 5 square feet in external area.

3. Uncovered stairs and landings; provided, such stairs or landings do not exceed 3 feet 6 inches in height.

4. Lamp posts, walkways, driveways, retaining walls or steps shall be permitted within any required yard.

5. Open balconies; provided, such balconies are not supported on the ground and do not project more than 5 feet into any yard.
(6) Temporary structures for exhibits, construction offices or similar purposes.

K. Restrictions on Air Pollution. All sources of air pollution must comply with rules and regulations, as defined and established by the Air Pollution Commission of the Commonwealth of Pennsylvania, Department of Environmental Protection, or as modified by additional restrictions imposed by local or regional health departments. The term "air pollution" shall refer to the presence in the outdoor atmosphere of any form of contaminant including, but not limited to, the discharging from stacks, chimneys, openings, buildings, structures, vehicles, processes or any other toxic or radioactive substances, waste or any other matter in such place, manner or concentration inimical or which may be inimical to the public health, safety or welfare or which is or may be injurious to human, plant or animal life, or to property or which unreasonably interferes with the comfortable enjoyment of life or property. Normal farm operations shall be exempt from the requirements of this subsection. [Ord. 86]

L. Solid Waste Disposal. All methods and practices of solid waste or refuse disposal shall be in compliance with Act 241 (Pennsylvania Solid Waste Management Act) of the Pennsylvania Department of Environmental Resources, or as specified by additional local ordinances and zoning requirements. Solid wastes are defined to mean garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. [Ord. 86]

M. Requirements for Sewage and Liquid Waste Disposal. All sewage and liquid waste disposal practices must be in accordance with rules and regulations of the Pennsylvania Department of Environmental Protection. The requirements are such that all new facilities or major revisions to existing waste treatment or disposal facilities must have a permit issued by this authority. All operators of such treatment or disposal facilities must also be properly licensed as called for by the Department of Environmental Protection. [Ord. 86]

N. Erosion and Sedimentation. Prior to construction on lots which have an average slope over 25%, an erosion and sedimentation plan must be submitted to the Zoning Officer.

O. Public Utilities Exemptions. For the purposes of this Chapter, public utilities exemptions to district requirements shall extend only to accessory support and maintenance structures and buildings not requiring human occupancy. Such uses and structures, including fences, shall be located no closer than 10 feet to any lot line or road right-of-way line. Principal utility structures (e.g., sewage treatment plants, electrical power plants, etc.) shall be permitted in any district but shall comply in all respects with the
requirements for a principal use of the district in which it will be located. In either case, said utility corporation shall secure a building and zoning permit from the Zoning Officer prior to the start of construction. Said permit application shall include any and all approvals required by other agencies, etc., for the use specified.

P. **Parking, Storage or Use of Major Recreational Equipment.** For purposes of these regulations, major recreational equipment and/or tractor trailers, rigs or cabs are defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed 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 more than one item of major recreational equipment shall be parked or stored on any lot in any district, except in a carport, an enclosed building, in a rear yard or on that portion of a private driveway not within the road right-of-way. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in any location not approved for such use. Additionally, no such equipment shall be parked for loading and unloading along public streets in any district for a period of time exceeding 24 hours.

Q. **Parking and Storage of Certain Vehicles.** No more than two automotive vehicles or trailers of any kind without current, valid license plates and/or State inspection shall be parked or stored on any property other than in completely enclosed buildings, on State licensed and approved car/trailer lots or properly licensed and approved junkyards. Additionally, no such vehicles shall be parked or stored along public streets in any district. Provisions of §506(12) shall prevail for residentially zoned districts. [Ord. 39A]

R. **Unlicensed Vehicles.** Unlicensed vehicles without valid inspection stickers will be required to be housed in a structure unless the vehicle is farm equipment, machinery or implements. Such farm materials may be stored within any yard area as long as such materials are regularly used in the pursuit of farming. Any vehicle which is being dismantled will be required to be housed within a structure and no parts from dismantled vehicles shall be permitted to be stored outside of a structure. There is an exception to this provision as it relates to agricultural vehicles which are being dismantled for any repairs or to maintain other agricultural vehicles. Such agricultural vehicles will be allowed to be housed outside of its structure.

S. **Dangerous Structures.** Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence
within 30 days and be completed within 90 days of notification by the Zoning Officer.

T. **Mobile Home Parks and Mobile Home Subdivisions.** All mobile home parks and mobile home subdivisions hereafter erected, established, substantially altered or expanded shall comply with the requirements of §§27-404(C) and 27-408.

U. **Feedlots.** New homes constructed or placed on an adjoining lot to a feedlot (regardless of the zoning classification) are required to maintain these distances from an adjacent feedlot; no closer than 300 feet to any adjoining lot line and no closer than 500 feet to the feedlot, per se.

(Ord. 39, 11/9/1988, §501; as amended by Ord. 39A, 8/9/1995, §1; by Ord. 60, 12/11/1996, §8; and by Ord. 86, 11/14/2001)

§27-502. **Home Occupation Regulations.**

1. In any district, all dwelling units and accessory structures with direct access to a public street may be used for the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence and, further provided, that such use of the dwelling or accessory structure does not change the character thereof or has any exterior evidence of such secondary use other than a small sign as provided in this Chapter.

2. Home occupation permits must be obtained from the appropriate Township official by the property owner or his duly authorized designee.

3. Home occupation shall be limited to the occupants of the residence and not more than one paid or unpaid assistant or employee at any one time.

4. Two off-street parking spaces, in addition to those required for the residence units, shall be required for any such home occupation. The home occupation, if conducted wholly within the dwelling, shall not occupy more than 25% of the habitable floor area. If conducted within an accessory structure, shall not occupy more than 750 square feet. This area shall include all functions or activities of the home occupation.

5. Home occupation shall be subject to the following limitations:

   A. No emission of unpleasant or other odorous matter shall be permitted.

   B. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.

   C. No glare and heat from any home occupation shall be permitted.
D. No discharge is permitted into a reservoir, sewage or storm disposal system, open body of water or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any supply, or damage or be detrimental to any sewage system or any sewage treatment process or other wise could cause the emission of dangerous objectionable elements.

E. No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.

F. No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted, whichever shall be the smaller, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.

G. No emission of any objectionable smoke shall be permitted.

H. Electric or electronic devices shall be shielded in such manner as not to interfere with radio or television reception or transmission of any kind.


§27-503. Accessory Uses, Buildings or Structures.

1. No detached accessory building or structure shall be erected in any required front, side or rear yard and no detached accessory building or structure shall be erected within 5 feet of any other building or structure.

2. Private noncommercial swimming pools, which are designed to contain a water depth of 24 inches or more, must be located in a rear or side yard only, not less than 15 feet from side or rear lot lines. Inground pools shall be entirely enclosed with a permanent fence not less than 4 feet in height. Such fence shall contain a gate which can be locked. This fence shall be in place prior to filling of pool with water. Aboveground pools, less than 4 inches in height and designed to contain more than 1 foot of water shall also require a fence and gate as prescribed in this subsection.

3. No nonresidential activities shall be permitted in any residential zone, except those permitted by home occupation regulations of this Chapter.

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. 39, 11/9/1988, §503)
§27-504. Multifamily Residential or Townhouse Developments.

1. Permitted Uses. Multifamily or townhouse buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities; however, coin-operated washing and drying machines and vending machines for foods, beverages, newspapers or cigarettes located inside the building shall be permitted provided that these are for the tenants' use only. Sample apartments or townhouse for display purposes shall be permitted for each type of construction.

2. Water and Sewer. The proposed development shall be served by public water supply and sewage disposal systems or, on an interim basis, a community water supply and sewage disposal system approved by the Department of Environmental Protection. [Ord. 86]

3. Area and Bulk Regulations. All multifamily residential or townhouse developments shall conform to all of the requirements as herein established:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Garden Apartment</th>
<th>Townhouses</th>
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<tbody>
<tr>
<td>Minimum gross lot area:</td>
<td>5 acres</td>
<td>3 acres</td>
</tr>
<tr>
<td>Minimum lot width at building line:</td>
<td>300 feet</td>
<td>20 feet¹</td>
</tr>
<tr>
<td>Maximum building coverage of gross land area:</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>Minimum side yard:</td>
<td>50 feet</td>
<td>30 feet²</td>
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<tr>
<td>Minimum rear yard:</td>
<td>75 feet</td>
<td>30 feet</td>
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<tr>
<td>Minimum front yard:</td>
<td>75 feet</td>
<td>30 feet</td>
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<tr>
<td>Distance between buildings:</td>
<td>See §27-504(4)</td>
<td>See §27-504(5)</td>
</tr>
<tr>
<td>Parking area set back from lot line or street ultimate right-of-way</td>
<td>30 feet</td>
<td>30 feet³</td>
</tr>
<tr>
<td>Maximum dwelling units per gross acre</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Minimum usable open space (not including parking or driveway areas) devoted solely to recreational use and activity:</td>
<td>0.25 square feet for every one(1) square feet of gross floor area⁴</td>
<td></td>
</tr>
<tr>
<td>Maximum height:</td>
<td>3 stores or 35 feet</td>
<td>3 stores or 35 feet</td>
</tr>
</tbody>
</table>

NOTES: ¹Minimum width of a townhouse dwelling unit is 20 feet per unit.
        ²Applies to end building only.
3 Applies only to parking lots and joint parking areas, not to separate parking area for individual townhouses.

4 Useable open space shall not include the required front, side and/or rear yards of an individual building.

4. In addition to the provisions of the above requirements, the following shall also apply:

A. There shall be no group of townhouses consisting of more than eight dwelling units.

B. The developer should vary architectural treatments within apartment projects, individuals apartments and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design layout and arrangement of buildings, parking area, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

C. The horizontal distance between groups of townhouses or garden apartments shall be:

   (1) Two times the average height of the two groups of townhouses and garden apartments for front or rear walls facing front or rear walls.

   (2) One and one-half times the average height for front or rear walls facing side walls.

   (3) Equal to the height of the highest building for side walls facing side walls.

D. The minimum width of any side yard abutting a street, driveway or parking area should not be less than 30 feet.

E. Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

F. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.

27-92
G. Garden apartment buildings shall not exceed 150 feet in length.

H. In the event a development is designed to contain more than one permitted use, the plan submitted shall indicate an area designation for each such use and all requirements of this Chapter for each area so designated.

5. **Parking Facilities.**

A. **Number of Spaces.** Off-street parking, whether garage or nonlot, shall be provided on the premises at the rate of two spaces for each dwelling unit.

B. Requirement for parking lots shall be as follows:

   1. All access drives and parking lots shall be at least 15 feet from any building on the lot and from exterior lot lines (except carports and garages).

   2. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

   3. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

   4. Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.

   5. All accessways and parking areas shall be suitably paved with a permanent hard surface covering.

   6. No more than 15 continuous spaces shall be permitted in any continuous rows without interruption by landscaping.

   7. No more than 60 parking spaces shall be accommodated in any single parking area.

   8. No more than two interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting municipal street standards.

   9. The total length of any single or combined parking area shall not exceed 500 feet. The length shall be measured from the center line of the public or private street providing access to the furthest point of the parking area.
C. Site Requirements.

1. Entrance and exit ways and interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

2. Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width.

6. Drainage.

A. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. The rate of any discharge shall not be greater than existed prior to development based on a 100 year storm frequency. Plans for such drainage system shall be submitted and shall be subject to approval by the Engineer of the Township.

B. All provisions of existing municipal ordinances and prevailing subdivision and land development ordinance regarding storm drainage shall be complied with.

7. Lighting. Lighting for buildings, accessways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

8. Storage of Trash and Rubbish. Exterior storage areas for trash and rubbish shall be well screened on three sides and contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

9. Site Plan Review and Approval. Multifamily and townhouse developments shall be deemed to be a subdivision governed by the provisions and procedures of any prevailing subdivision and land development ordinance and the procedures established in said ordinance for approval shall be followed.

(Ord. 39, 11/9/1988, §504; as amended by Ord. 86, 11/14/2001)

§27-505. Signs and Advertising Structures.

The purpose of the signs and advertising structure regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals, and to permit and regulate signs in such a way as to support and compliment land
use objectives set forth in this Chapter. Signs may be permitted only when in compliance with the provisions of this Chapter and any and all ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, replacement, alteration or maintenance of signs and similar devices.

A. **Area of Sign.** The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols. All double face signs shall be considered as having one sign area, except doubled-faced "V" signs that have interior angles greater than 45°.

B. **General Regulations.** All signs and/or advertising structures, where permitted under the terms of this Chapter, are subject to the following:

1. No sign shall be erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged or relocated until a permit is obtained from the Zoning Officer, except that no permit shall be required by this Chapter for the following signs:

   a. Signs not exceeding 2 square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.
   
   b. Flags and insignia of any government, except when displayed in connection with commercial promotion.
   
   c. Legal notices, official traffic signs, community facilities signs, Township identification signs, noncommercial historical or geographical identification information or directional signs erected by government bodies.
   
   d. Geographical identification and greeting signs erected by civic and service organizations provided that they do not exceed 4 square feet in area and are comprised of the organization's standard emblem or seal.
   
   e. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
   
   f. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
(g) Temporary signs as described in §27-505(C) of this Chapter.

(h) Signs identifying farms, farm association and agricultural products; provided, that no farm or association identification sign exceeds 10 square feet in area and no more than one sign shall be erected per road frontage. Signs identifying agricultural products shall not exceed 2 square feet in area.

(i) Hunting, fishing and trespassing signs and signs indicating private ownership of roadways or property; provided, that such signs do not exceed 2 square feet in area and when erected along street frontage the signs shall be spaced at intervals of not less than 100 feet.

(j) Signs up to 4 square feet in area which are necessary for the identification, protection and operation of public utility facilities.

(2) Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The Zoning Officer shall require such maintenance and, in the event the sign owner fails to comply with said requirements, the Zoning Officer shall proceed against him as provided in §27-701(1) of this Chapter. Any sign which pertains to a time, event or purpose which no longer applies and has been abandoned, as specified in §27-603 of this Chapter, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

(3) All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name.

(4) No sign shall be so illuminated as to have a glaring effect upon vehicular traffic. No sign shall be illuminated so as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of the light shall be steady and stationary.

(5) No sign shall be higher than 35 feet from the ground to the highest part of the sign.

(6) No sign shall be erected as to obstruct entrance to or exit from a required door, window, fire escape or other required exitway.

(7) No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflectorized material that creates a flashing action and is so located as to render ineffective any traffic sign or signal. Any sign which resembles an official traffic sign or signal, by way of its appearance or content, shall be prohibited.
(8) Unless otherwise provided, no sign shall be painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street.

(9) Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in the "clear sight triangle" as specified in §27-501(A).

(10) Unless otherwise specified, all signs shall be on-premises and no sign shall be erected until a permit has been secured from the Zoning Officer and approval has been received from any other applicable State or local agencies.

(11) No sign shall contain obscene material.

C. Signs Permitted in All Districts. The following signs are permitted in any zoning district:

(1) Temporary signs which do not require a permit:

   (a) Temporary signs of painters, mechanics, contractors, realtors and the like not exceeding a total of 16 square feet in area, provided such signs are removed as soon as the work has been completed.

   (b) Temporary signs and banners of a noncommercial nature across a public right-of-way are permitted provided:

       1) Permission is obtained from the Township Supervisors.

       2) They are erected in a location which will not cause a traffic hazard.

       3) They meet safety standards and are maintained.

       4) They are removed when their temporary use is completed.

   (c) Temporary signs announcing a campaign, drive or event of civic, philanthropic, educational or religious organization. Such signs shall not exceed 12 feet in area and shall be removed within 48 hours after completion of the campaign, drive or event.

   (d) Temporary signs directing patrons, members, audience or customers to temporary exhibits, shows, events or activities (e.g., yard sales, fruit sales, conventions, etc.). Such signs shall not exceed 12 square feet in area and shall be removed within 48 hours after completion of the campaign, drive or event.
(e) Signs erected in conjunction with a political election provided that all signs are removed within 48 hours after the date of the election.

(2) Off-premises directional signs which require issuance of a permit:

(a) Off-premises directional signs which are used to direct patrons, members, audience, customers, clients to service clubs, churches, commercial, industrial, institutional or other organizations may be erected subject to the following requirements:

1) A sign shall indicate only the name of the organization and the direction to the facility.

2) Except at intersections, no sign shall be placed within 200 feet of another sign associated with the same principal use.

3) All signs shall be placed within 2 miles of the use and no more than six signs for each principal use may be erected within the borders of the Township.

4) All signs shall consist of dark lettering on a light background, excluding standard issue signs. The signs shall not exceed 3 square feet in area and no moving parts, flashing lights or any type of illumination shall be permitted.

5) At intersections of public streets, no more than one sign post accommodating all directional signs may be erected per corner. Said posts shall not exceed 6 inches in width and shall not be less than 3 feet, nor greater than 8 feet in height above ground. No more than one sign per principal use may be attached to any sign post and no portion of any sign shall be erected within the "clear sight triangle" as specified in §27-501(A) of this Chapter.

6) Application for off-premises directional sign shall include a map indicating location of placement requests and the land owner's written approval, name to be placed on sign and distances from the facility to each sign.

(3) One name plate for a home occupation; provided, that the sign does not exceed 4 square feet in size and identifies only the name of the occupant and title of the occupation. If lighted, the sign shall be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used for any purpose other than that of a dwelling.
(4) One institutional sign and/or one bulletin board for places of worship, schools, hospitals, libraries, museums, social clubs and similar uses; provided, each sign or bulletin board does not exceed 16 square feet in area and is located no closer to a road right-of-way than \( \frac{1}{2} \) the depth of the existing front yard or 25 feet, whichever is less. If lighted, it shall be illuminated without objectionable glare. Additionally, if such property fronts on more than one street, each street frontage may contain the above-mentioned signs.

(5) Subdivision Signs.

(a) Temporary. A sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within 30 days of the sale date of the last lot.

(b) Permanent. A sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.

(c) One sign per road frontage may be permitted, provided the sign is placed at an entrance to the subdivision, is located on the property to be subdivided and does not exceed 24 square feet in area. No portion of any sign shall be erected within the "clear sight triangle" as specified in §27-501(A).

D. Signs in Residential and Agricultural Districts. The following types of on-premises signs may be permitted in residential and agricultural districts unless otherwise prohibited:

(1) Signs for the advertisement of agricultural business as follows:

(a) For each property involved in agri-business, one sign may be erected, provided no sign or portion thereof shall be located closer to the road right-of-way than \( \frac{1}{2} \) the depth of the existing front yard or 25 feet, whichever is less.

1) Wall or Projecting Sign. Maximum sign area shall not exceed 16 square feet.

2) Freestanding Sign. Maximum sign area shall not exceed 25 square feet.

(2) Signs for nonconforming commercial or industrial uses as follows:

(a) For each property involved in a commercial or industrial use, a total sign area of 30 square feet shall be permitted. No sign or portion thereof shall be located no closer to the road right-of-way
than \(\frac{1}{2}\) the depth of the existing front yard or 15 feet, whichever is less.

1) Projecting Sign. Maximum sign area shall not exceed 12 square feet.

2) Freestanding Sign. Maximum sign size shall not exceed 16 square feet.

3) Wall or Window Sign. Maximum sign size shall not exceed 12 square feet.

(3) Signs as permitted in §27-505(C) of this Chapter.

E. Signs in Commercial and Industrial Districts. Unless otherwise specified, only on-premises signs may be permitted, provided the maximum sign area shall not exceed 250 square feet per street frontage. All wall, projecting, roof or freestanding signs must be erected in compliance with the following standards:

1) Signs for the advertisement of agri-business as permitted in §27-505(D) of this Chapter.

2) Signs for commercial, office, institutional and industrial uses as follows:

   (a) One wall sign for each road frontage, provided it is attached to the wall of the principal building and projects horizontally not more than 12 inches therefrom and occupies not more than 15% of the total area of the front of the principal building. It shall not project more than 3 feet above the roof line or parapet wall.

   (b) One projecting or roof sign for each road frontage, provided it shall not project beyond a vertical plane 2 feet inside the road right-of-way line and does not exceed 20 square feet in area. Said signs shall not exceed a height of 35 feet.

   (c) One freestanding sign for each road frontage, provided it does not exceed 60 square feet in area. It shall not extend beyond a vertical plane 2 feet inside the lot from the road right-of-way line and shall not exceed a height of 35 feet.

   (d) General shopping district identification signs, provided they are separate and not attached to any building. Maximum of two such signs for any one general shopping district. The height of signs shall be a maximum of 35 feet measured from the ground, and the maximum size of the sign portion itself shall not exceed 100 square feet.
(3) Off-premises bill boards and advertising sign boards may be erected and maintained, provided the total display area of all such signs shall not exceed 20 square feet for each 10 feet of road frontage, and the total display area of any sign shall not exceed 200 square feet in area. Said signs shall not be placed less than 100 feet apart, nor within 100 feet of existing billboards or advertising sign boards. No sign or portion thereof shall be located closer than 25 feet to the road right-of-way and shall not exceed 35 feet in height.

(4) Signs as permitted in §27-505(D) of this Chapter.

F. Nonconforming Signs. Any signs erected, constructed, replaced, altered, enlarged or relocated before the effective date of this Chapter, that would not otherwise be permitted under the terms of this Chapter, may remain and continue to be used, maintained and repaired, provided:

(1). A nonconforming sign shall not be replaced, altered, relocated or reconstructed, except to bring the sign into total compliance with the provisions of this Chapter.

(2). A nonconforming sign may be used, maintained and repaired, subject to the following requirements:

(a) Maintenance and repair of a nonconforming sign is permitted when said activities are necessary to maintain the sign in a presentable, functional condition. Maintenance and repair activities shall not include alterations, relocation or reconstruction, but may include replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. Prior to the removal of a nonconforming sign for maintenance, repair or message change, a permit shall be secured from the Zoning Officer. Said permit shall allow the applicant to re-erect the repaired or remessaged nonconforming sign within 30 days of issuance. If the nonconforming sign is not erected within the specified time, it shall lose its nonconforming status and any successive sign shall conform with all applicable Chapter requirements.

(b) Nothing in this Chapter shall prohibit the change in advertising, identifying or directional message of a nonconforming sign so long as the change does not involve any alterations, relocation or reconstruction of the nonconforming sign. Message changes of a nonconforming sign that are a result of a transfer in ownership of the premises on which the principal use is located, excluding contract advertising signs, shall be prohibited and any successive sign shall conform to the Chapter requirements. If the message
change requires removal of the sign, a permit shall be secured as in the above subsection.

(c) A nonconforming sign, which has been damaged or destroyed by fire, explosion, accident or calamity, to an extent which is greater than 50% of the sign or sign value, may not be repaired, except in compliance with the provisions of this Chapter. A nonconforming sign which has sustained less than 50% damage of the sign or sign value may be repaired provided:

1) The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign.

2) Repair is completed within 60 days from the date of damage. Failure to repair within 60 days shall result in the loss of nonconforming sign rights and any successive sign shall conform with all applicable Chapter requirements.

(d) When a nonconforming sign has been demolished or destroyed by deterioration or removal, or has been moved from its location for reasons other than for an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced, except in complete conformity with the provisions of this Chapter.

(3) A nonconforming sign which pertains to a time, event, purpose or use which no longer applies, has been abandoned or changed shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

(4) Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

G. **Permanent Freestanding Signs.** If the sign is to be supported by a separate structure to be erected for that purpose, then the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

(Ord. 39, 11/9/1988, §505)

§27-506. **Off-Street Parking.**

1. **Intent.**
A. The regulations concerning off-street parking are intended to insure that adequate, well-designed parking facilities are provided for all new, altered or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas, driveway and accessways to (i) satisfy the minimum standards contained within this Section and (ii) be designed to prevent overcrowding and congestion and impairment of traffic circulation and access.

B. Off-street parking facilities, including access driveways, shall be required in accordance with the provisions of this Section as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

(1) Whenever a building is constructed or a new use established.

(2) Whenever the use of an existing building is changed to a use requiring more parking facilities.

(3) Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Chapter.

2. Continuation of Parking Facilities.

A. 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 automobile service or repair, except by resident occupant and not for business purposes, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces if provided for such use in another approved location.

B. In order to insure the continued use for parking purposes of any areas established therefore 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 approved by the Township Solicitor.

3. 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 closed 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 in other than an industrial park zone shall not be less than 10 feet wide and not less than 20 feet long, exclusive of all drives, curbs and turning space. In an industrial park zone for owners, employees or tenants, each parking space shall be not less than 9 feet wide and not less than 18 feet long. For customers and visitors, each parking space shall be not
less than 10 feet wide and not less than 20 feet long. The number of spaces shall be determined from an accurate plan of the area. [Ord. 39A]

**FLOOR AREA** - the total area of 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 §27-506(4) only the floor area used by a specific use.

**SEAT** - the number of seating units installed or indicated, or each 24 lineal inches of benches, pews or space for loose chairs or similar seating facilities; spacing of rows shall be 30 inches on center.

**REQUIRED MINIMUM PARKING SPACE** - the minimum number of spaces required by applying the schedule in §27-506(4) to a specific building or group of buildings.

<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>A. Civic and educational:</td>
<td>one space for each employee plus 1 space for each six seats in assembly rooms</td>
</tr>
<tr>
<td>and secondary school; library</td>
<td></td>
</tr>
<tr>
<td>places for public assembly</td>
<td></td>
</tr>
<tr>
<td>B. Governmental; municipal</td>
<td>one space for each 200 square feet of office floor area, plus one space for</td>
</tr>
<tr>
<td>building use for</td>
<td>each four seats in assembly</td>
</tr>
<tr>
<td>administrative functions</td>
<td></td>
</tr>
<tr>
<td>C. Place of worship</td>
<td>one space for each three seats in principle assembly rooms</td>
</tr>
<tr>
<td>D. Welfare:</td>
<td>one space per two beds, plus one space for each employee</td>
</tr>
<tr>
<td>Hospital</td>
<td>one space per 150 square feet floor area</td>
</tr>
<tr>
<td>Health Center</td>
<td>one space per each four guest rooms or apartment units, plus one space for each employee</td>
</tr>
<tr>
<td>Home for the aging,</td>
<td></td>
</tr>
<tr>
<td>nursing home</td>
<td></td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>E. One and two-family dwelling</td>
<td>two spaces per dwelling unit</td>
</tr>
<tr>
<td>F. Multifamily residence</td>
<td>two spaces per dwelling unit</td>
</tr>
<tr>
<td>Office Building</td>
<td></td>
</tr>
<tr>
<td>G. Medical and dental offices</td>
<td>one space per 150 square feet of floor area, plus one space for each doctor and dentist</td>
</tr>
<tr>
<td>and clinics</td>
<td></td>
</tr>
</tbody>
</table>

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Building or Use

Parking Spaces Required

H. Other offices
- one space per 200 square feet of ground floor area; one space per 300 square feet of floor area of upper floors

I. Motel, hotel
- one space per guest room or unit

J. Mortuary
- one space per 30 square feet of assembly rooms or one space for each four seats, whichever requires the greater number, but in no case less than 20 spaces

Retail Business

K. Retail store, banks, service establishments
- one space per 200 square feet of ground floor area; one space per 300 square feet of floor area of upper floors

L. Eating places
- one space per 50 square feet of floor area or one space per two seats, whichever requires the greater number of spaces

M. Club, lodge or other hall
- one space per four seats in building

Commercial Business

N. Dance hall, skating rink, swimming pool
- one space per 50 square feet of area used for dancing, skating or swimming

O. Bowling alley
- six spaces per bowling lane

P. Service and storage establishments
- one space for every two employees on the combined employment of the two largest successive shifts

Manufacturing

Q. Executive offices, sales offices
- one space per 200 square feet of executive and sales office floor area

R. Service and storage establishments, laboratories, manufacturing plants and other uses permitted in a manufacturing district
- one space for every two employees on the combined employment of the two successive shifts

Other Buildings or Uses

S. For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above schedule deemed to be the most similar to the proposed building or use.
5. **Separate or Combined Use of Facilities.** A building containing one use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two 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 the spaces required for each use.

6. **Parking and Garage Facilities for Residence.** Accessory parking facilities shall be located on the same lot as the dwelling served. Each single-family, duplex and two-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises. Each multiple-family dwelling shall have a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises.

7. **Access Drives to Parking Areas.** The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access driveways on the frontage street shall be at least 35 feet from the right-of-way line of the nearest intersecting street. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or exit from the parking area. Business and/or parking lots shall not create an undue burden upon traffic flow and parking facilities on an adjacent street. Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule.

<table>
<thead>
<tr>
<th>Width (feet)</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>One lane</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Two lanes</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Three lanes</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

In all cases, the radius of the edge of the driveway apron shall be at least 15 feet.

8. **Improvements to Parking and Loading Areas.** All parking areas, loading areas and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete or other similar hard surface, approved by the Township Supervisors. Surface water shall not be permitted to discharge over public sidewalks or roadways or onto other premises. The maximum grade of the parking area shall not exceed 2%. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Township Supervisors may require, at the developer's expense, landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use or district. All curbs and bumper
guards shall be constructed in accordance with standards established by the Township Supervisors.

9. **Illumination of Parking and Loading Areas.** Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

10. **Approval of Parking and Loading Plans.** Detailed drawings of off-street parking and loading areas (except for one and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles and other feature required under the provisions of this Section. In instances when the drawings do not show full compliance with the requirements of the Section, the Zoning Officer shall reject the plans. The decision of the Zoning Officer may be appealed to the Zoning Hearing Board who may, in specific cases, when the size, shape or location of the parking or loading area is such that it is impractical to meet the strict requirements of this Section, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Chapter.

11. **Parking and Storage of Certain Vehicles.** Wrecked or dismantled automotive vehicles and trailers of any kind or type without current license plates shall not be parked or stored on any street or on any residentially zoned property other than in completely enclosed buildings.

(Ord. 39, 11/9/1988, §506; as amended by Ord. 39A, 8/9/1999, §1)

§27-507. **Floodway Controls.**

1. **Intent.**

   A. To prohibit or restrict construction of any permanent building or structure or uses and activities in the Township in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the water courses and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and to minimize future flood damage.

   B. It is the intent of this Section to supplement the primary district regulations in order to better control development in floodways, which include the channel of the watercourse along with the area inundated by flooding, and therefore used to carry the flow of the flood.
2. Definitions of Terms Utilized.

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

100 YEAR FLOODPLAIN - 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 100 years. In this Chapter, the bounds of the 100 year floodplain have been temporarily delineated from flood data and alluvial soils maps.

ESTABLISHED FLOOD ELEVATION - the elevation at a point on the boundary of the identified flood prone area which is nearest to the construction site in question.

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

FLOODPLAIN -

1. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation of water.

2. An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

FLOODWAY FRINGE - the area of the floodplain not lying within the floodway which may hereafter be covered by flood water of a 100 year flood interval.

FLOODWAY - the channel of the stream or body of water and those portions of the floodplains which are reasonably required to carry and discharge flood water or flood flow of a designated magnitude.

3. Delineation of Floodway Areas. The floodway areas shall include all areas subject to inundation by waters of the established flood. The actual elevation and extent of the area subject to flooding is to be determined by the established flood elevation. The bases of the temporary delineation of the district are the alluvial soils map as delineated by the U.S. Soil Conservation Service, and data from the 1972 flood. The temporary delineation of the district will be utilized until the 100 year floodplain can be officially designated by the surveys to be completed by the Susquehanna River Basin Commission, the U.S. Army Corps of Engineers or an engineering firm fully assigned to the project by the Department of Housing and Urban Development. Until the official designation can be made, all rules and regulations of this Section shall apply unless a written statement is obtained from the U.S. Soil Conservation Service or a professional municipal engineer who can certify the location of the property in relation to the floodplain as defined by this Chapter, indicating that the land and/or buildings in question do not fall within a
floodplain area. If the land is found not to be within the floodplain area, the land shall be subject to all regulations of the zoning district.

4. **Permitted Uses.** Within the above defined areas, the following uses are permitted:

   A. Agricultural uses (excluding structures), such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, sod farming, forestry, lumbering and reforestation (excluding storage and mill structures) and wild crop harvesting.

5. **Uses Permitted by Special Exception.** The Zoning Hearing Board may authorize issuance of a zoning permit to use or construct the following, if adequate building methods are used to eliminate the dangers of flooding. A statement by a registered architect or engineer will be required to explain the building methods to be used in overcoming the possibility of flooding. Such statement should also include an explanation of the manner by which water and sewer facilities will be provided in keeping with public health requirements:

   A. Public and private recreational uses (not requiring "permanent or temporary structures" designed for human habitation) such as: parks, day camps, picnic groves, shooting preserves, fishing preserves, boating clubs (excluding structures), game farms, fish hatcheries, wildlife and nature preserves, target ranges, trap and skeet ranges, hiking areas and arboreta.

   B. Building or structures may be permitted in the floodway fringe, subject to the following:

      1. No building or structure or any portion thereof shall be erected unless the finished surface of the ground is higher than, or is raised by filling to, an elevation of at least 1 foot above the elevation of the 100 year flood.

      2. No first floor or opening below the first floor of any building shall be constructed at an elevation of less than 1 foot above the elevation of the 100 year flood.

      3. Any building or structure permitted shall be firmly anchored to prevent the structure from floating away and from threatening life or property downstream, and from further restricting bridge openings and other restricted sections of the creek.

      4. Any building or structure permitted shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water. All plans shall be submitted to the Corps of Engineers for approval.
6. **Additional Safeguards.**

A. No part of any private sewage disposal system shall be constructed within the floodplain.

B. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes; however, larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain district or that land uses permitted within such districts will be free from flooding or flood damages. This Chapter 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 Chapter or any administrative decision lawfully made thereunder.

C. 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.

7. **Factors to be Considered by the Zoning Hearing Board When Reviewing Special Exceptions.** In reviewing applications for special exceptions, the Zoning Hearing Board shall consider all relevant factors specified in other sections of this Chapter and:

A. The danger to life and property due to purposes of this Section.

8. **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 conditions:

A. Existing nonconforming structures or uses located in the floodplain areas shall not be expanded, but may be modified, altered or repaired to incorporate floodproofing measures; provided, that such measures do not raise the level of the established flood.

B. If any nonconforming structure or use located in the floodplain area is destroyed by any means, including floods, to an extent of 75% or more of the structure, it shall not be reconstructed or continued, except in conformity with the provisions of this Chapter. However, if construction begins within 12 months after destruction or partial destruction, the same nonconforming structure or building may be re-established.

9. **Additional Administrative Requirements.**

A. To insure that all new construction within identified floodplain area(s) will be conducted employing adequate flood damage controls, the Zoning Enforcement
Officer shall require the following specific information to be included as part of an application for a permit:

(1) A plan which accurately located the proposed construction with respect to the floodplain area boundaries, stream channel and existing flood plan developments. Included shall be all plans for proposed subdivision and/or land development to assure that:

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

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

(c) Adequate drainage is provided to reduce exposure to flood hazard.

(2) Such plan shall also include existing and proposed contours and elevation of the ground, established flood elevations, structure elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures.

(3) 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 Chapter and other applicable ordinances.

B. **Review of Application by County Soil Conservation District.** A copy of all applications and plans for new construction in the identified floodplain area to be considered for approval shall be submitted by the Zoning Enforcement Officer to the County Soil Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Soil Conservation District shall be considered by the Zoning Enforcement Officer for possible incorporation into the proposed plan.

C. **Review of Application by Others.** A copy of all plans and applications for new construction in the identified floodplain areas to be considered for approval may be submitted by the Zoning Enforcement Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.

10. **Conflicting Ordinances.** Ordinances or parts of ordinances in conflict with this Section or inconsistent with the provisions of this Section are hereby repealed to the extent necessary to give this section full force and effect.

*(Ord. 39, 11/9/1988, §507)*
§27-508. Slope Controls.

1. **Intent.** Steep slopes pose special problems for normal building construction and site development in terms of runoff control, soil erosion, stream siltation, flooding, sanitary seepage, etc. It is impractical to delineate each separate steep slope area on the official zoning map, so these controls are supplemental and additional to the provisions and controls of the primary zoning districts.

2. **Definition.** Steep slope areas, over 15% in grade, are delineated on the U.S. Soil Conservation Service Soil Maps as slopes having a D, E, or F suffix. For purposes of provisions of onlot sanitary facilities, areas with slopes exceeding 15% grade shall meet the design and administrative requirements of Chapter 73, of the Pennsylvania Sewage Facilities Act (Act 537).

3. **Uses Permitted.**

   A. Parks, outdoor recreation.

   B. Agriculture, forestry, etc.

   C. Buildings permitted in the primary district further provided that:

      (1) **Ecological Safeguards.** Applications for development of plots with the general landscape having a slope in excess of 20% shall be accomplished by a soil and 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 25% of the vegetative cover.

      (2) Buildings or structures, and roads located on a slope of 15% to 25% in grade (D slopes) require a plan showing the topography, building location, drives, sanitary facilities, foundation, drainage, planting schedule, grading plan prepared by an architect or landscape architect or engineer and a statement as to how problems of possible erosion, stream siltation, soil stabilization, revegetation are to be overcome. The plan shall be reviewed by the Township Zoning Officer and Engineer prior to the issuance of a zoning permit.

4. **Issuance of Zoning Permit.** A zoning permit shall not be issued for a steep slope area development until the Township Engineer has certified that the conditions on the lot are as actually stated on the plan and that the plan as proposed actually resolves the problems arising from the steep slope condition.

5. **Recording of Permits.** The Zoning Officer shall maintain a separate file for all zoning permits in areas subject to these regulations.

(Ord. 39, 11/9/1988, §508)
§27-509. Industrial Uses.

1. Permitted Uses.

A. Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment repair establishments and dry cleaning plants.

B. Heavy commercial uses which do not require complete enclosure in a building include building materials, storage and sales.

C. General industrial uses which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity; provided, that:

(1) **Odor.** No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.

(2) **Toxic Gases.** No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted outside the lot lines of the tract.

(3) **Glare and Heat.** No visible or objectionable glare and/or heat from any process shall be evident to properties adjoining the operation. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.

(4) **Liquid Wastes or Sewage.** No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances, oils, grease, acids, alkalinies and other chemicals, are in accordance with the standards as approved by water pollution control boards, appropriate agencies of the Department of Environmental Protection and the water and sewer authority. [Ord. 86]

(5) **Vibration.** Vibration perceptible beyond the lot line shall not be permitted.
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(6) **Noise.** No noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.

(7) **Smoke, Soot, or Dust.** The emission of gray smoke at a density greater than No. 1 on a Ringelmann Chart, published by the U.S. Bureau of Mines, shall not be permitted.

(8) **Electric or Electronic Interference.** Electric or electronic devices shall be shielded in such as manner as not to interfere with radio or television reception or transmission of any kind.

(9) All raw materials, fuel machinery and equipment used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such design and height to conceal all operations and materials from the view of an observer standing at grade level or an existing residential district line or public street, at the owner's expense.

2. **Permitted Accessory Uses Located on the Same Lot with the Permitted Principal Use.**

   A. Off-street parking and loading facilities and signs.
   
   B. Restaurants, cafeterias or recreational facilities for employees only.
   
   C. Accessory uses and structures to permitted manufacturing uses.

3. **Screening.**

   A. Architectural or botanical screening shall be provided along all property lines abutting residential districts.
   
   B. Fences, wall or year-round planting and/or other structures shall have a minimum height of 6 feet.
   
   C. If trees, evergreens, hedges or other types of year-round plants are used, the area landscaped shall be 10 feet in width.

*(Ord. 39, 11/9/1988, §509; as amended by Ord. 86, 11/14/2001)*

§27-510. **Industrial Parks.**

An industrial park is a planned development of a unified tract of ground consisting of a harmonious grouping of one or more buildings in conjunction with circulation open space and continuing management, and is subject to the following provisions: [Ord. 39B]
A. **Permitted Principal Use.**

(1) Offices.

(2) Research establishments.

(3) Wholesale, warehouse and distribution center, excluding lumber, coal and petroleum.

(4) Uses as permitted under §27-509(1).

B. **Permitted Accessory Uses.**

(1) Outside storage of materials, supplies, finished products in the rear of the lot or in an enclosed building.

(2) Restaurants, cafeterias and recreation facilities used for employees only.

(3) Off-street parking and loading, signs and customary accessory used clearly incidental to the manufacturing uses permitted.

C. **Minimum Lot and Park Area.**

(1) **Park Area.** The minimum area shall be 20 acres.

(2) **Minimum Lot Area.** The minimum lot area needed to provide space for main and accessory structures, required yards, parking and loading areas, plus additional space needed for anticipated expansion.

D. **Minimum Yard Dimensions.**

(1) Front yard - 50 feet.

(2) Side yard - 40 feet.

(3) Rear yard - 40 feet.

(4) No more than 50% of any required yard depth may be used for off-street parking or loading.

E. **Screening.** Screening shall be provided in accordance with the provisions of §27-509(3).

F. **Maximum Building Coverage, Paved Area and Building Height.**

(1) Maximum building coverage - 50%.
(2) Maximum paved area - 50%

(3) Minimum landscape area - 30% (to be covered with vegetation).

(4) Maximum Building Height - 50 feet, except in accordance with the provisions of §27-501(5) and §27-804(H)(2).

[Ord. 60]

G. **Access and Traffic Controls.** All means of ingress and egress to a motorist service center shall be located at least 600 feet from an expressway ramp terminus and 200 feet from any street intersection. The developer shall be responsible for the purpose and erection of any required traffic control devices.

H. **Sewage Disposal.** All buildings erected shall be served by public sewers. If public sewers are not available, then centralized sanitary sewage disposal systems shall be provided by the developer on an interim basis until sewer connections are feasible.

I. **Storage of Trash or Rubbish.** Storage areas for trash and rubbish shall be completely screened. All organic rubbish shall be contained in air-tight, vermin-proof containers and no such storage area shall be located within any required front or side yard.

J. **Lighting.** Lighting shall be designed and arranged so as not to reflect toward public surrounding streets or properties.

K. **Use and Maintenance of Yards.** All required yard areas shall be kept open and maintained either planted in grass, suitable landscaping and/or trees.


§27-511. **Planned Residential Development.**

1. **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 Chapter flexibility for this kind of development. This Section shall apply only to residential or agricultural districts.

2. **Procedure.**

A. An application for an approval authorizing a modification of the requirements of this Chapter for a planned residential development must be made to the
Township Supervisors in three copies. This application shall contain the following information:

(1) A legal description of the property under consideration which shall be a minimum of 10 acres in area.

(2) A scaled topographic map of the entire parcel with a contour interval of not less than 2 feet.

(3) 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.

(4) Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces with indication of the organization to own and maintain such open space.

(5) A location map showing the location of the site in relation to the surrounding area.

(6) Architectural sketches, at the appropriate scale, showing building height, bulk, interior layout and proposed use.

(7) A feasible proposal for sanitary sewers and stormwater control.

(8) 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.

(9) The required modifications in the land use regulations otherwise applicable to the subject property.

(10) 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.

B. The Township Supervisors shall refer the application to the Township Planning Commission and the County Planning Department for study and recommendation. The two agencies shall be required to make comment to the Township Supervisors within 30 days or the right to review will be considered forfeited.

C. Within 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:
(1) Grant tentative approval of the development plan as submitted.

(2) Grant tentative approval subject to specified conditions not included in the development plan as submitted.

(3) Deny tentative approval to 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 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.

(5) The official report granting or denying tentative approval shall include conclusions and findings of fact related to the proposal and 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) Application for final approval shall be filed within 3 months of tentative approval. In the case of a development plan which provides for development over a period of years (phased development), the time between applications for final approval of each phase or part shall not be more than 12 months.

D. 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.

(1) Tentative approval shall not qualify a plot of the planned residential development for recording, development or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked or otherwise impaired by action of the Township, if the time periods for submission of final application specified in said written reports are being fulfilled, unless the applicant consents to the change or modification.

(2) In the event tentative approval is granted, but prior to final approval, the 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 this Chapter as otherwise applicable thereto and the same shall be noted on the zoning map and in the records of the Township Supervisors.

E. 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 the subdivision stated within the subdivision and land development ordinance. A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development or part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval.

(1) 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 30 days of such filing, shall grant final approval to said plan.

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(2) When the final application contains variations for the plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall, within 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 is entitled to apply for final approval or within 30 additional days if the time for applying for final approval has 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 same manner prescribed for tentative approval, but the written report shall either grant or deny final approval in the same form and contain the findings, as required for an application for tentative approval.

F. A development plan or any part thereof which has received final approval shall be certified by the Township Supervisors and filed within 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.

G. 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, no further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to this Chapter.

H. Any decision of the Township Supervisors under this Section 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.

3. Development Standards.

A. The minimum tract of land shall be 10 acres in size and be under single ownership or unified control, and/or a minimum of five houses by the same developer.
B. The tract shall have direct access to collector or major roads, as defined in the comprehensive plan; or a proposed collector road to be provided by the developer.

C. The proposed development shall be serviced by both a public water supply and a public sewage disposal system meeting approval of the Pennsylvania Department of Environmental Protection and the appropriate municipal authority. The developer shall be responsible for all construction of required water and sewage facilities, streets and curbs. All improvements shall be in accordance with State or local regulations. [Ord. 86]

D. If public water supply and public sewage disposal are not physically available, then the proposed development may be serviced by a community water supply and sewage disposal system approved by the Pennsylvania Department of Environmental Protection and the municipal authority only on a temporary basis until such time when connections can be made to the appropriate public system. [Ord. 86]

E. Common open space which shall be owned and maintained in accordance with the provisions of Act 247, as amended, and that the landowner provide for the ownership and maintenance of the common open space and that the open space may not be sold, except as provided in Act 247.

   (1) Common open space shall not include streets, off-street parking areas, public utility easements or areas set aside for public facilities.

   (2) Common open space shall be maintained as nearly as possible in its present condition, except that recreation areas shall be provided and developed within the common open space convenient to the tract residents.

F. The total number of dwelling units permitted shall not exceed those required by the prevailing zoning district. (The gross tract acreage divided by the lot area requirement of the zoning district.) The total acreage, however, shall not include any property within existing street rights-of-way. The minimum lot size, side yards and rear yards may be reduced a maximum of 50% from the requirements of the prevailing zoning district and the maximum building coverage may be increased a maximum of 50%.

G. Other Requirements. All other applicable provisions of this Chapter, such as off-street parking regulations and limitations of signs, shall apply to the planned development. Layout and improvement of streets and driveways shall conform to applicable subdivision and land development ordinance and other regulations pertaining thereto established by the Township Supervisors.

(Ord. 39, 11/9/1988, §511; as amended by Ord. 86, 11/14/2001)
§27-512. Regulation of Fires and Burning.

1. Intent. This regulation is adopted for the purpose of promoting health, safety, life, morals, welfare, peace, decency and reasonable and comfortable use of property, tranquility of our community and to avoid unnecessary and false alarms to the fire department. It will further permit, limit and restrict burning and incineration of certain materials, whether animal, vegetable or otherwise within the Township.

2. Definitions.

CONTAINED FIRE - any fire contained in an incinerator, fireplace designated for outdoor cooking or fireproof container.

UNCONTAINED FIRE - any fire except a “contained fire.”

3. Violations.

A. It shall be unlawful for any person to burn, ignite or incinerate allow to burn, ignite or incinerate any and all materials, the burning of which shall emit smoke or noxious fumes or to cause and allow an open fire to be maintained, except as may be provided in this Section. Any person violating any provision of this Section shall be subject to the penalties herein provided.

B. Except as otherwise provided herein, it shall be unlawful to ignite, incinerate, allow to burn or feed any fire in any public or private property, public road, or permit the feeding of any fire within the Township, except where a designated area has been set aside for this purpose and an appropriate container has been provided to contain such fire.

C. No fire shall be set or maintained within 50 feet of any building, except for cooking on appliances designated for the purpose of preparing food (gas, electric or charcoal grills or stoves). No fire shall be set or maintained that may endanger any building or property. The burning of rubber tires shall be prohibited. Contained fires shall only burn readily combustible material.

D. No contained fires shall be permitted to burn whenever drought or extreme weather conditions exist or a ban on burning by State, County or Township. No contained fires shall be allowed to burn or smolder between the hours of sunset and sunrise. Notify appropriate fire company of controlled burning in the event a fire continues to burn after sunset. Special permission must be secured from the Township for fires other than permitted. No uncontained fire shall be maintained unless constantly attended by at least one person.

4. Nothing herein provided shall prohibit:

A. Any fires or incineration so long as such activity is carried on wholly within the confines of a permanent structure.
B. Any fire, the sole purpose of which is to cook or prepare food.

C. Any fire maintained solely for the purpose of firefighter training by a Union Township Volunteer Fire Company. [Ord. 86]

D. Any fire maintained on property in excess of 1 acre when burning is accomplished in an enclosed container or when attended by an adult person. Any fire maintained on property of less than 1 acre may be permitted in an enclosed container. Property and building setbacks must be met.

(Ord. 39, 11/9/1988, §512; as amended by Ord. 39A, 8/9/1995, §1; and by Ord. 86, 11/14/2001)

§27-513. Nuisance Control.

1. Intent. It shall be unlawful for any person or persons, firm or corporations to permit or commit any of the following declared nuisances which are hereby declared to be nuisances and detrimental to the health, safety, comfort and happiness of the inhabitants of Union Township:

A. To obstruct in any way any public sidewalk, alley, street or road within the Township.

B. To permit the accumulation of rubbish, hazardous waste, glass or garbage, or to permit the storage of abandoned or junked vehicles or of unusable tires or other obnoxious material on any public or private property within the Township. [Ord. 39A]

C. To conduct or permit to conduct or to carry on any offensive manufacturing or business within the Township.

D. To permit snow or ice to remain on sidewalks for a longer period of time than 24 hours.

E. To park or permit the parking of any vehicle on or near any public street, road or highway, so as to prevent the property removing of snow by a snow plow.

F. To permit any excavation, excavated materials or material of any kind, or obstruction of any kind, on or adjoining any sidewalk, alley, street or road, to remain open or exposed without having the same secured by a temporary fence or covering and placing a danger signal consisting of a red light in a position to give adequate warning of such excavation or obstruction between sunset and sunrise.

G. To drive or cause to be driven, park or store any cart, wagon, truck or other vehicle containing garbage, earth, dung, filth or rubbish of any kind, unless
such vehicle has a good and sufficient tail board and body, tight and closed and bottomed, so as to prevent the contents from dropping from the vehicle, or to park such vehicle in or about any alley, street, or road or near any property where the odors from the same may be offensive to the residents nearby.

H. To deposit or cause to be deposited or thrown any ground or other foreign materials upon the surface of any sidewalk, street, alley, road or highway.

I. To park or cause to be parked any unlicensed vehicle upon any alley, street, road, highway or right-of-way thereof for a period of time in excess of 3 days.

J. To loaf, loiter or stand upon any of the alleys, sidewalks, streets, roads or highways of the Township so as to interfere with the free and full passage of the public.

K. To use any profane, scandalous, insulting, obscene, lewd, filthy or other indecent language to any other person or in the hearing of any other person or persons on any public street or in other public places within the Township.

L. To engage in any riot or violent assembly, or to make any unusual noises or sounds that may annoy person or persons nearby.

M. To wrongfully strike another, or to engage in a fight, or to incite others to fight, or to appear or be in an intoxicated or drunken condition on any public alley, sidewalk, street, road or highway in the Township.

N. To play or cause to be played any radio, phonograph, television or any other musical instrument between the hours of midnight and 6 a.m. in such a way or with such volume as to annoy or disturb the quiet, comfort and repose of residents.

O. To be engaged in, connected with, commit or be guilty of any disorderly practices which are defined as disorderly assemblages, fights, frays or public indecencies anywhere within the Township.

P. The racing of stock cars, midget cars and other motorized vehicles on other than approved race tracks.

(Ord. 39, 11/9/1988, §513; as amended by Ord. 39A, 8/9/1995, §1)

§27-514. Vector Control.

1. **Intent.** To provide for the protection of the public health by controlling or preventing the spread of vector borne diseases and infections by the elimination of unsanitary conditions, elimination of breeding and harborage areas, by exterminating unsanitary and destructive insects and other pests that are injurious to human life and comfort.
tion of the vectors and by vectorproofing and the maintenance thereof in a sanitary and vectorproofed condition.

2. **Definitions.** For the purpose of this Section, the following definitions shall apply:

**ACCESSORY STRUCTURE** - a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premise.

**BREEDING AREA** - any condition which provides the necessary environment for the birth or hatching of vectors.

**COLLECTION OF WATER** - considered in this Section, shall be held to be those contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or other container or devices which may hold water.

**DILAPIDATED** - fallen into partial ruin or decay.

**DISPOSAL** - the storage, collection, disposal or handling of refuse.

**EXTERMINATION** - the control and elimination of vectors by eliminating their harborage places, be removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or State authority having such administrative authority.

**GARBAGE** - all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

**HARBORAGE** - any place where vectors can live, nest or seek shelter.

**OCCUPANT** - any person, living, sleeping, cooking or eating in, or actually having possession of, a dwelling unit or a rooming unit, except that in dwelling unit a guest will not be considered an occupant.

**OWNER** - any person who, alone or jointly or severally with others:

1. Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof.

2. Shall have charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the
provisions of this Chapter and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**REFUSE** - all solid wastes, except body wastes, and shall include garbage, ashes and rubbish.

**RUBBISH** - glass, metal, paper, plant growth, wood or nonputrescible solid wastes.

**VECTORPROOFING** - a form of construction to prevent the ingress or egress of vectors to or from a given space or building or gaining access to food, water or harborage. This term shall include, but not be limited to, ratproofing, flyproofing and mosquitoproofing.

**VECTOR** - a rodent, anthropoid or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to, rats, mosquitoes, cockroaches, flies, ticks, etc.

3. **Prohibited Acts.**

A. It shall be unlawful for any person, firm or corporation to deposit any refuse, offal, pomace, dead animals, decaying matter or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter or into any of the waters of the Commonwealth so that same shall or may afford food, harborage or breeding areas for rats, flies or other vectors.

B. It shall be unlawful for any person, firm or corporation to deposit or permit to accumulate in or upon any premise, improved or vacant or on any open lot or alley, any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire metal articles, pipe, broken stone or cement, broken crockery, broken plaster or rubbish of any kind, unless the same may be kept in approved covered receptacles or placed on open racks that are elevated not less than 12 inches above the ground and evenly piled or stacked, or disposed of as may be approved by the Department of Environmental Protection. [Ord. 86]

C. It shall be unlawful to maintain a junkyard unless licensed by the Commonwealth of Pennsylvania, or place for the dumping or wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, for the storing or leaving of dilapidated, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons which said places may afford harborage or breeding areas for rats or other vectors.

D. It shall be unlawful to store refuse in containers other than those which shall be made of durable, water-tight, rust-resistant material having a tight-fitting lid which must be kept on the container when in use. These containers must
be kept clean by thorough rinsing and draining as often as necessary so as not to provide food or breeding areas for flies.

E. It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of refuse, except at an approved refuse disposal site.

F. It shall be unlawful to collect, haul, transport or convey garbage in open, unenclosed, nonleakproof vehicles.

G. It shall be unlawful to construct, maintain, or use a sewage system, privy, urinal, cesspool or other receptacle for human excrement so that vectors may have access to the excrementitious matter contained therein.

H. It shall be unlawful to have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

4. Responsibilities of Owners and Occupants.

A. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall maintain a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

C. Every occupant of a dwelling containing as single dwelling unit shall be responsible for the extermination of insects and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonable insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

5. Vectorproofing.

A. Any dwelling, building, structure, accessory structure, premise or any other place may be required to be vectorproofed when found to be providing harborage or breeding areas for rats, flies, mosquitoes or any other vectors.
B. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the vectorproofing from any building, structure or accessory structure for any purpose.

6. Plans and Specifications for Private Vector Control Programs. A program plan and specifications for private vector control programs may be required to be submitted to the Township as deemed necessary by the Zoning Officer. Said program plan shall be submitted by the owner or agent of the property on or in which said vector control program is or will be conducted. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program and any and all work to be conducted in an effort to control said vectors. If, after review of the program plan by the Zoning Officer, it is found to be inadequate or incomplete, additional information may be required as well as additional control methods.

7. Authority To Abate Vector Problems.

A. From and after passage of this Chapter, representatives of the Township are empowered to make inspections of the interior and exterior of all dwellings, buildings, structures and accessory structures, premises, collections of water or any other places to determine full compliance with this Chapter and to determine evidence of vector infestation and the need for vectorproofing or additions or repairs to existing vectorproofing.

B. Whenever it shall be determined that any dwelling, building, structure, accessory structure, premise, collection of water or any other place is in violation of this Chapter, a notice shall be issued setting forth the alleged violations, and advising the owner, occupant, operator or agent that such violations must be corrected. The time for the correction of said violations must be given as well as the necessary methods to be employed in the correction.

C. Whenever said violations shall fail to be corrected within the time set forth, and an extension of this time is not deemed to be necessary, the Township may proceed to abate the said violations in the manner provided by the law.

(Ord. 39, 11/9/1988, §514; as amended by Ord. 86, 11/14/2001)


1. Purpose. In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this Section is:
A. To regulate the placement, construction and modification of communications and transmissions antennas and communications towers to protect the public safety and welfare.

B. To accommodate the need for communications antennas while regulating their location in the Township.

C. To minimize adverse visual effects of antennas and communications towers through proper design, siting, painting and vegetative screening.

D. To encourage co-location of antennas and the use of existing structures to reduce the number of such structures needed in the future.

E. To avoid potential damage to adjacent properties from communication tower failure and falling ice or debris, through engineering and proper siting of communication towers.

F. To minimize any adverse effects of location and design or personal wireless facilities on residential property values.

G. To ensure that antennas and communication towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.

H. To promote co-location of emergency service antennas.

2. Wireless communications facilities shall comply with the following provisions in addition to any other and all other ordinance provisions of this Chapter or provisions of other ordinances of the Township of Union which may additionally pertain to wireless communication facilities:

A. Communication antennas may be attached to buildings or structures, (i.e., water tower or tall building) except single family and two family residential dwellings, and shall be a permitted use in all districts, provided that the following requirements are met:

(1) Antennas shall not exceed the height of the existing structure by more than 20 feet.

(2) Omnidirectional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

(3) Directional or panel communications antennas shall not exceed 5 feet in height or width with a maximum surface area of 15 square feet.

(4) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania
registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind, ice and other loads associated with the antenna location.

(5) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings prepared by a registered engineer indicating how the antennas will be mounted on the structure for review by the Zoning Township Code Enforcement Office for compliance with the Township of Union Zoning and/or Building Code [Chapter 5] and other applicable law.

(6) Any applicant proposing Communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

(7) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(8) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township of Union, nor shall they create crosstalk or otherwise interfere with other methods of telephone communication.

(9) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

(10) The owner or operator of communications antennas shall be licensed by the federal communications commission to operate such antennas.

(11) Communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. Communications towers are permitted as a special exception in Agricultural and Open Space-Timberland Conservation Districts provided that following requirements are met:
A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

B. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1 mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antennas and related equipment would cause: radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

5. A commercially reasonable agreement could not be reached with the owners of such structures.

C. Communications towers shall be located a minimum of 500 feet from any existing residential structure.

D. In all other respects, communications towers permitted under this Section shall comply with the requirements set forth for communications towers in the Commercial and Industrial Park Districts.

4. Communications towers are permitted in the Commercial and Industrial Park Districts and shall comply with the following provisions in addition to other ordinance provisions:

A. Yard Regulations.

1. Communication towers shall be setback from all property lines or lease lines the greater of a distance equal to 35% of the height of the structure.
or to the yard setbacks applicable to the zoning district in which the structure is to be located, whichever is greater.

(2) Communications towers shall be set back a minimum of 500 feet from R-1 and R-2 Districts, as well as 500 feet from residential structures in all other districts.

(3) Communications equipment buildings shall comply with the yard requirements of the zoning district in which they are located.

B. **Height Regulations.**

(1) Communications towers, including attached antennas, shall be kept to a minimum height needed to function in accordance with industry standards. In case of co-usage, the communication structure height may be adjusted to account for other users. In no case shall any communications tower exceed a maximum height of 200 feet.

(2) Communications equipment buildings shall comply with building height requirements in the zoning district in which they are located.

C. **Separation.** A minimum of 10 feet shall be maintained between any communications tower, or portion thereof, and all buildings except the associated communications equipment building.

D. **Access.** Access shall be provided to the lot or leased parcel on which the communications tower or communications equipment building is located by means of a public street and/or easement to a public street. The easement shall be a minimum of 20 feet in width and the access shall be improved with stone of at least 10 feet for its entire length.

E. **Off-Street Parking.** A minimum of one off-street parking space shall be provided on the lot or leased parcel on which the communications tower and/or communications equipment building is located. The required parking shall be in accordance with the provisions of §27-506, "Off-Street Parking."

F. **Fencing.**

(1) A fence shall be required around the equipment building(s) and other equipment. The fence shall be a minimum of 6 feet in height and a maximum of 8 feet in height; shall completely enclose the antenna, support structure and related facilities; shall not contain openings greater than 9 square inches; and shall contain, at all entrances, gates which shall be locked except during such time as the site is manned by authorized operations or maintenance personnel.
(2) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure.

G. Landscaping. The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the tower and any other ground-level features (such as a building) and in general soften the appearance of the personal wireless service facility site. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

(1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 8 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.

(2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(3) Where buffer yards and screen planting are required elsewhere in this Chapter, the required screen planting shall be in addition to the landscaping required in this Section.

H. Communications Tower Color. Communications towers shall be painted in a color that best allows blending into the surroundings, unless otherwise required by the FAA regulations. The use of grays, blues and greens may be appropriate.

I. Communications Tower Equipment and Accessory Buildings. Accessory buildings must conform to all requirements of the zoning district in which the antenna and support structure are located.

J. Lighting. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. Site lighting shall be allowed provided such lighting does not shine or reflect on adjacent properties.

K. Compliance and Safety.

(1) The applicant shall demonstrate that the proposed antenna and communication tower are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris.
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(2) The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(3) All communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers.

(4) Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

(5) Inspection. Beginning in December of 2000 and by December of each even numbered year thereafter, the owner of the communications tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communications towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222, “Structural Standards for Steel Antenna Towers and Antenna Support Structures.” A copy of said inspection report shall be provided to the Township.

L. Abandonment and Removal.

(1) Any communication facility that is no longer in use for its approved purpose shall be removed at the owner’s expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations. If the facility remains unused for a period of 6 consecutive months, the owner shall be given 90 days from the end of the 6 month period to remove the communication structure and all accessory structures. In the case of multiple operators sharing use of a single communications tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower portion of the communication facility has first been dismantled and removed.

(2) Applicant, upon approval of the placement of a communications tower or issuance of a building permit, shall supply suitable financial security as estimated by a professional engineer in order to guarantee the removal of a tower after it is no longer in use.

5. Where a communications tower and/or communications equipment building are proposed as a use by special exception, application shall be submitted to the Union Township Zoning Hearing Board. (A plan shall be submitted to the Planning Commission for review and its recommendations shall be forwarded to the Zoning Hearing Board.)
6. Prior to the issuance of a building permit for the erection of a communications tower or communications equipment building, applicants must receive approval of a land development plan from the Union Township Board Supervisors. The land development plan shall comply with the Union Township Subdivision and Land Development Ordinance [Chapter 22].

7. A formal land development plan shall not be required if the antenna is to be mounted on an existing structure in accordance with the provisions of this Section.

8. **Amateur Radio.** These regulations shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is of owned and operated by a Federally licensed amateur radio status operator.

*(Ord. 39, 11/9/1988; as added by Ord. 81, 6/14/2000, §2)*
PART 6
NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS


1. Within the zoning districts established by this Chapter or subsequent amendments thereto, there exist or will exist certain nonconformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or subsequent amendments thereto.

2. 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 or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and on which actual building construction is completed within 1 year after such date.

(Ord. 39, 11/9/1988, §601)

§27-602. Nonconforming Lots of Record.

In any district, structures and customary accessory buildings 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. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and requirements, other than those applying to area or width, or both, 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.

(Ord. 39, 11/9/1988, §602)


Lawful uses of land, which at the effective date of this Chapter or as a result of subsequent amendments thereto become nonconforming and where such use involves no individual structure or building, the use may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

A. Extension. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of adoption or amendment to this Chapter.

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B. **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of 12 consecutive months, such use shall not thereafter be re-established unless a certificate of intention as per §27-609 has been filed. Any future use shall be in conformity with the provisions of this Chapter.

C. **Change or Moving of Use.** A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing non-conforming use.

D. **Additional Structures or Buildings.** No additional structures or buildings not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 39, 11/9/1988, §603)

§27-604. **Nonconforming Structures or Buildings.**

Structures or buildings which at the effective date of this Chapter or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the building or structure, may be continued to be used by the present or subsequent owner so long as such structure or building remains otherwise lawful, subject to the following provisions:

A. **Enlargement.** No such nonconforming structure or building 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. **Damage or Destruction.** A nonconforming structure which is destroyed or partially destroyed by fire, explosion or by any means, to an extent or 75% or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Chapter. However, if construction begins within 12 months after destruction or partial destruction, the same nonconforming structure or building may be re-established.

C. **Moving of Structure or Building.** No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

(Ord. 39, 11/9/1988, §604)
§27-605. Nonconforming Uses of Structures or Buildings.

Lawful uses or structures or buildings which at the effective date of this Chapter or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

A. Extension. A nonconforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed; provided, that any structural alterations, extensions or additions shall comply with all provisions of this Chapter with respect to height, area, width, yard and coverage requirements for the zoning district in which the structure or building is located. However, such extension of a nonconforming use shall not exceed 50% of the gross flood area occupied by said nonconforming use at the time such nonconforming use became nonconforming.

B. Change of Use. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

C. Discontinuance. Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for 12 consecutive months, such structure or building or portion thereof shall not thereafter be re-established unless a certificate of intention as per §27-609 has been filed. Any future use shall be in conformity with the provisions of this Chapter.

D. Destruction. Removal or destruction of the structure or building in which a nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for a nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of 75% or more of the market value of the structure or building immediately prior to such damage or destruction. However, if construction begins within 12 months after destruction or partial destruction, the same nonconforming use may be re-established. The Zoning Hearing Board may, by special exception, authorize another equally appropriate or more appropriate use to be re-established.

(Ord. 39, 11/9/1988, §605)

§27-606. Unsafe or Unlawful Structures or Buildings.

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is
declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the zoning district in which it is located.

(Ord. 39, 11/9/1988, §606)


Any use which is permitted as a special exception in a zoning district under the terms of this Chapter and which existed at the adoption of this Chapter (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such zoning district, but shall, without further action, be considered a conforming use.

(Ord. 39, 11/9/1988, §607)

§27-608. Registration of Nonconforming Uses and Structures or Buildings.

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all nonconforming uses, structures and buildings. Such a listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said property and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

(Ord. 39, 11/9/1988, §608)


1. A certification of intention shall be required in all instances where a nonconforming use of land or nonconforming use of a structure or building is discontinued if the owner or operator of such uses desires to maintain a nonconforming use.

2. The Zoning Officer shall maintain proper forms for the registration of any certificate of intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer. The filing of such form shall be considered an administrative duty of the Zoning Officer, who shall not refuse to accept the completed form.

3. The Zoning officer shall maintain a separate file for all certificates of intention.

4. Each certificate of intention shall be valid for 3 years.

(Ord. 39, 11/9/1988, §609)
§27-610. Repairs and Maintenance.

Nothing in this Chapter shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

(Ord. 39, 11/9/1988, §610)

§27-611. Nonconforming Signs.

Any sign erected, constructed or placed before the effective date of this Chapter may remain and continue to be used and maintained notwithstanding that it does not conform to the applicable provisions of §27-505 of this Chapter; provided, that no such sign shall be altered or relocated unless the same shall either conform or be made to conform in all respects with the applicable provisions of §27-505 of this Chapter.

(Ord. 39, 11/9/1988, §611)
PART 7

ADMINISTRATION AND ENFORCEMENT

§27-701. Intent.

1. Administration, Enforcement and Authority.

A. A Zoning Officer designated by the Township Supervisors shall administer and enforce this Chapter. He may be provided with the assistance of such other persons as the Township Supervisors may direct. The Zoning Officer shall administer the Chapter in accordance with its literal terms and he shall not have the power to permit any construction, use or change of use which does not conform to this Chapter.

B. If the Zoning Officer 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 have the authority to order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, signs or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work in process; or any other action provided by this Chapter to ensure compliance with, or prevent violation of its provisions.

C. A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Chapter. A Zoning Officer may not hold any elective office in the Township.

2. Duties and Powers of Zoning Officer. It shall be the duty of the Zoning Officer to enforce, literally, the provisions of this Chapter and amendments and he shall have such duties and powers as are conferred on him by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

A. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Chapter.

B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as they remain in existence.
C. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties with the consent of the owner.

D. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter.

E. Be responsible for keeping this Chapter and the Zoning Map up to date so as to include all amendments thereto.

F. Issue certificates of use and occupancy in accordance with the terms of this Chapter.

G. The Zoning Officer shall identify and register nonconforming uses and structures created as a result of the adoption of this Chapter or created as a result of amendments thereto.

3. **Notice of Violations.** The Zoning Officer shall serve a notice of violation on any person, firm, corporation or partnership responsible for violating any of the provisions of this Chapter or in violation of a detailed statement of a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation.

(Ord. 39, 11/9/1988, §701)

§27-702. **Zoning Permit.**

No building, including mobile home, structure, swimming pool per §27-503(2) or permanent sign shall be erected, constructed, moved, added to or structurally altered, nor shall land be put to any use without a permit therefore, issued by the Zoning Officer. No such permit shall be issued, except in conformity with the provisions of this Chapter or upon written order from the Zoning Hearing Board in the form of a special exception, variance or as otherwise provided for by this Chapter, any applicable laws or any court of competent jurisdiction.

A. **Form of Application.**

(1) All applications shall be made in writing and shall be accompanied by two sets of plans showing at least the following information if applicable:

(a) Actual dimensions and shape of the lot to be built upon, including contours at 2 foot intervals within 200 feet of the building.
b) The exact size and location on the lot of buildings, structures or sign existing and/or proposed extensions thereto.

c) The number of dwelling units, if applicable.

d) Parking spaces provided and/or loading facilities.

e) Statement indicating the existing or proposed use.

f) Height of structure, building or sign.

g) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Chapter.

h) A statement indicating the type of construction and the manner of installation for signs, together with the materials to be used.

i) A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign.

j) Approved permit for sewage disposal.

(2) One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

(3) One copy of all such plans shall be retained by the Zoning Officer for his permanent records.

(4) Such approval and zoning permit shall be issued or refused within 30 days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

B. Expiration of Zoning Permit.

(1) Zoning permit shall expire within 3 months from date of issuance if work described in any permit has not begun. If work described in any zoning permit has begun within the 3 month period, said permit shall expire after 1 year from date of issuance thereof. However, an extension of time not to exceed 1 years may be granted by the Zoning Officer.

(2) If the work described therein has not been completed within 2 years from the date of issuance, all work shall cease and shall not thereafter
be commenced unless and until a new building and zoning permit is obtained.

(Ord. 39, 11/9/1988, §702)


A certificate of use and occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until a certificate of use and occupancy has been issued.

A. Form of Application. The application for certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe.

B. Issuance of Certificate of Use and Occupancy.

(1) The Zoning Officer shall inspect any structure, building, sign and/or land or portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Chapter and with the work listed in the zoning permit, he shall issue a certificate of use and occupancy.

(2) Certificate of use and occupancy shall be granted or refused in writing, within 10 days from the date of application.

(3) In zones in which performance standards are imposed, no certificate of occupancy shall become permanent until 30 days after the facility is fully operating and only after, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards. After said reinspection, the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance or that the facility does not comply and that the certificate of use and occupancy is still temporary.

(Ord. 39, 11/9/1988, §703)

§27-704. Schedule of Fees, Charges and Expenses.

1. The Board of Supervisors shall establish, by resolution, a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Chapter.
2. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Board of Supervisors, by resolution.

3. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 39, 11/9/1988, §704)

§27-705. Amendments.

The provisions of this Chapter and boundaries of zoning districts as set forth on the official zoning map may, from time to time, be amended or changed by the Board of Supervisors of the Township, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

A. Procedure. The following procedures shall be observed prior to making any amendment or change of this Chapter or official zoning map.

   (1) Every such proposed change not initiated by the Planning Commission shall be referred to the Planning Commission at least 30 days prior to the Board of Supervisors holding a public hearing to provide the Planning Commission opportunity to submit recommendations.

   (2) The recommendations of the Planning Commission shall be submitted in writing to the Board of Supervisors.

   (3) At least 30 days prior to the public hearing, the Board of Supervisors shall submit the proposed ordinance to the County Planning Commission for recommendation.

   (4) Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §1004 of the Pennsylvania Municipalities Planning Code, as amended. The Board of Supervisors shall commence a hearing thereon within 60 days of the request. The curative amendment shall be referred to the County and the Municipal Planning Commissions as provided in §27-705(A) and notice of the hearing thereon shall be given as provided in §27-705(C) and in §1004 of the Pennsylvania Municipalities Planning Code, as amended. The hearing shall be conducted in accordance with §§27-802(D) to 27-802(H) of this Chapter and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors.
B. **Public Hearing.** The Board of Supervisors shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall include either the full text of the proposed amendment or change or a brief summary of the principal provisions in reasonable detail and a reference to where within the Township copies of the proposed amendment or change may be examined, in addition the time and place of the hearing. If after any public hearing held upon an amendment or change, the proposed amendment or change is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The vote on the proposed amendment by the Board of Supervisors shall be within 90 days after the last public hearing.

C. **Notice of Hearing.** The first notice of any public hearing shall be given not more than 30 days and not less than 14 days in advance of any public hearing required by this Chapter. Such notice shall published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

*(Ord. 39, 11/9/1988, §705)*
PART 8
ZONING HEARING BOARD

§27-801. Creation; Appointment; Organization.

1. **Creation of Board.** The Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the Board, consisting of three residents of the Township appointed by the Board of Supervisors pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said Code and as herein provided.

2. **Appointment.** One member of the Board shall be designated to serve until the first day of January following the adoption of this Chapter, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for a term of 3 years. Members of the Board shall hold no other office in the Township. [Ord. 86]

3. **Removal.** Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held if the Board member requests one in writing.

4. **Vacancies.** Vacancies shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term.

5. **Compensation and Expenditures for Services.**
   
   A. The members of the Board may receive such compensation as shall be fixed by the Board of Supervisors, by resolution, but in no cause may it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.
   
   B. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

6. **Organization.** The Board may promulgate such rules and forms for its procedure, not inconsistent with this and other ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such, and may succeed themselves.
7. **Meetings.** Meetings and hearing of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

8. **Minutes and Records.** The Board shall keep full stenographic records of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be immediately filed with the Secretary of the Board of Supervisors. The Board shall submit a report of its activities each year to the Board of Supervisors.

(Ord. 39, 11/9/1988, §801; as amended by Ord. 86, 11/14/2001)

§27-802. **Hearings.**

For the conduct of any hearing and the taking of any action, a quorum shall be not less than majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final as provided in §908 of the Pennsylvania Municipalities Planning Code, as amended. The Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Notice shall be given to the public, the applicant, the Zoning Officer and such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Notice to the public shall be in accordance with the provisions of §27-705(C) of this Chapter. Notice to others herein provided for shall be by mail to the designated persons or agency not less than 15 days prior to the date of the hearing. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

B. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine all adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

G. The Board or the hearing officer, as the case may be, shall keep stenographic records and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

H. The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within 45 days after the hearing or, if said hearing is continued, within 45 days after said continued hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of this Chapter, shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than 30 days after the decision of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Township shall give public notice of said decision within 10 days in the same manner as
provided in subsection (A) of this Section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous. [Ord. 86]

I. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 39, 11/9/1988, §802; as amended by Ord. 86, 11/14/2001)

§27-803. Functions of the Zoning Hearing Board.

The Zoning Hearing Board shall have the following powers:

A. Appeals from the Zoning Officer; Interpretation and Review.

(1) To hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Chapter or the official zoning map or any valid rule or regulation governing the action of the Zoning Officer.

(2) To interpret the provisions of this Chapter, with the advice of the Solicitor of the Board of Supervisors and the Planning Commission, where there is doubt as to its meaning or application. To determine the exact location of a district boundary line on the zoning map that forms a part of this Chapter when the Zoning Officer is unable to make such determination. The Board shall carry out the intent and purpose of this Chapter and zoning map when making such determinations.

(3) Nothing contained herein shall be construed to deny the appellant the right to proceed directly to court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedures §§1091 to 1098 relating to mandamus.

(4) Uses Not Permitted For. Whenever in any district established under this Chapter, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with
permitted uses in the district and in no way is in conflict with the general purpose and intent of the Chapter.

B. **Challenges to the Validity of Zoning Ordinance or the Official Zoning Map.** The Board shall hear challenges to the validity of this Chapter of the official zoning map except as indicated in §§1003 and 1004(1)(b) of the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Board shall take evidence and make a record thereon as provided in §27-802. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

C. **Unified Appeals.** When the Board has jurisdiction over zoning matters pursuant to §27-803(A), (B) and (D), the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in §27-802. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

D. **Variances.** To authorize, upon appeal in specific cases, such variance(s) from the terms of this Chapter as will not be contrary to public interest, where a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
(3) That such unnecessary hardship has not been created by the appellant, subsequent to the adoption of this Chapter or prior ordinances, whether in violation of the provisions hereof or not, and that such circumstances or conditions are such that strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of such land, structure or building.

(4) That for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will afford relief and will represent the lease modification possible of the regulation in issue.

(5) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

(6) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated, nor substantially or permanently impair the appropriate use or development of adjacent property.

(7) That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of land, structure or buildings in other districts, shall be considered grounds for the granting of a variance.

(8) That no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.

(9) That the jurisdiction of the Board of Supervisors shall not be infringed upon by action of the Board in any matter which should appropriately be the subject for an amendment to this Chapter or zoning map. No variance shall be granted under this Section to allow a structure or use in a zone restricted against such structure or use.

E. Special Exceptions.

(1) To hear and decide only such special exceptions to the terms of this Chapter upon which the Board, by the provisions of this Chapter, is specifically authorized to issue. The granting of a special exception, when specifically authorized by the terms of this Chapter, shall be subject to the following conditions:
Such use shall be one which is specifically authorized as a special exception use in the zoning district.

Such special exception shall only be granted subject to any applicable condition and safeguards as required by this Chapter.

Such special exception may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.

Such use shall be found by the Board to be in harmony with the general purposes and intent of this Chapter.

Such use shall not adversely effect the character of the zoning district, nor the conservation or property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

Such use shall not conflict with the direction of building development in accordance with any comprehensive plan or portion thereof which has been adopted by the Board of Supervisors.

All applications for special exceptions shall be submitted to the Planning Commission for its review and recommendations. If the Planning Commission does not make any recommendations within 30 days, it shall be deemed that the Planning Commission has recommended approval of the application for special exception.

(Ord. 39, 11/9/1988, §803)

§27-804. Special Exception Conditions.

Special exceptions shall be subject to the appropriate safeguards and conditions contained herein and applicable State and local rules, regulations or ordinances.

A. Kennels or Riding Stables. Kennels or riding stables are permitted in any zoning district; provided, that no kennel runway or animal exercise pen shall be located within 200 feet of any lot or street line, exclusive of clearly identified bridle paths and that noise and odor shall not be objectionable. Kennels shall be properly constructed in accordance with standards of the
Sandpits, Gravel Pits, Removal of Topsoil and Landfill. Sandpits, gravel pits, removal of topsoil and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, are permitted only upon approval of the Zoning Hearing Board, subject to the following conditions:

1. Removal of forests or timber is prohibited without prior approval of the Zoning Hearing Board for clearcuts in excess of 10 acres or when clearcuts are on slopes in excess of 15% regardless of acreage.

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. Erosion and sedimentation control measures shall be in accordance with the applicable standards and specifications set forth in the current edition of “Soil Erosion and Sedimentation Control Handbook” as prepared by the Lebanon County Soil Conservation District.

3. Where any open excavation will have a depth of 10 feet or more and a slope of more than 30°, 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 50 feet from the edge of the excavation. All operations shall be screened nearby residential uses as required by the Zoning Hearing Board.

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

5. At all stages of operation, 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 shall be submitted showing proposed operation and how adverse situations shall be avoided. In addition, a 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 to a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer
of earth (capable of supporting vegetation) of at least 2 feet or to original thickness, whichever is less. Fill shall be a suitable material approved by the Zoning Hearing Board.

(7) All operations shall comply with the provisions of the Pennsylvania Surface Mining and Reclamation Act.

C. **Lodges, Clubs, Camps, Outdoor Recreation Facilities.** Lodges, clubs, camps and outdoor recreational facilities such as private and public playgrounds, golf clubs, country clubs, swimming clubs and tennis courts shall be subject to the following conditions:

1. No building or part thereof or any parking or loading area shall be located within 100 feet of any street or lot line.

2. The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.

3. That such uses shall occupy a lot with an area of not less than 5 acres.

4. That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

D. **Institutional Uses.** Institutional uses such as churches, schools, hospitals, cemeteries are subject to the following safeguards and conditions:

1. Heavy traffic generators such as hospitals, churches and schools should be located so as to be readily accessible from roads that are adequate to handle the anticipated traffic.

2. Lighting shall be designed as to prevent glare to adjoining properties.

3. Adequate parking shall be provided for on the lot for each activity, either main or accessory, to the lot at the rate of the most similar use as outlined in §27-506.

4. That such uses shall be located on a lot or not less than 5 acres.

E. **Professional Offices.** Professional buildings shall be subject to the following conditions:

1. The minimum lot area shall be 5 acres.
(2) All off-street parking shall be adequately screened from adjoining lots, from residential property and from any street by walls, fences or by grading, planting or landscaping, at the owner's expense.

(3) Lighting shall be designed so as to prevent glare to adjoining properties or public rights-of-way.

(4) The property shall be located and accessible from a road that is adequate to handle the traffic and one which has been designed as a major or collector road by the Township's comprehensive plan or by the Lebanon County Planning Commission.

F. **Commercial Swimming Pools.** Commercial swimming pools shall be subject to the following conditions:

(1) The minimum lot area shall be 5 acres.

(2) All off-street parking shall be adequately screened from adjoining lots, from residential property and from any street by walls, fences or by grading, planting, or landscaping.

(3) No pool or other facility shall be located within 40 feet of any property line.

(4) An attendant shall be present at all times that the pool is in operation.

(5) A permanent enclosure not less than 6 feet high must be provided, capable of being locked.

(6) Lighting shall be designed so as to prevent glare to adjoining properties or public rights-of-way.

(7) Hours of operation shall be limited to between 8 a.m. and 11 p.m.

G. **Rooming or Boarding Houses.** Rooming or boarding houses shall be subject to the following conditions:

(1) Building construction and standards shall be in accordance with the provisions contained in the latest edition of the BOCA Basic Building Code and Department of Labor and Industry standards.

(2) Off-street parking shall be provided at a rate of one space for each roomer or boarder.

(3) Signs shall be limited to one sign not exceeding 4 square feet and not more than one sign shall be permitted.
(4) Each guest room shall be provided with individual sanitary facilities and no such facilities shall be used in common with any other guest room.

H. **Buildings of Structures Exceeding 2 ½ Stories or 35 Feet.** Buildings or structures exceeding 2 ½ stories or 35 feet, except those listed in §27-501(D) shall be subject to the following conditions:

(1) Heights to a maximum of 50 feet may be permitted provided that for each 1 foot of height in excess of 35 feet, 1 foot of additional setback from the street right-of-way (front yard) shall be provided.

(2) The height limits shall be discussed and approved by the appropriate fire company officials to assure that fire equipment and water pressure is sufficient to adequately handle the situation in the case of fire.

(Ord. 39, 11/9/1988, §804)

§27-805. **Procedures for Application to the Zoning Hearing Board.**

The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipalities Planning Code, as amended, and by this Chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Chapter, the use for which a special exception is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In the event the procedures set forth in this Chapter shall be in conflict with or contrary to the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedures set forth in the latter shall prevail. Applications and appeals, together with the required filing fee, as established by the Board of Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board.

A. **Parties Appellant Before the Zoning Hearing Board.** Appeals under §27-803(A) and proceedings to challenge this Chapter under §27-803(B) may be filed with the Board in writing by the landowner affected, by an officer or agency of the Township, or any person aggrieved. Requests for a variance under §27-803(D) and for special exception under §27-803(E) may be filed with the Board by any landowner or any tenant with the permission of such landowner.

B. **Time Limitations; Persons Aggrieved.** No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate officer to the Township agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges
and proves that he had no notice, knowledge or reason to believe that such approval has 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. 39, 11/9/1988, §805)


Upon filing of any proceeding referred to in §27-805(A), and during its pendency before the 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 Officer or any other appropriate agency or body certifies to the Board 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 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 Board by persons other than the applicant, the applicant may be petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the 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. 39, 11/9/1988, §806)


A. The granting or approval of a special exception or variance shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require re-application to the Board. If the special exception or variance has not been implemented within 2 years of the date of the Zoning Hearing Board decision, said approval shall expire and become null and void. If the property affected by the variance or special exception is transferred in ownership prior to the implementation of the special exception or variance, said approval shall immediately become invalid upon such transfer or ownership.

B. The Zoning Hearing Board may revoke approval of a variance or special exception where:

(1) The petitioner repeatedly violates conditions or safeguards specified in the Board's decision.
The petitioner initiates use or construction contrary to the Board's decision.

The petitioner is found to have misrepresented or falsified information pertinent to the Board's decision.

The Board's original decision was in error and the revocation is instituted within 30 days of the original decision or prior to substantial reliance thereon by the petitioner.

C. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board decision shall be deemed a violation of this Chapter, punishable under §27-903 of this Chapter. Revocation of the Zoning Hearing Board approval shall not preclude the Township from proceeding in courts of law or equity to prevent or remedy violations of this Chapter.

(Ord. 39, 11/9/1988, §807)

§27-808. Appeals From the Zoning Hearing Board.

Any person or persons or agent of the Township aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas. Appeal shall be taken in accordance with Act 247, and other prevalent laws of the State of Pennsylvania.

(Ord. 39, 11/9/1988, §808)

§27-809. Duties of Zoning Officer, Zoning Hearing Board, Township Supervisors and Courts on Matters of Appeal.

1. It is the intent of this Chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and then the Zoning Hearing Board. Recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided in §27-808.

2. It is further the intent of this Chapter that the duties of the Township Supervisors in connection with this Chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Chapter. Under this Chapter the Township Supervisors shall have only the duties (i) of considering and adopting or rejecting proposed amendments or the repeal of this Chapter, as provided by law; (ii) of establishing a schedule of fees and charges as stated in §27-704; and (iii) those duties specifically noted in other Sections of this Chapter.

(Ord. 39, 11/9/1988, §809)
PART 9
MISCELLANEOUS

§27-901. Appeals.

Proceedings for securing review of any ordinance, decision, determination or order of the Board of Supervisors, its agencies or officer, adopted or issued pursuant to this Chapter, shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 39, 11/9/1988, §901)

§27-902. Remedies.

In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with their approval, the Zoning Officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(Ord. 39, 11/9/1988, §902)

§27-903. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 39, 11/9/1988, §903; as amended by Ord. 86, 11/14/2001)

§27-904. Complaints Regarding Violations.

Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a formal complaint in writing. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record properly such complaint, investigate, and take action thereon as provided by this Chapter. Any person may also report a complaint orally, but such complaint shall not mandate formal investigation.

(Ord. 39, 11/9/1988, §904)
### Part 10

#### Zoning Map Amendments

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Rezoning the following properties, identified by the County tax map and lot number, from Open Space-Timber Conservation (OSTC) to Agricultural (A): 113-350; 113-340; 113-200; 107-840; 107-790; 107-760; 107-740; 107-730; 107-640; 107-650; 107-630; 107-620; 107-570; 99-410; 99-420; 99-630; 99-45; 99-60; 99-5; 99-30; 99-50; 99-55; 99-65.

Expanding the Commercial District (C) to include the entire property known as map no. 91, lot no. 65, from 300 feet to approximately 400 feet to include the entire lot of Mease Motors.

Creating a Low Density Residential District (R-1) for the following 17 lots located on County map no. 80: lot nos. 618; 620; 622; 624; 626; 630; 632; 634; 660; 640; 642; 644; 646; 648; 650; 656; and 628.

Rezoning the following lots from Low Density Residential District (R-1) to Medium Density Residential District (R-2): map no. 101-A, lot nos. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 58, 60, 62, 64, 66.

Rezoning the following properties from Open Space-Timber Conservation District (OSTC) to Low Density Residential District (R-1):

Rezoning the following lots from Open Space-Timber Conservation District (OSTC) to Agricultural (A): map no. 101, lots 725, 724 and 508.

Rezoning the following lots from Commercial District (C) to Medium Density Residential District (R-2): map no. 101A, lot nos. 38, 40, 42, 44, 46, 48 and 50; map no 91, lot nos. 5 and 15.

Expanding the Low Density Residential District (R-1) to include the following lots: map no. 90, lot nos. 250, 252, 255 and 260.
<table>
<thead>
<tr>
<th>Ord.</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td>12/9/1992</td>
<td>Rezoning the following lots from Open Space-Timber Conservation District (OSTC) to Medium Density Residential District (R-2): map no. 80A, lot nos. 326, 328, 330, 332 and 334.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rezoning Lickdale, next to row homes, from Commercial District (C) to Agricultural (A).</td>
</tr>
<tr>
<td>48</td>
<td>12/9/1992</td>
<td>Rezoning the property of Robert W. Taylor, more particularly described in Deed Book 193, Page 136, from Agricultural to Commercial.</td>
</tr>
<tr>
<td>49</td>
<td>12/9/1992</td>
<td>Rezoning the property of Eugene Mease, more particularly described in Deed Book 224, Page 161, from 300 feet Residential and Agricultural to Commercial in its entirety.</td>
</tr>
<tr>
<td>49</td>
<td>12/9/1992</td>
<td>Rezoning the property of H. Kenneth Myhre, more particularly described in Deed Book 252, Page 142, from Agricultural and Commercial to Commercial in its entirety.</td>
</tr>
<tr>
<td>50</td>
<td>5/12/1993</td>
<td>Rezoning the property of Sterling Herr, Richard Herr, Loretta Herr, Carl E. Herr, Frank L. Custer, Jr., and Patricia A. Herr, more particularly described in Deed Book 195, Page 5, being approximately 80 acres less and excepting properties at Deed Book 94, Page 126, Deed Book 102, Page 70 and Deed Book 159, Page 262, from Agricultural to Open Space Timberland Conservation in its entirety.</td>
</tr>
<tr>
<td>52</td>
<td>5/10/1995</td>
<td>Rezoning the following lots from Agricultural (A) to Industrial Park (IP): tax map no. 91, lots 470, 471, 473 and 480; tax map no. 90, lot 10.</td>
</tr>
<tr>
<td>54</td>
<td>12/13/1995</td>
<td>Rezoning tax map and parcel nos. 90-320 and 90-340 from Low Density Residential (R-1) to Industrial Park (IP); 90-350 from Low Density Residential (R-1) and Agricultural (A) to Industrial Park (IP); 90-50 from Low Density Residential (R-1) to Commercial (C); and 90-150 from Agricultural (A) to Industrial Park (IP).</td>
</tr>
<tr>
<td>55</td>
<td>6/12/1996</td>
<td>Rezoning the property presently owned by Russell W. Wallace, II, Russell W. Wallace and Shelly L. Wallace, more particularly described in Plan Book 42, Page 88, from Agricultural (A) to Medium Density Residential (R-2).</td>
</tr>
<tr>
<td>Ord.</td>
<td>Date</td>
<td>Location</td>
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<tr>
<td>------</td>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>59</td>
<td>8/14/1996</td>
<td>Rezoning the property presently owned by Charles N. and Susan L. Varvel, more particularly described in Deed Book 294, Page 335 and Deed Book 302, Page 462, from Agricultural (A) to Open Space-Timberland Conservation (OSTC).</td>
</tr>
<tr>
<td>69</td>
<td>5/13/1998</td>
<td>Amending the zoning map to include within the commercial zone properties currently titled to Denis G. and Ann L. Atkins, more particularly described in Deed Book 316, Page 449 and Deed Book 324, Page 727.</td>
</tr>
<tr>
<td>72</td>
<td>11/11/1998</td>
<td>Rezoning tax map no. 91-270 from Low Density Residential (R-1) to Commercial (C).</td>
</tr>
<tr>
<td>74B</td>
<td>2/10/1999</td>
<td>Rezoning tax map no. 80-608 from Agricultural (A) to Commercial (C).</td>
</tr>
<tr>
<td>77</td>
<td>5/2/1999</td>
<td>Rezoning tax map no. 91, lot 405, to be included with the Industrial Park District.</td>
</tr>
<tr>
<td>80</td>
<td>3/8/2000</td>
<td>Rezoning premises located at the north side of Road S343 and west side of Swatara Creek, currently titled in the name of David A. Carbaugh, and having tax map number 101, lot numbers 585, 590 and 595 to be included within the Commercial (C) District.</td>
</tr>
<tr>
<td>84</td>
<td>10/10/2001</td>
<td>Rezoning parcel 340 on tax map 91, parcel 350 on tax map 91 and the southern half of tax parcel 91-370, lot number 2, from Agricultural and/or Commercial to Industrial Park.</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 102

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Municipalities Planning Code (53 P.S. §66516); and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to adopt Ordinances to secure the safety persons or property within the Township (53 P.S. §66527); and

WHEREAS, the Second Class Township Code otherwise permits the Board of Supervisors to make and adopt Ordinances for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers (53 P.S. §66506); and

WHEREAS, the Union Township Planning Commission, at a public meeting on March 5, 2003, recommended that the Board of Supervisors at the section of the Union Township Zoning Ordinance titled "Regulation of Fires and Burning" be amended to prohibit certain objectionable burning within the properties contained within the Medium Density Residential (R-2) district; and
WHEREAS, the Board of Supervisors deems it in the best interest of the Township to amend the Union Township Zoning Ordinance as suggested by the Union Township Planning Commission.

NOW THEREFORE, BE IT ORDAINED AND ENACTED on the 9th day of July, 2003, by the Board of Supervisors of Union Township and it is hereby ORDAINED AND ENACTED as follows:

1. Section 512(3) of the Union Township Zoning Ordinance, codified within the Code of Ordinances of Union Township at §27-512(3), is amended to add the following subsection (E):

   (E) Notwithstanding any other provision of this Section, no fire, contained or uncontained, may be set or maintained on any property within the Medium Density Residential (R-2) district, except for fires for the exclusive purpose of cooking on appliances designated for the preparation of food (i.e. gas, electric or charcoal grills or stoves).

2. Section 512(4)(D) of the Union Township Zoning Ordinance, codified within the Code of Ordinances of Union Township at Section 27-512(4)(D), is amended to read as follows:

   Except for on properties within the Medium Density Residential (R-2) district any fire maintained on property in excess of one (1) acre when burning is accomplished in an enclosed container or when attended by an adult person. Any fire maintained on property of less than one (1) acre may be permitted in an enclosed container.
3. The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Union Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

4. All ordinances or parts of ordinances inconsistent herewith are repealed.

5. This Ordinance shall become effective five (5) days after enactment.

ATTEST: 

By [Signature] 
Secretary

UNION TOWNSHIP BOARD OF SUPERVISORS

By [Signature] 
Karl Hudec

By [Signature]
ORDINANCE NO. 103

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Pennsylvania Municipalities Planning Code (53 P.S. §66517); and

WHEREAS, the Board of Supervisors deems it in the best interest of the Township to amend the Union Township Zoning Ordinance to permit ten foot rear yard set-backs in properties within the medium density residential (R-2) zoned districts.

THEREFORE, this 9 day of July, 2003, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Union Township, Lebanon County, Pennsylvania, and it is hereby Ordained and Enacted as follows:

1. The Union Township Zoning Ordinance, codified at Chapter 27 of the Union Township Code of Ordinances, is hereby amended as follows:

Section 27-404(5) is amended to read as follows:

Minimum Lot Area., Lot Width, Building Coverage and Yard Dimensions.
The following lot area, lot width, building coverage and yard dimension requirements apply to all permitted and special exception uses, except where more restrictive regulations are established within this Chapter:

<table>
<thead>
<tr>
<th></th>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Bldg. Coverage</th>
<th>Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each dwelling unit</td>
<td>1 acre</td>
<td>100 ft.</td>
<td>25%</td>
<td>Front 30 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Side 20 ft.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rear 10 ft.</td>
</tr>
<tr>
<td>Each dwelling unit</td>
<td>8,000 sq. ft.</td>
<td>60 ft.</td>
<td>45%</td>
<td>Front 30 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Side 10 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rear 10 ft.</td>
</tr>
<tr>
<td>Nonresidential uses</td>
<td>1 acre</td>
<td>150 ft.</td>
<td>25%</td>
<td>Front 30 ft.</td>
</tr>
<tr>
<td>permitted by right or</td>
<td></td>
<td></td>
<td></td>
<td>Side 20 ft.</td>
</tr>
<tr>
<td>special exception</td>
<td></td>
<td></td>
<td></td>
<td>Rear 10 ft.</td>
</tr>
</tbody>
</table>

2. The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Union Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.
3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

4. This Ordinance shall become effective five (5) days after its passage or adoption.

ATTEST:

By ____________________________
Secretary

UNION TOWNSHIP BOARD OF SUPERVISORS

By ____________________________
Karl Winkla

By ____________________________
It is hereby sworn to by the undersigned that the attached copy of the Ordinance is a true and correct copy of an Ordinance which is currently under consideration in Union Township.

[Signature]
Solicitor for Union Township