The preparation of this Ordinance was financed in part through a planning grant from the Department of Community Affairs under the provisions of Act 11a, approved July 12, 1973, as administered by the Bureau of Planning, Pennsylvania Department of Community Affairs

Amended through
AUGUST 1984

PLANNING CONSULTANTS: Associated Planning and Development Services, Inc.
ZONING ORDINANCE

OF THE

TOWNSHIP OF COAL

NORTHERN LAND COUNTY, PENNSYLVANIA

ORDINANCE NO. A-16

An Ordinance to permit, prohibit, regulate, restrict, and determine: Uses of land, watercourses, and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; and providing for: Special exceptions and variances administered by the Zoning Hearing Board and the Planning Commission; the administration and enforcement of this Ordinance and penalties for the violation thereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF COAL, AS FOLLOWS:
The Township of Coal has enacted the zoning ordinance of which this statement is a part in accordance with the Pennsylvania Municipalities Planning Code and various local goals and objectives. The adoption and enforcement of these regulations is intended to provide the municipality with procedures which will assist in directing its growth and development in accordance with local needs and desires.

Pertinent local goals which these regulations are intended to bring to fruition relate to such factors as land use, population density, streets and traffic and other community facilities and utilities, generally as defined in the Coal Township Master Plan.

More specifically, it is intended to:

1. Create a pattern of land uses which are compatible and harmonious, where a suitable environment may be created for residential, commercial and industrial functions. The protection of our present and future residential areas is a prime concern; as well as the preservation and protection of lands which are considered desirable and suitable for commercial and industrial uses, but not those industrial uses which will emit nuisances which would have an adverse affect on any part of the Community.

2. Maintain a density of population which can feasibly be served by the streets and other public facilities which presently exist or can be reasonably provided by the municipality.

3. Direct the types of development and the intensity of development in such a manner as will not place an unreasonable burden on the capacity of local streets and other public facilities.

4. Preserve the character, appearance and integrity of the community in keeping with the present pattern and character of development.

5. Encourage the growth and development of the Township including the expansion of commercial and manufacturing activities.
ARTICLE I
TITLE AND PURPOSES

1.100 TITLE

"An Ordinance to limit and restrict to specified districts or zones and to regulate therein, buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the uses of land in the Township of Coal and providing for the administration and enforcement of the provisions herein contained and fixing penalties for the violation thereof."

1.200 SHORT TITLE

This Ordinance shall be known and may be cited as the "Coal Township Zoning Ordinance".

1.300 COMMUNITY DEVELOPMENT OBJECTIVES

The intent of this Ordinance is to establish a precise and detailed plan for the use of land in Coal Township based on the Municipality's Master Plan, including but not limited to those aspects of the Master Plan, relating to land use, density of population, location and function of streets and other community facilities and utilities. This Ordinance has been further enacted in order to promote and protect the general health, welfare, safety, and convenience of the Municipality.

1.400 SCOPE OF REGULATIONS

This Zoning Ordinance is intended to:

1.410 Establish Zoning Districts

Establish zoning districts and to regulate therein the use of land and structures for residential, commercial, manufacturing and other purposes.

1.420 Regulate Buildings and Population Density

Regulate the location, height, bulk, and size of buildings and structures, the size of yards and open spaces, the percentage of lot area which may be occupied by buildings and structures, and the density of population.
Such regulations are deemed necessary to achieve the following purposes:

1.510 To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, desirable density of population, civil defense, disaster evacuation, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.

1.520 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
ARTICLE 2

ZONE DISTRICTS AND ZONING MAP

2.100 DESIGNATION OF ZONE DISTRICTS

In accordance with the Municipality's Master Plan, and with consideration of the character of the Municipality and its various parts, and the suitability of the various parts for particular uses and structures, the Township of Coal is hereby divided into 10 Zoning Districts, differentiated according to permitted uses and building regulations, as follows:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- C-N Conservation
- C-P Coal Production
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-3 General Commercial
- M-1 Manufacturing
- M-2 Heavy Manufacturing
- FP Flood Plain

The location and boundaries of said zones are hereby established as shown on the Official Zoning Map of the Township of Coal dated [date] on file in the office of the Secretary of the Township. Said official Zoning Map, together with any map inserts, and amendments, is hereby made a part of this Ordinance as if the same were all fully described and set forth herein.

2.300 INTERPRETATION OF BOUNDARIES

2.310 Designation of Zone Boundaries

The zone boundary lines are intended to follow the right-of-way lines of streets and roads, existing lot and property lines, the mean and/or flood level of water bodies and Township Boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on the Zoning Map by a specific dimension expressing its distance from a street or road line, or other boundary line as indicated, or by a reference to a contour line delineated on the United States Geological Survey Maps.
2.320 Determination of Locations of Boundaries

In the event of uncertainty as to the true location of a zone boundary line in a particular instance, any decision of the Zoning Officer may be appealed before the Zoning Hearing Board by any affected property owner. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

2.330 Division of Lot or Parcel in Single Ownership

Where a Zone boundary line divides a lot or parcel in single ownership at the time of the passage of this Ordinance, any use authorized or permitted in either zone may be extended a distance not to exceed fifty (50') feet beyond the boundary of the zone in which such use is authorized or permitted.

2.400 DEGREE OF Restrictiveness

The phrase "more restrictive uses" as employed in this Ordinance shall mean the following:

a. Those uses permitted in an R-1 Zone are the most restrictive.

b. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: R-2, C-N, C-1, C-2, C-3, C-P, M-1 and M-2.

c. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.

2.500 LIMITATION OF Land USE

Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, buildings, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.
CLASSIFICATION OF ANNEXED LANDS

In the event of annexation or attachment of the Municipality's territory to an adjacent or contiguous municipality for municipal purposes, the following shall apply:

If the annexing municipality has a zoning ordinance in effect which includes provisions of due process for rezoning territory that may be annexed to that municipality, the provisions of the zoning ordinance of the annexing municipality shall prevail. Notwithstanding the above provision, the procedure to afford and effect proper protection for zoning purposes may be as mutually agreed by arbitration or adjudication by and between both municipalities, or as a condition of annexation.
3.100 SCHEDULES

The attached schedules set forth the restrictions and controls intended to regulate development in each Zone District. Regulations governing the Flood Plain Conservation District (FP) are included in Section 5.890 hereof.

3.200 SCHEDULE I

Schedule I governs development and the use of land in all Residential Districts.

3.300 SCHEDULE II

Schedule II governs development and the use of land in all Special Districts.

3.400 SCHEDULE III

Schedule III governs development and the use of land in the Commercial Districts.

3.500 SCHEDULE IV

Schedule IV governs development and the use of land in the Manufacturing District.
### SCHEDULE I
REGULATIONS GOVERNING RESIDENTIAL DISTRICTS IN COAL TOWNSHIP

#### R-1, LOW DENSITY

<table>
<thead>
<tr>
<th>PRINCIPAL PERMITTED USES</th>
<th></th>
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<tbody>
<tr>
<td>Single family detached dwellings</td>
<td></td>
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<tr>
<td>Temporary Tract offices and tract signs</td>
<td></td>
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<tr>
<td>Other similar uses, as determined in accordance with the procedures set forth in Section 5.430.</td>
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<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Home occupations</td>
<td></td>
</tr>
<tr>
<td>Private garages and private parking areas</td>
<td></td>
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<tr>
<td>Signs as regulated in Section 5.250.</td>
<td></td>
</tr>
</tbody>
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<table>
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<tr>
<th>EXCEPTIONS</th>
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<tbody>
<tr>
<td>Large-scale Residential Development including single family, two family and multi-family housing, including townhouses and garden apartments</td>
<td></td>
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<tr>
<td>Cemeteries, Crematories and Mausoleums</td>
<td></td>
</tr>
<tr>
<td>Undertakers and Funeral Homes</td>
<td></td>
</tr>
<tr>
<td>Essential services</td>
<td></td>
</tr>
<tr>
<td>Nursing and Convalescent Homes</td>
<td></td>
</tr>
<tr>
<td>Golf Courses, Country Clubs</td>
<td></td>
</tr>
<tr>
<td>Churches, Schools and Recreation Areas</td>
<td></td>
</tr>
<tr>
<td>Community wide public facilities such as recreation areas, municipal office buildings, and similar uses provided that such uses shall not be detrimental to a nearby residential area in terms of excessive noise and traffic</td>
<td></td>
</tr>
<tr>
<td>Family Day Care Homes, Group Day Care Homes, Child Day Care Homes, and Personal Care Homes.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MINIMUM LOT SIZE (1)</th>
<th>15,000 sq. ft. (2) (3)</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>I. FRONT YARDS (1)</td>
<td>30 ft.</td>
<td></td>
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<tr>
<td>SIDE, Both</td>
<td>10 ft.</td>
<td></td>
</tr>
<tr>
<td>REAR</td>
<td>25 ft.</td>
<td></td>
</tr>
<tr>
<td>II. LOT FRONTAGE (1)</td>
<td>100 ft.</td>
<td></td>
</tr>
<tr>
<td>III. LOT DEPTH (1)</td>
<td>150 ft.</td>
<td></td>
</tr>
<tr>
<td>IV. LOT COVERAGE (1)</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>V. M BUILDING HEIGHT (4)</td>
<td>11 stories 35 ft.</td>
<td></td>
</tr>
</tbody>
</table>

#### R-2, MEDIUM DENSITY

<table>
<thead>
<tr>
<th>PRINCIPAL PERMITTED USES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Same as R-1</td>
<td></td>
</tr>
<tr>
<td>Two family dwellings, including duplex units and semi-detached 1 family units</td>
<td></td>
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<tr>
<td>Town houses</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Other accessory uses and structures customarily appurtenant to a principal permitted use.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>EXCEPTIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Scale Residential Development including single family, two family and multi-family housing, including townhouses and garden apartments.</td>
<td></td>
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<tr>
<td>Undertakers and funeral homes</td>
<td></td>
</tr>
<tr>
<td>Essential services</td>
<td></td>
</tr>
<tr>
<td>Nursing and Convalescent homes</td>
<td></td>
</tr>
<tr>
<td>Social halls, clubs and lodges including retail sales for guests only</td>
<td></td>
</tr>
<tr>
<td>Multi family dwellings</td>
<td></td>
</tr>
<tr>
<td>Churches, Schools and Recreation Areas</td>
<td></td>
</tr>
<tr>
<td>Mobile Homes in accordance with HUD minimum standards</td>
<td></td>
</tr>
<tr>
<td>Local retail business and personal services, such as grocery, fruit and vegetable store, drug store, barber, beauty shop and shoe repair</td>
<td></td>
</tr>
<tr>
<td>Family Day Care Homes, Group Day Care Homes, Child Day Care Homes, and Personal Care Homes.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MINIMUM LOT SIZE (1) (2)</th>
<th>8,000 sq. ft.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I. FRONT YARDS (1)</td>
<td>25 ft.</td>
<td></td>
</tr>
<tr>
<td>SIDE, Both</td>
<td>8 ft.</td>
<td></td>
</tr>
<tr>
<td>REAR</td>
<td>20 ft.</td>
<td></td>
</tr>
<tr>
<td>II. LOT FRONTAGE (1)</td>
<td>60 ft.</td>
<td></td>
</tr>
<tr>
<td>III. LOT DEPTH (1)</td>
<td>100 ft.</td>
<td></td>
</tr>
<tr>
<td>IV. LOT COVERAGE (1)</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>V. M BUILDING HEIGHT (4)</td>
<td>25 stories 35 ft.</td>
<td></td>
</tr>
</tbody>
</table>

### NOTES:

1. Except as provided for large scale developments. (Section 5.5.)
2. Minimum lot area per dwelling unit shall be 3,000 sq. ft. for two family dwellings, garden apartments and townhouses, and 1,500 sq. ft. for other multi-family dwellings, except housing for the elderly which may be erected at a density of up to 500 sq. ft. per dwelling unit.
3. A minimum lot area of one acre is required where no public water or sewer facilities are provided.
4. Four stories or 50 ft. for multi-family, except housing for the elderly which may be erected up to a height of 11 stories or 125 ft. whichever is less.
<table>
<thead>
<tr>
<th>C-N CONSERVATION</th>
<th>C-P COAL PRODUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PERMITTED USES</strong></td>
<td><strong>C-OAL PRODUCTION</strong></td>
</tr>
<tr>
<td>All agricultural uses including animal husbandry and agricultural buildings, such as nurseries and greenhouses, where the product is sold off the premises.</td>
<td>Mining and processing of coal when in compliance with all applicable regulations of the Commonwealth and/or the Township.</td>
</tr>
<tr>
<td>Forests and the production of forest products including sawmills.</td>
<td>Extraction of peat moss and minerals.</td>
</tr>
<tr>
<td>Public parks and camping grounds.</td>
<td>Strip mines, quarries and gravel pits.</td>
</tr>
<tr>
<td>Hunting and/or fishing clubs, game preserves and similar uses.</td>
<td></td>
</tr>
<tr>
<td>Water supply works, flood control or watershed protection works and fish hatcheries.</td>
<td></td>
</tr>
<tr>
<td>Golf Courses.</td>
<td></td>
</tr>
<tr>
<td>Other similar uses in accordance with the procedures and requirements found in Section 9.430.</td>
<td></td>
</tr>
<tr>
<td><strong>ACCESSORY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Off-street parking and loading Signs, as regulated in Section 5.850.</td>
<td>Off-street parking and loading Signs, as regulated in Section 5.850.</td>
</tr>
<tr>
<td>All other uses customarily appurtenant to a principal permitted use.</td>
<td>Other accessory uses customarily appurtenant to a principal permitted use.</td>
</tr>
<tr>
<td><strong>SPECIAL EXCEPTIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Circuses, carnivals and fairs of temporary nature.</td>
<td>Junk yards.</td>
</tr>
<tr>
<td>Commercial recreation and amusement parks.</td>
<td>Recreation and/or playgrounds.</td>
</tr>
<tr>
<td>Golf driving ranges.</td>
<td>Radio and television towers, masts and aerials.</td>
</tr>
<tr>
<td>Eating and drinking places with entertainment.</td>
<td></td>
</tr>
<tr>
<td>Commercial parking areas.</td>
<td></td>
</tr>
<tr>
<td>Tourist cabins, motels and motor courts.</td>
<td></td>
</tr>
<tr>
<td>Cemeteries, crematories and mausoleums.</td>
<td></td>
</tr>
<tr>
<td>Electric and telephone transmission and distribution facilities including substations and water pumping stations.</td>
<td></td>
</tr>
<tr>
<td>Country clubs, golf courses.</td>
<td></td>
</tr>
<tr>
<td>Hospitals and sanitoria including animal hospitals.</td>
<td></td>
</tr>
<tr>
<td>Institutions for children and the aged.</td>
<td></td>
</tr>
<tr>
<td>Nursing homes.</td>
<td></td>
</tr>
<tr>
<td>Other institutional and educational uses.</td>
<td></td>
</tr>
<tr>
<td>All C-P, principal permitted Coal Production Uses as a temporary use for a period of not more than five (5) years which may be extended for additional five (5) year periods if authorized by the Zoning Hearing Board.</td>
<td></td>
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<tr>
<td>CONDITIONAL USES</td>
<td>Waste Disposal</td>
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<tr>
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<tr>
<td></td>
<td>Incinerator Plant</td>
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<tr>
<td></td>
<td>Sewage Treatment Plant</td>
</tr>
<tr>
<td></td>
<td>Co-generation Plant</td>
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<tr>
<td></td>
<td>Airports</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>MINIMUM LOT SIZE</th>
<th>1 acre</th>
<th>3 acres</th>
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<table>
<thead>
<tr>
<th>MINIMUM YARDS</th>
<th>Front 35 ft.</th>
<th>Rear 50 ft.</th>
<th>Front 50 ft.</th>
<th>Rear 75 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side, one</td>
<td>12 ft.</td>
<td></td>
<td>15 ft.</td>
<td></td>
</tr>
<tr>
<td>Side, Both</td>
<td>30 ft.</td>
<td></td>
<td>40 ft.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>MINIMUM LOT FRONTAGE</th>
<th>150 ft.</th>
<th>150 ft.</th>
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<table>
<thead>
<tr>
<th>MINIMUM LOT DEPTH</th>
<th>200 ft.</th>
<th>300 ft.</th>
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<table>
<thead>
<tr>
<th>MAXIMUM LOT COVERAGE</th>
<th>15%</th>
<th>20%</th>
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</thead>
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<table>
<thead>
<tr>
<th>MAXIMUM BLDG. HEIGHT</th>
<th>2 1/2 Stories</th>
<th>2 1/2 Stories</th>
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<tbody>
<tr>
<td></td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>COUNTY</td>
<td>DISTRICT</td>
<td>PRINCIPAL PERMITTED USE</td>
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<td>-------------------------</td>
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<td></td>
<td></td>
<td>Any local retail business or personal service establishment such as grocery, fruit, or vegetable store, drug store, barber and beauty shop and shoe repair.</td>
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<tr>
<td></td>
<td></td>
<td>Auto service stations including minor repairs only</td>
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<tr>
<td></td>
<td></td>
<td>Bar, restaurant, cafe, cocktail lounge, soda fountain, tea rooms, and similar enterprises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Business and professional offices and the like, supplying commodities or performing services for residents of the neighborhood</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pick-up stations for dry cleaning and laundry services and laundromat</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Medical and dental offices</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social halls, clubs and lodges</td>
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<tr>
<td></td>
<td></td>
<td>Essential services not including Essential services not including</td>
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<tr>
<td></td>
<td></td>
<td>Sewage Treatment Plants</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other similar uses in accordance with procedures set forth in Section 9.430</td>
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<td></td>
<td></td>
<td>Auto service stations, including Auto service stations, including major repairs</td>
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<tr>
<td></td>
<td></td>
<td>Building material sales yard Building material sales yard</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Equipment and machinery repairs Equipment and machinery repairs</td>
</tr>
<tr>
<td></td>
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<td>Florists and nurseries, provided that all incidental equipment and supplies including fertilizers and empty cans are kept in the building.</td>
</tr>
<tr>
<td></td>
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<td>The following light (limited) industrial uses when conducted within an enclosed building:</td>
</tr>
<tr>
<td></td>
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<td>- manufacturing of musical and small precision instruments, watches and clocks, toys, novelties and metal and rubber hand stamps</td>
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<tr>
<td></td>
<td></td>
<td>- manufacture of pottery and figurines or other similar ceramic products using only pulverized clay</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Other similar uses in accordance with procedures set forth in Section 9.430</td>
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<tr>
<td>SPECIAL USES</td>
<td>MINIMUM LOT SIZE</td>
<td>MINIMUM YARDS</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Mortuary and undertaking establishments</td>
<td>10,000 sq. ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Outdoor storage in accordance with the provisions of Section 5.850</td>
<td>15,000 sq. ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Animal hospitals, kennels, dog pounds, pet shops</td>
<td>20,000 sq. ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

- Additional yards and setbacks are required where commercial uses adjoin residential and public uses as set forth in Section 4.350 hereof.

** 10 feet where rear access is not otherwise available for fire protection purposes.
DISTRICT M-1, LIGHT MANUFACTURING

PRINCIPAL PERMITTED USE

All limited manufacturing uses permitted in the C-2 and C-3 Districts, as well as the following manufacturing uses subject to the performance standards set forth in Article 9 hereof.

- Assembly and manufacture of small electrical appliances; small industrial and electronic instruments and devices; radios, phonographs and television sets.
- Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.
- Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
  - Bakery goods
  - Candy and food products
  - Cameras and other photographic equipment
  - Electric and neon signs; outdoor advertising signs.
  - Electrical fixtures, batteries; and other electrical manufacturing
  - Furniture, fixtures and upholstering
  -Hardware, cutlery
  - Leather goods including shoe and luggage manufacturing
  - Machine shops
  - Mattress manufacturing
  - Metal buffing, plating and polishing
  - Medical, dental and drafting instruments
  - Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, strips, or wire.
  - Automobile accessory manufacturing, not including tires.
  - House building, not exceeding a length of 40 feet.
  - Cigar and cigarette manufacturing
  - Dairy products
  - Grain mill products
  - Metal molding and extrusion
  - Millwork and planing mills

ACCESSORY USES

All C-2 and C-3 Accessory uses
Outdoor storage of goods used or produced on the premises, in accordance with the provisions of Section 5.840

M-2, HEAVY MANUFACTURING

All M-1 permitted uses.
- Brewing and distillation of malt beverages or liquors
- Canning factories
- Chocolate and cocoa products
- Concrete batching, mixing and concrete products such as blocks and pipes
- Cut stone and stone products employing power driven tools but not including quarrying
- Fabricated metal products
- Flat glass plants (continuous rolling)
- Glass and glassware, pressed or blown
- Iron and steel foundries
- Millwork, veneer, plywood and prefabricated structures, wood products, wood containers and miscellaneous wood products
- Miscellaneous primary metal industries
- Pottery and clay products including structural clay products
- Settling ponds or reservoirs (See section 9.910)
- Other similar uses in accordance with Section 9.430

- The manufacture of paper, converted paper, and/or paper products
- Plastic molding and extrusion
- Textile mill products
- Transportation equipment
- Sausage and other prepared meat products excluding slaughtering
- Metal and plastic stamping and pressing equipment with limitation of one hundred and twenty five (125) ton capacity
- Construction contractors excluding storage of heavy equipment
- Public utility buildings, telephone exchange, electric transformer stations, pump stations and gas compressor stations
- Radio and television broadcasting stations and studios, but not including antennas or towers
- Undercoating shops
- Other similar uses in accordance with Section 9.430

Dwelling for watchman or caretaker
Outdoor advertising signs as permitted in and regulated in Section 5.850
Garages to be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles which are to be used in connection with a permitted use in the M Districts.
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>M-1, LIGHT MANUFACTURING</th>
<th>M-2, HEAVY MANUFACTURING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRINCIPAL PERMITTED USE</td>
<td>All limited manufacturing uses permitted in the C-2 and C-3 Districts, as well as the following manufacturing uses subject to the performance standards set forth in Article 6 hereof. Assembly and manufacture of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following: Bakery goods. Candy and food products. Cameras and other photographic equipment. Electric and neon signs; outdoor advertising signs. Electrical fixtures, batteries, and other electrical manufacturing. Furniture; fixtures and upholstering. Hardware, cutlery. Leather goods including shoe and luggage manufacturing. Machine shops. Mattress manufacturing. Metal buffing, plating and polishing. Medical, dental and drafting instruments. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, feathers, felt, fiber fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, strips, or wire. Automobile accessory manufacturing, not including tires. Boat building, not exceeding a length of 40 feet. Cigar and cigarette manufacturing. Dairy products. Grain mill products. Metal molding and extrusion. Millwork and planing mills.</td>
<td>All M-1 permitted uses. Brewing and distillation of malt beverages or liquors. Canning factories. Chocolate and cocoa products. Concrete batching, mixing and concrete products such as blocks and pipes. Cut stone and stone products employing power driven tools but not including quarrying. Fabricated metal products. Flat glass plants (continuous rolling). Glass and glazeware, pressed or blown. Iron and steel foundries. Millwork, veneer, plywood and prefabricated structures, wood products, wood containers and miscellaneous wood products. Miscellaneous primary metal industries. Pottery and clay products including structural clay products. Setting ponds or reservoirs (See section 5.910A). Other similar uses in accordance with Section 9.430. The manufacture of paper, converted paper, and/or paper products. Plastic molding and extrusion. Textile mill products. Transportation equipment. Sausage and other prepared meat products excluding slaughtering. Metal and plastic stamping and pressing equipment with limit of one hundred and twenty five (125) ton capacity. Construction contractors excluding storage of heavy equipment. Public utility buildings, telephone exchange, electric transformer stations, pump stations and gas compressor stations. Radio and television broadcasting stations and studios, but not including antennas or towers. Undercoating shops. Other similar uses in accordance with Section 9.430. Dwelling for watchman or caretaker. Outdoor advertising signs as permitted in and regulated in Section 5.850. Garages to be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles which are to be used in connection with a permitted use in the M Districts.</td>
</tr>
</tbody>
</table>
**M-1, U-G.N. AND UF (Continued)**

**SPECIAL USES**
- Railroad yards and terminals, excluding major repair shops.
- Arena.
- Large scale industrial development.
- Principal permitted commercial uses which shall be necessary and appropriate for the M District such as automobile service stations, banks, restaurants, etc.
- Heavy construction equipment storage yards provided that protective screening shall have an opacity of not less than seventy-five (75) percent. Where the storage yards are not less than 500 feet from any zone boundary line the screening provisions may be modified where buildings perform a screening function.
- All C-P, principal permitted Coal Production Uses as a temporary use for a period of not more than five (5) years which may be extended for additional five (5) year periods if authorized by the Zoning Hearing Board.
- Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.
- Large scale commercial development.
- Bus terminals and other similar transportation centers.
- Bowling alleys.
- Auto laundries.

**CONDITIONAL USES**
- All C-N and C-P Conditional Uses.
- Painting and Varnishing Shops.
- Plastic Molding and Extrusion.

<table>
<thead>
<tr>
<th><strong>MINIMUM LOT SIZE</strong></th>
<th>20,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MINIMUM YARDS</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Rear</td>
<td>50 ft.</td>
</tr>
<tr>
<td><strong>MINIMUM LOT FRONTAGE</strong></td>
<td>100 ft.</td>
</tr>
<tr>
<td><strong>MINIMUM LOT DEPTH</strong></td>
<td>150 ft.</td>
</tr>
<tr>
<td><strong>MINIMUM LOT COVERAGE</strong></td>
<td>50 %</td>
</tr>
</tbody>
</table>

**1 acre**

**MAXIMUM BLDG. HEIGHT**

<table>
<thead>
<tr>
<th>All M-1 Special uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrap and waste materials (salvaging of and including automobile wrecking)</td>
</tr>
<tr>
<td>The following waste disposal operations or products: Distillation of bones, fish reductions, fat rendering, garbage, dead animal reduction</td>
</tr>
<tr>
<td>Any other lawful industrial use as may be permitted by State law</td>
</tr>
<tr>
<td>Abattoirs and related facilities including stock yards and/or feeding facilities and fertilizer manufacturers</td>
</tr>
<tr>
<td>Basic processes for producing abrasive cement, asbestos cement, plaster and miscellaneous nonmetallic mineral products</td>
</tr>
<tr>
<td>Chemicals and allied basic processes including acid manufacture</td>
</tr>
<tr>
<td>Electric power generating plants serving a power system</td>
</tr>
<tr>
<td>Race tracks (See Section 5-920A)</td>
</tr>
<tr>
<td>Rubber and miscellaneous plastic production</td>
</tr>
<tr>
<td>Radio and TV towers, masts and aerials</td>
</tr>
</tbody>
</table>

100 ft.

75 ft.

150 ft.

200 ft.

50 %
4.100 ZONE LOT REGULATIONS

110 Existing Zone Lots of Record

a. In any R-District, only the following uses may be erected on a nonconforming zone lot of record at the effective date of this ordinance irrespective of its area or width, the owner of which does not own any adjoining land which would create a conforming lot if all or part of said property were combined with the subject zone lot:

1) A single family detached dwelling.

2) Accessory off-site parking facilities in accordance with the provisions of Section 5.613 hereof.

b. No lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more nonconforming lots.

c. There shall be not less than one (1) interior side yard maintain for any structure to be erected or expanded on a nonconforming lot. No interior side yard for a principal structure shall be less than five (5) feet in width along the full length of the lot. Where new, detached principal structure is to be erected on a nonconforming lot it shall be located in such a manner as to maintain a minimum of five (5) feet between all structures, both new and existing; but, in any event, there shall not be less than one (1) side yard of not less than five (5) feet. Where an existing structure is to be expanded, no such expansion will be permitted where it will result in any side yard of less than five (5) feet or less than five (5) feet between the expanding building and an existing principal structure; and, this requirement shall also apply where there is an existing side yard of less than five (5) feet and the expansion will result in further reducing the said yard anywhere along the length of the side property line. The provisions of this paragraph 4.110c. shall not apply to two-family dwellings when a central fire wall shall be provided to separate the attached adjacent structure; provided, however, that where c (1) of these structures is an existing structure, the wall shall be approved in writing by the owner of the adjacent dwelling.

d. Extension of existing buildings shall only be permitted for a distance of twelve (12) feet between the existing rear wall and the rear property line; provided, however, that no such extension shall be nearer to the rear property line than ten (10) feet; and provided further that there shall be no windows on the side walls of such extensions.

e. The side yard of a corner lot shall also be not less than five (5) feet along the side street property line; provided, however, that nothing herein shall exempt such a property from the minimum requirements of Section 4.140 hereof.

f. The maximum land coverage regulations described elsewhere in this ordinance shall not apply to a nonconforming lot having an area of 4,000 square feet or less.

g. The front yard shall be in accordance with Section 4.320 hereof.
Minimum Lot Sizes Where There is No Public Water or Sewer

Unless the regulations of the district in which they are located or local regulations require greater lot areas or lot widths, the following regulations shall apply:

4.121 Not Served by Public Water and Sewer. The minimum lot area per dwelling unit shall be not less than one (1) acre nor less than 125 feet in width at the front lot line when such lot is not served by a public water or sanitary sewer system and, provided further, that any dwelling erected on such lot shall be in accordance with the yard and coverage requirements as specified in any R-1 District.

4.122 Not Served by Public Sewer. Lots served by a public water system and an individual on-lot sewage disposal system such as a cesspool or septic tank shall not be less than 20,000 square feet in area per dwelling unit (or any larger area that may be required by the Township Sewage Enforcement Officer) nor less than 80 feet in width at the front lot line and shall be in accordance with the following yard and coverage requirements:

a. Minimum Lot Depth 150 feet
b. Minimum Front Yard 30 feet
c. Minimum Side Yard (one) 10 feet
d. Minimum Side Yard (both) 25 feet
e. Maximum Lot Coverage 20 percent

Lot Frontage

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located.

Corner Lots

At all street intersections no obstructions to vision (other than an existing building, post, column or tree) exceeding 3 feet in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.

Through Lots

Where a single lot under individual ownership extends from a street to an alley, the widest street shall be deemed the street upon which the property fronts and no principal structures and no dwelling shall be erected on the rear of such a lot.
4.160 **Required Area or Space Cannot be Reduced**

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced.

4.200 **HEIGHT REGULATIONS**

4.210 **General Application**

No building or structure shall have a greater number of stories than are permitted in Article 3 hereof, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted in Article 3, except as follows:

4.220 **Permitted Exceptions**

Height limitations stipulated elsewhere in this Ordinance shall not apply to open amusement areas, barns, silos, schools, church spires, belfries, cupolas and domes, monuments, water towers, utility poles, chimneys, smokestacks, flagpoles, radio and television towers, masts and aerials; or to parapet walls extending not more than four (4) feet above the limiting height of the building.

In any district other than the R-1 or R-2 Districts, a building may be permitted to exceed the height limit of the district where it is to be located, and be erected up to a height of not more than 6 stories or 75 feet, whichever is less, provided that it can be shown that adequate fire protection will be available, and that such modification shall be approved by the Zoning Hearing Board upon the review and approval of the Planning Commission only in accordance with the procedures established for the approval of a Special Exception.

4.300 **YARD REGULATIONS**

4.310 **Side Yards**

4.311 **Side Yard Width May be Varied**. Where the side wall of a building is not parallel with the side lot line or is broken or irregular, the side yard may be varied. In such cases the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width.
4.312 Side Yard of Corner Lot. Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street; provided, however, that the side street setback line of any corner lot as it existed at the time of adoption of this Ordinance or any corner lot shown on any subdivision plat which received final approval prior to the adoption of this ordinance shall not be less than one-half (½) of the depth of the minimum front yard required on any adjoining lot fronting on a side street.

4.320 Front Yard Exception

When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, provided, however, that when any lot shall front on a right-of-way which is proposed, on the Municipality's Official Map, to be widened, the front yard of such lot shall be as required by Article 3 hereof, and shall be measured from such proposed future right-of-way.

4.330 Front Yard of Corner Lot

The front yard of any corner lot shall be established on the wider of the two (2) streets abutting said lot, except when the existing pattern of development is contrary to this requirement as evidenced by more than fifty (50%) percent of the existing structures fronting on the narrower street. The front yard may be established on either of the two (2) abutting streets when they are of equal width.

4.340 Projections into Required Yards

Certain architectural features may project into required yards as follows:

a. Cornices, canopies, eaves or other similar architectural features may project into a side yard a distance of two (2) feet; provided, however, that where a side yard exceeds a width of twelve (12) feet, such extension may be increased by 2-inches for each 1-foot by which the yard exceeds a width of 12 feet.
b. Fire escapes may project into side and rear yards; provided, however, that projections into side yards shall not exceed four (4) feet six (6) inches.

c. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding four (4) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

d. Open patios or open porches may be located in rear yards and side yards provided that they are not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened in accordance with the provision of Section 4.710 hereof. In case of a corner lot, no enclosed patios shall extend into the side yard adjoining such side street.

4.350 Additional Yards Required Where "C" and "M" Uses Abut R-Districts

All uses first permitted in C-N or less restrictive districts, which abut, at the lot line or on the same street, an "R" District, shall provide yards, where they abut, in accordance with the yard requirements for such "R" Districts which they abut, or the yard required for the district where the use is first permitted, whichever is greater.

4.400 MAXIMUM COVERAGE

Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in Article 3 or other pertinent sections of this Ordinance.

4.500 NUMBER OF BUILDINGS RESTRICTED

There shall be not more than one (1) principal dwelling structure nor more than two (2) accessory structures, including a private garage on each residential zone lot except as otherwise provided in Section 5.300 for dwelling groups, large scale developments, planned unit developments, and seasonal or transient dwelling facilities.

4.600 ACCESSORY STRUCTURES

4.610 Maximum Permitted Height

One and one-half (1-½) stories or sixteen feet.
4.620 Minimum Yard Regulations

4.621 Unattached Accessory Structures in R-Districts.

Accessory structures, which are not attached to a principal structure, may be erected within one (.1) of the side yards or within the rear yard, but not in the front yard, in accordance with the following requirements.

a. side yard (interior lot) - 3 feet.
b. side yard (corner lot) - same as for principal structure.
c. rear yard - 3 feet; if fronting on an alley - 10 feet.
d. not closer to a principal structure than ten (10) feet.

4.622 Attached Accessory Structures in R-Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

4.623 Non-Dwelling Accessory Structures in Other Districts.

Non-dwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

4.624 Replacement of Dilapidated Unattached Accessory Structures in R - Districts.

a. The replacement of a legally existing nonconforming dilapidated unattached accessory structures may be excepted from the provisions of Section 4.621 and Article 7 hereof; provided however, that they conform with the following requirements:

1) Upon application, accompanied by a $25.00 fee, they are certified as dilapidated by the Township Zoning Officer.

2) The replacement structure shall not extend closer to any rear or side property line than the original structure unless it conforms with the provisions of Section 4.621 hereof, except as otherwise provided herein. Such replacements shall, however, be exempted from the provisions of Section 4.621 if no part of such structures shall be closer to any principal structure than ten (10) feet.
If the replacement structure is located on an alley, and it is situated between two (2) improved lots, each having an accessory structure within ten (10) feet of the side lot lines of the subject lot, the rear yard of the replacement structure may be reduced to the greatest depth of the adjoining lots.

There shall be no restriction on the extent to which the structure extends toward the principal structure to which it is accessory; provided, however, that its depth shall not exceed twenty (20%) percent of the length of the lot; and, provided further that it shall not extend closer than ten (10) feet to any adjacent principal residential structure.

3) The replacement of any accessory structure under the provisions of this Section 4.624 shall conform with the applicable fire rating requirements prescribed in the Township's Building Code.

4) No such structure on any corner lot shall be erected within the area required for a clear site-triangle as specified in Section 4.140 hereof.

4.700 GENERAL LANDSCAPING REGULATIONS

4.710 Enclosed Uses

Any enclosed use as may be required by this Ordinance to be landscaped in accordance with this subsection shall provide a six-foot high visual screen consisting of a fence or evergreen type hedges or shrubs spaced at intervals of not more than six (6) feet, located and maintained in good condition within fifteen (15) feet of the property line adjoining or abutting an "R" District.

4.720 Unenclosed Uses

Any use which is not conducted within a completely enclosed building, except for nurseries, and the display for sales purposes or new or used cars, motorcycles, trucks, trailers, or farm equipment, in operative condition, shall be entirely enclosed by a 6 ft. high fence maintained in good condition or evergreen type hedges or shrubs, which shall be not less than six (6') feet in height, at intervals of not more than six (6') feet and maintained in good condition.
4.810 Unenclosed "M" Uses

All "M" uses which are not conducted wholly within a completely enclosed building shall be not less than 100 feet distant from any R-District.

4.820 Uses to be Enclosed

All "C" and "M" uses shall be conducted wholly within a completely enclosed building except for off-street parking and loading facilities, new and used car lots, service stations, terminals, storage yards, junk yards, and similar uses.

4.830 Special Regulations for Housing for the Elderly

4.831 Maximum Density. In any R-District where housing shall be designed exclusively for occupancy by elderly persons,* the minimum lot area required per dwelling unit shall be 500 square feet of net land area per dwelling unit.

4.832 Maximum Building Height. Buildings to be erected for housing for the elderly may be erected to a maximum height of eleven (11) stories or one hundred twenty-five (125') feet, whichever is less.

4.833 Off-Street Parking. Accessory off-street parking required to serve housing for the elderly shall be provided in an amount of not less than one (1) space per 4 "elderly" dwelling units.

*Persons shall be considered to be elderly who meet the definitions of "elderly" as set forth by the U.S. Department of Housing and Urban Development; in the absence of such standards, however, elderly persons shall be all persons 60-years of age or older.

4.840 Fences

No solid fence exceeding three (3) feet in height shall be permitted in any residential district nor between buildings or lots used for dwelling purposes in any district, except as otherwise required in Section 5.120 for swimming pools. Open or ornamental fences may be erected to a height not exceeding eight (8) feet provided the ratio of the solid portion to the open portion shall not exceed one (1): four (4). No fence or other structure or appurtenance, more than three (3) feet in height may be erected within the clear sight triangle of all corner lots for a distance of thirty (30) feet measured along street lot lines from their
point of junction. The provisions of this section shall not apply to any fence erected in accordance with the requirements of Section 5.120 (e) (4) hereof for the purpose of enclosing a swimming pool.

4.850 Enclosure of Porches

In any new construction, no enclosed porch shall extend into any required yard except open patios or porches as provided under Section 4.340 d.

Any, open patio or porch which has been constructed, within any required yard prior to the date of this Ordinance shall not be enclosed, except where such porch shall be located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend the front wall of the building or porch closer to the front property line than the front wall of the building or porch of any adjoining property, provided however, that no such enclosures shall be permitted on the street sides of any corner lot nor on any property which adjoins an undeveloped zone lot in separate ownership.
ARTICLE 5
SUPPLEMENTARY REGULATIONS GOVERNING SPECIAL EXCEPTIONS AND OTHER USES

5.100 AMUSEMENT USES

5.110 Amusement Center, Bowling Alley, Dance Halls, and Similar Places of Amusement

a. Such uses shall be conducted entirely within an enclosed structure, except amusement parks.

b. Parking areas shall be screened from adjoining residential properties in accordance with Subsection 4.720.

c. A principal structure shall be not less than twenty (20) feet from any property line, or such greater distance as may be otherwise required in the district where located.

d. There shall be no offensive noise or vibration; such elements may be emitted only in accordance with the performance standards set forth in Article 6.

5.120 Outdoor Recreation Facilities

a. Such uses shall include golf courses, ice-skating rinks, swimming pools, tennis courts and amusement parks.

b. Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Section 4.720.

c. Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

d. No public address system is permitted except where such system will not be audible at any property line.

e. Private swimming pools, permanent and portable, which shall be accessory to a principal non-commercial dwelling use shall be regulated as follows; except that these regulations shall not apply to portable swimming pools which shall be no more than 4 feet in height or more than 15 feet in length.
1) May be erected only on the same zone lot as the principal structure.
2) May be erected only in the rear yard of such structure and shall be distant not less than 20 feet from rear lot lines nor less than 10 feet from any side property line, principal structure or accessory structure attached thereto.
3) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.
4) The swimming pool, or the entire property on which it is located, shall be walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties, said wall or fence to be not less than four (4) feet in height and maintained in good condition.
5) All pumping, cleaning, filtering, and screening devices and water supply and discharge shall be of a type and source approved by local and/or State health department authorities.

f. Drive-In Theatres shall be subject to the following regulations:

1) Situated on a minimum zone lot of ten (10) acres.
2) The screen shall be obscured from public streets.
3) Lights shall be reflected away from adjoining property and streets.
4) The sounds directly appurtenant to the visual presentations at such theatres shall not be audible at the boundary line of any R-District.
5) Only one-way interior vehicular circulation.
6) Surface drainage shall be such that will not subject adjoining properties or streets to damage.
7) Any property line shall not be closer to any R-District than 500 feet, except where topographic considerations make such requirements excessive or unnecessary.
8) Any entrance to a Drive-In Theatre shall be not less than 24 feet wide.

5.200 COMMUNITY FACILITIES

5.210 Community Buildings, Clubs, Social Halls, Lodges, Fraternal Organizations and Similar Uses

a. All buildings shall be a minimum of twenty (20) feet from any property line, except where greater distances are otherwise required herein.
b. In R-Districts where permitted, there may be included retail sales for guests only.

c. All applications for such uses in R-Districts shall demonstrate to the satisfaction of the Zoning Hearing Board that the proposed use will serve primarily the residents of the surrounding neighborhood and that said use cannot satisfactorily be located elsewhere to serve said neighborhood.

5.220 Essential Services, Enclosed or Permanent Structures

Such uses are intended to include facilities for sewerage treatment, electric substations, transformers, switches, and auxiliary apparatus serving a distribution area, in R-Districts and shall be subject to the following regulations:

1) Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

2) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.

3) Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 4.700.

4) Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.

5.230 Essential Services, Open

Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Where applicable, the landscaping regulations of Section 4.700 shall apply.

5.240 Fire and Police Stations

Such facilities shall be permitted in all R-Districts, provided that such facility is necessary to serve the surrounding area.
5.250 Hospitals, Churches, or other Religious or Philanthropic Institutions

All such uses shall be located on a public street which shall have a pavement width of not less than 36 feet and shall maintain a minimum 10 foot wide landscaped strip in accordance with the provisions of Section 4.700 on all property lines abutting R-Districts and all residential streets. Such uses shall not be located or designed in such a manner as would be detrimental to the privacy, convenience and property values of nearby residential development.

5.260 Nursery School, Day Care Center for More than Five (5) Children

Such uses shall be situated on a zone lot of not less than 20,000 square feet, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Section 4.700.

5.270 Public and Parochial Schools and Colleges and Private Schools and Colleges for Academic Instruction

In any R-District, such structures shall be located not less than twenty-five (25) feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to access to major collector roads.

5.300 RESIDENTIAL AND RESIDENTIAL-RELATED COMMERCIAL USES

5.310 Two-Family, Multi-Family and Garden Apartment Dwellings

5.311 All two-family, garden apartments, townhouse and other multi-family development sites shall be provided with an existing or approved public and/or community type water supply and sanitary sewer system, approved by appropriate local and State authorities having jurisdiction.

5.312 Minimum Lot Area, Coverage and Yard Requirements

a. Two-Family Dwellings. The minimum lot area per dwelling unit shall be as specified in Article 3 hereof for the zone district where situated. Minimum frontage, depth, yards and maximum coverage shall be as specified for the zone district where situated.
b. Multi-Family and Garden Apartments

(1) **Minimum lot size:** Garden apartment developments shall not be erected on a zone lot of less than two (2) acres. The minimum width of such a lot shall not be less than 150 feet at the front building line.

(2) **Maximum lot coverage:** The land area covered by buildings, garages and other accessory structures shall not exceed an aggregate of 25 percent of the lot area.

(3) **Yards**

(a) **Front yard:** no structure, other than townhouse, shall be located nearer to a front street property line than 30 feet, except as specified for townhouses, etc.
(b) **Rear Yard:** no structure shall be located nearer to a rear property line than 50 feet.
(c) **Side Yard:** no structure shall be located nearer to a side property line than 25 feet.
(d) **A building wall exposing both windows and an entrance way shall be located not closer to another building than a distance equal to the height of the taller building of the two, but in no case less than fifty (50) feet.**
(e) **A building wall exposing only windows or only an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than twenty-five (25) feet.**

5.313 **Maximum Number of Dwelling Units.** Garden apartment and town houses shall not exceed eight (8) dwelling units per structure.

5.314 **Permanent Open Space.** In addition to the yard, setback, and off-street parking requirements of this Ordinance, there shall be provided a minimum of 10 percent of the gross area of the site to be permanently set aside for open recreation area, which shall be for the common use of the residents thereof; provided, however, that this requirement shall not apply to Town Houses or 2-Family dwellings.

5.315 **Off-Street Parking.** Provision for off-street parking shall be as required in Section 5.600.
5.316 Approval of Site Plan. The plans for any proposed two-family, multi-family or garden apartment development shall require the approval of the Planning Commission and Zoning Hearing Board as provided in Section 5.800, Special Exceptions, and the requirements of this Section.

5.320 Motels, Motor Courts, Motor Hotels and Similar Uses

5.321 Such uses shall have a minimum area for each unit of occupancy of 150 square feet and shall include a minimum of one (1) bedroom and an enclosed bathroom containing a bathtub or shower, commode and lavatory and be supplied with hot and cold running water.

5.322 Illuminated signs and other lights shall be directed away from or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

5.323 Such uses shall be located on a public street, having a pavement width not less than thirty-six (36) feet and shall provide ingress and egress so as to minimize traffic congestion.

5.400 RETAIL AND MANUFACTURING USES

5.410 Bakeries

Bakeries first permitted in any C-1 District shall be located no closer to an R-District than fifty (50) feet and goods produced on the premises shall be sold only at retail on the premises.

5.420 Drive-in Eating and Drinking Places

Such businesses, where persons are served in automobiles shall be not closer than two hundred (200) feet to an R-District and shall be located on a public street having a pavement width of not less than thirty-six (36) feet and shall provide ingress and egress so as to minimize traffic congestion.

5.430 Retail Sales for Guests Only

Where such uses are permitted the following shall apply:

a. There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity, other than from within the building.

b. There shall be no harm to adjoining existing or potential residential development due to excessive traffic generation or noise or other circumstances.
5.440 Retail Uses in M-Districts

Such uses shall be permitted only where the applicant proves that such use is or will be necessary to serve manufacturing uses and will not adversely affect the industrial development of adjoining land. Where such uses are permitted, the minimum lot size requirement shall be 10,000 square feet.

5.450 Manufacturing Uses

Manufacturing uses in any M-District shall, when abutting an R-District, be screened from such district in accordance with the provisions of Sections 4.710 and 4.720

5.460 Junk Yards and Similar Storage Areas - Including Automobile Wrecking

5.461 All junk yards shall be completely screened from roads or developed areas with a solid fence or wall six (6) feet or more in height, maintained in good condition, and painted, except for masonry construction, or with suitable plantings.

5.462 No operations shall be conducted which shall cause a general nuisance or endanger the public health of the surrounding neighborhoods.

5.463 All existing junk yards shall comply with these requirements within one year of the date of this Ordinance, or shall then terminate their operation.

5.464 Such uses shall not abut existing residential development, a residential street, or any R-District and the operation thereof shall be governed by the provisions of Section 5.840 hereof and any other conditions as may be required by the Zoning Hearing Board to protect the public health, safety, comfort, convenience, and general welfare and especially with regard to abutting properties and the occupants thereof.

5.470 Commercial Uses in R-2 Districts

Commercial uses permitted as a special exception in R-2 Districts shall not have a gross floor area of more than 1,500 square feet. Such uses shall be designed to serve only the needs of the neighborhood where they are to be located, and they shall comply with all applicable requirements for off-street parking and loading.

5.510 LARGE SCALE DEVELOPMENTS

Large scale developments as defined herein shall be permitted as a Special Exception and shall be developed in accordance with the following requirements:

5.510 Conformity With Master Plan

The proposed large-scale development shall conform to the Municipality's Master Plan in terms of general location.
Large-Scale Residential Developments

The purpose of this Section shall be to permit the large-scale development of housing in such a manner as to provide for the flexibility of design and arrangement of dwelling structures which would achieve the objectives of this Ordinance but would not be bound by the standards established for individual lot by lot developments. Such developments, shall, however, be subject to the broader standards set forth below.

Spacing and Orientation of Residential Developments

Spacing between buildings and orientation in residential building groups shall be as follows:

a. In buildings containing multiple dwelling units, walls containing main window exposures or main entrances, shall be oriented as to insure adequate light and air exposures.

b. Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be oriented as to preserve visual and audible privacy between adjacent buildings.

c. A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.

Vehicle and Pedestrian Circulation

Adequate provision for vehicle and pedestrian circulation shall be designed as follows:

a. Safe and convenient arrangement of walks, roadways, driveways, and off-street parking and loading space.

b. Separation of general vehicle traffic from pedestrian walks and public transportation loading places.

Paving and Drainage

The developer shall install throughout any proposed large scale residential development, hard-surfaced streets at reasonable grades which shall include curbs or gutter, catch basins and storm sewers.

Development Standards

a. Minimum Lot Area per Dwelling Unit

1) Single-family Detached and Attached Dwellings

Although the average minimum lot area per dwelling unit shall not be less than the minimum area requirement for the District where the development is located, the size of each lot may be reduced as needed, to not less than two thirds of the minimum required in the R-1 district, provided, however, that for "cluster" developments each lot may be reduced to one-third of the minimum lot area, but the average area per dwelling unit within each development section including open-space shall not be less than the minimum otherwise required for the R-1 District.

2) Two-family Dwellings, Garden Apartments and Other Multi-Family Dwellings

The average minimum lot area per dwelling unit shall not be less than the minimum area required for each respective type of dwelling structure in the
district where such principal permitted uses are first permitted. The dimensions of each individual lot may, however, be reduced by not more than one-third of the minimum requirement, provided that the average lot area per dwelling unit within each development district shall not be less than the area otherwise required.

b. Minimum Lot Size

There shall be no minimum lot size requirements for any housing types other than the average minimum lot area required for such dwellings as described in Subsection 5.524 a. hereof.

c. Minimum Lot Frontage

The only minimum lot frontage requirement shall be as follows:

1) 1-family and 2-family dwellings detached: 100 feet
2) 1-family and 2 family dwellings, semi-detached: 60 feet for each side
3) 1-family dwellings, attached (town houses): 25 feet per dwelling unit plus an additional 25 feet at each end of all rows
4) 1-family cluster development: none
5) Multi-family garden apartments: none
6) Other multi-family dwelling structures: none

d. Minimum Lot Depth

No lot for any residential structure or group of residential structures shall have a lot depth of less than 100 feet.

e. Minimum Front Yards

The minimum front yard for all residential structures shall be 25 feet; provided, however, that this minimum front yard requirement may be reduced by not more than 20% if the developer shall provide adequate justification acceptable to both the planning commission and the zoning hearing board.

f. Minimum Side Yards and Other Distances Between Buildings

Minimum side yards for all single-family dwellings included in "cluster" developments shall be as specified in Schedule I hereof for 1-family dwellings in an R-1 District. There shall be no side yard requirements for all other residential structures, except as follows:

1) Side yards adjoining public rights-of-way on other thoroughfares shall be not less than 25 feet.
2) All other distances between buildings shall be as set forth under Section 5.312 c. and 5.521 hereof.

g. **Maximum Lot Coverage**

There shall be no maximum lot coverage limitation on a lot-by-lot basis; provided, however that the overall coverage of land by buildings within any development section shall not exceed 25 percent of the net land area (excluding land used for rights-of-way).

5.525 **Supporting Commercial Facilities**

Local retail and service commercial facilities, including those uses designated as principal permitted uses in a C-1 Commercial District may be permitted in a Large-scale Residential Development provided that such commercial development including required off-street parking, off street loading and landscaping shall not exceed 10 percent of the net land area of the large-scale residential development; and, provided, further that the location of such commercial facilities shall be approved by the Planning Commission.

5.526 **Esthetic Considerations**

Due to the potential impact of a large-scale development on the municipality as a whole; and since the developer is provided the opportunity to modify otherwise minimum development standards, the Planning Commission may withhold the overall approval of such projects as well as the approval of reduced standards pending their review and approval of the proposed overall design, arrangement and layout of the buildings to be erected, including the exterior design of such buildings provided that the architectural character of the large-scale development area will be compatible with that of the adjoining areas.

5.530 **Large-Scale Commercial and Manufacturing Development**

5.531 **Spacing and Orientation of Commercial and Manufacturing Developments.** Spacing between buildings and orientation in commercial and industrial building groups shall be as follows:

a. Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.
b. A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles.

5.532 Signs and Lighting. All signs and lighting devices shall be of a type and design that will not conflict with traffic control signs and lights and shall be so oriented that they do not produce glare on the highway or adjacent residential development.

In any commercial development of 5 acres or more, identification signs may be erected in accordance with the provision of Section 5.850 hereof, except as follows:

a. There shall be not more than one (1) such sign for each commercial establishment, but there may be a maximum of one additional sign identifying the large-scale development and the occupants thereof.

b. A sign identifying a large-scale commercial development may be free-standing or attached to a wall or fence.

c. Any free standing sign shall be located at the entrance way of the use which it identifies. No such free-standing sign shall extend more than 30 feet above the mean ground level where it is located.

d. No sign identifying a building group shall have an area of more than 10% of the vertical wall area of the front of the building nor shall the total area of the sign of each tenant exceed 10% of the vertical building wall area of the front of the space occupied by the tenant.

e. The lesser dimension of any sign shall not exceed five (5) feet, provided, however, that for large-scale development signs, this provision shall not apply.

f. Except for signs identifying the large-scale development, all signs shall be attached to the principal buildings.

g. No business sign shall project more than two (2) feet from the building facade to which it is attached.

h. No business sign shall be erected or maintained upon the roof of a building nor shall any sign extend above the roof of a building a distance of more than five (5)
feet, provided, however, that a business sign may be affixed to a parapet. It may not extend above the top of the parapet, except that it may extend not more than five (5) feet above the roof of the building and no such sign shall project more than one (1) foot from the parapet.

1. The area of any sign shall include the entire face of the sign and any structural work incidental to its erection and/or decoration. If the sign is composed of individual letters, figures or designs, the space between and around such letter, figures, or designs shall be considered as part of the area.

j. Plans showing proposed location and design of all signs, including also directional traffic signs and parking signs shall be submitted to the Planning Commission for its review and recommendation to the Zoning Hearing Board which shall be responsible for approval. In granting such approval, special attention shall be given to considerations of safety and convenience of traffic movement, and the appropriate and harmonious relationships between buildings, structures, and signs, both on the site and in adjacent areas.

k. Proper arrangement of signs and lighting devices with respect to traffic control equipment and adjacent residential districts.

l. Directional signs indicating the direction of premises available and having inscribed thereon the name of the occupant(s) may be erected and maintained, provided, however, that the size of such sign shall not exceed an area of six (6) square feet nor a length of four (4) feet, and provided further that there shall be not more than one (1) such sign for each entrance to any premises.

5.533 Planting and Screening. In business building groups abutting or within one hundred (100) feet of residential districts, fences, walls or year-round screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, fences, heat, blowing papers and dust and to reduce the visual encroachments of commercial architecture, signs and activity.
5.540 Justification for Exception

Such exceptions, which may be required from the strict application of this Ordinance shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such developments as well as of neighboring properties than would obtain under the normal requirements of this Ordinance.

5.600 SERVICES, AUTOMOTIVE

5.610 Off-Street Parking

In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space open to the public at no charge for automobiles in accordance with the requirements set forth herein.

5.611 Size and Access. Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.

There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts.

5.612 Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in Table I following in accordance with the definition of "floor area" as set forth in Article II hereof, provided further that in any R-District, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than four (4) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-fifth (1/5) acre by which the area of the lot
Number of Parking Spaces Required, Continued

exceeds one (1) acre; and in any R-District, not more than one garage space provided on any lot shall be used for the housing of a commercial motor vehicle greater than one-half (1/2) ton capacity.

In any case of a building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.

5.613 Off-Site Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 250 feet from that zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

5.620 Off-Street Loading

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement of Table II following.
<table>
<thead>
<tr>
<th>USES</th>
<th>REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches and Schools</td>
<td>1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater.</td>
</tr>
<tr>
<td>Business and Professional Offices And</td>
<td>1 for each 200 square feet of floor area.</td>
</tr>
<tr>
<td>Banks, except Medical and Dental</td>
<td>1 for each 200 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Community Buildings, and Social Halls</td>
<td>1 for each 200 sq. ft. of floor area occupied by all principal and accessory structures, except those used for parking purposes.</td>
</tr>
<tr>
<td>Country Clubs, Golf Courses</td>
<td>1.5 for each family or dwelling unit.</td>
</tr>
<tr>
<td>Dwellings</td>
<td>1 for each rental unit.</td>
</tr>
<tr>
<td>Hotels</td>
<td>1.5 for each dwelling unit.</td>
</tr>
<tr>
<td>Apartments*, Townhouses &amp; Garden Apts.*</td>
<td>10 for each parlor.</td>
</tr>
<tr>
<td>Funeral Homes, Mortuaries</td>
<td>1 for each 3 beds plus 1 for each employee in the maximum working shift.</td>
</tr>
<tr>
<td>Hospitals, Nursing and Convalescing</td>
<td>1 for each 2 bedrooms.</td>
</tr>
<tr>
<td>Homes</td>
<td>1 for each 1,000 sq. ft of floor area plus 1 for each 4 employees in the maximum working shift; the total parking area shall not be less than 25 percent of the building floor area.</td>
</tr>
<tr>
<td>Hotels, Rooming Houses and Dormitories</td>
<td>3 spaces for each doctor or dentist.</td>
</tr>
<tr>
<td>Manufacturing Plants, Research or</td>
<td>1 for each 2.5 seats.</td>
</tr>
<tr>
<td>Testing Laboratories, Bottling Plants</td>
<td></td>
</tr>
<tr>
<td>Medical or Dental Clinics or Offices</td>
<td></td>
</tr>
<tr>
<td>Restaurants, Beer Parlors and Night Clubs</td>
<td></td>
</tr>
<tr>
<td>Retail Stores, store groups and shops</td>
<td></td>
</tr>
<tr>
<td>Wholesale Establishments or Warehouses</td>
<td></td>
</tr>
</tbody>
</table>

*Except elderly housing where 1 parking space for each 3 dwelling units shall be required.
5.621 **Size and Location.** Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height, and may occupy all or any part of any required yard, except where located adjacent to any R-District, where they shall be setback a minimum of six (6) feet from any such property line.

### TABLE II

<table>
<thead>
<tr>
<th>USES</th>
<th>SQUARE FEET OF FLOOR AREA</th>
<th>REQUIRED OFF-STREET LOADING BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Schools</td>
<td>15,000 or more</td>
<td>1</td>
</tr>
<tr>
<td>2. Hospitals</td>
<td>From 10,000 - 30,000</td>
<td>1</td>
</tr>
<tr>
<td>(in addition to space for ambulance)</td>
<td>30,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>3. Undertakers and Funeral Homes</td>
<td>5,000</td>
<td>1 additional</td>
</tr>
<tr>
<td></td>
<td>For each additional 5,000 or major fraction thereof</td>
<td></td>
</tr>
<tr>
<td>4. Hotels and Offices</td>
<td>10,000 or more</td>
<td>1</td>
</tr>
<tr>
<td>5. Retail, Commercial, Wholesale, Manufacturing Storage and Miscellaneous</td>
<td>From 10,000 - 25,000 From 25,000 - 40,000 From 40,000 - 60,000 From 60,000 - 100,000 50,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>
5.630 Joint Facilities for Parking or Loading

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.

5.640 Development and Maintenance of Parking and Loading Areas

Every parcel of land hereafter used as a public or private parking area or loading area including a commercial parking lot shall be developed and maintained in accordance with the following requirements:

5.641 Screening and Landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any R-District, or institutional premises, by a fence or hedge. Such fence or hedge shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line adjoining premises, or the front lot line facing premises, in any R-District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

5.642 Minimum Distances and Setbacks. No off-street parking or loading area or part thereof for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot. If not in an R-District but adjoining such district, the parking area shall not be located within five (5) feet from the established street right-of-way line within fifty (50) feet of any R-District.
5.643 **Surfacing.** Any off-street parking or loading area shall be surfaced with an asphaltic or cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

5.644 **Lighting.** Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any R-District.

5.645 **Modification of Requirements.** The Zoning Hearing Board may authorize on appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed the peculiar nature of the use, or the exceptional situation or condition must justify such action.

5.650 **Service Stations and Parking Areas**

5.651 **Location of Establishments and Access Thereto.** Gasoline filling stations, commercial parking areas for five (5) or more motor vehicles, automobile repair shops, or any vehicular access thereto are regulated as follows:

a. Shall not be located within one hundred (100) feet of any boundary line of any R-District.

b. Shall not be located within two hundred (200) feet of property dedicated to or intended for schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children, when located along the same street and in the same block as said properties.

c. Vehicular access to the above automotive uses shall not be closer to the intersection of any two (2) street lines than fifty (50) feet.

5.652 **Location of Appliances or Pits.** No gasoline filling station or parking garage shall be permitted where any gasoline or oil pump, or oil draining pit or visible appliance for any such purpose is located within ten (10) feet of any street lot line, except where such appliance or pit is within a building.
5.710 Animal Hospitals, Kennels, Pounds, and Similar Uses

In any zone district where permitted, no such use shall be located closer than one hundred (100) feet to any R-District, restaurant, or hotel, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

5.720 Animals in Residence Districts

Farm animals other than customary pets shall not be kept in residence districts. Household pets shall be limited to an aggregate of four (4) per family in an R-District and shall not include ponies or horses.

5.730 Cemetery, Crematory, Mausoleum

Any of these uses shall provide entrance on a street or road which shall have a pavement width of not less than 30 feet, with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six (6) foot high fence, evergreen or evergreen type hedges or shrubs, at intervals of not more than six (6) feet, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any R-District or residential street.

5.740 Undertakers and Funeral Parlors

Undertaking and funeral parlor establishments may be permitted as a special exception, in those zone districts where they are enumerated in Article 3, hereof, provided that all required parking is made available; the outward appearance of the building does not detract from the residential area where it may be proposed; and it is to be located on a street where the collection and movement of vehicles participating in a funeral procession will not adversely affect the major or secondary vehicular circulation pattern of the community.

5.750 Solid Waste Disposal Areas

Solid waste disposal areas may be permitted as a special exception in those zone districts where they are enumerated in Article 3, hereof, provided that the following requirements are met:

5.751 Plans for solid waste disposal areas shall be in harmony with existing, surrounding uses or those proposed in the Township's Master Plan and shall require Board approval.

5.752 A written opinion of the Pennsylvania Department of Health regarding the proposed area's acceptability shall be obtained; such factors as cover, drainage, and water pollution shall be considered.

5.310 Special Exceptions

Special Exceptions, as enumerated in Article 3, shall be permitted only upon authorization by the Zoning Hearing Board pursuant to review by the Planning Commission in accordance with Section 9.440.
provided that such uses shall be found to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

a. That the use is a permitted Special Exception as set forth in Article 3 hereof.

b. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

c. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

d. That the use shall be compatible with adjoining development and the proposed character of the zone district where it is to be located.

e. That adequate landscaping and screening is provided as required in Section 4.700 and as otherwise provided herein.

f. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

g. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale development.

Special Exceptions: Affect of Filing an Application

When an application for a special exception has been filed with the zoning hearing board, and the subject matter of such application would ultimately constitute either a "land development" as defined in Section 107 (11) or a "subdivision" as defined in Section 107 (21) of the PA Municipalities Planning Code, Act 247 as amended, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the zoning hearing board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508 (1) through (4) of the PA Municipalities Planning Code, Act 247, as amended, and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan.
5.820 Miscellaneous Uses

5.821 Conversions, Year-Round Dwellings. Conversion of a single-family residence to a two-family residence shall be permitted only in an R-2 district provided that:

a. the minimum lot area per dwelling shall be as required for the zone district where the zone lot to be converted shall be located.

b. Where such conversion is undertaken there shall be provided on the same zone lot not less than one (1) additional off-street parking space in accordance with the provisions of Section 5.600 hereof.

c. Such structure shall contain not less than 1,700 square feet of living space and no dwelling unit therein shall contain less than 850 square feet of living space.

5.822 Non-Dwelling Structures. No commercial or manufacturing structure, originally designed for other than residential use, shall be converted to a dwelling structure, nor shall any such structure which was so converted prior to the adoption of this Ordinance be further converted to provide for additional dwellings.

5.823 Coal Production. When Coal Production (C-P) activities shall be permitted as a Special Exception under the provisions of this Ordinance, the following requirements shall apply:

a. Such use shall only be authorized as a temporary use for a period of not more than five (5) years. Such temporary use may be extended for periods of up to 5 years each; provided, however, that each such request for an extension shall be in accordance with the procedures for any new application for a special exception. Any such request for an extension of authorization shall be initiated not less than 120 days prior to the scheduled termination of the temporary use.

b. The present zoning of any area where C-P uses shall be permitted shall remain in effect, and shall be applicable upon the termination of any such temporary use authorization; provided, however, that during the effective period of the temporary use, the provisions and requirements of the C-P District shall apply.

c. The Zoning Hearing Board may require any application safeguards; i.e. operating hours, noise levels, contouring standards, distance from developed areas and roads, etc. as a condition of approval.

d. The Zoning Hearing Board shall consider any breaches in the agreement authorizing such a temporary use when considering its renewal.
5.824 Radio and Television Towers, Masts and Aerials. Such uses shall be subject to all applicable criteria for the approval of Special Exceptions, Section 5.810 hereof and all applicable regulations of the F.C.C. and other applicable Federal and State Regulating Body as evidenced by their approval of all plans thereof.

5.830 Home Occupations

Permitted home occupations operated in any dwelling unit may be operated only if it complies with all of the following conditions:

5.831 Where Permitted. Within a single dwelling unit, or in a building or other structure accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein and not more than two (2) additional persons shall be employed in the home occupation.

5.832 Evidence of Use. Does not display or create outside the building any evidence of the home occupation, except that one (1) unanimated, non-illuminated flat or window sign having an area of not more than two (2) square feet shall be permitted on each street front of the zone lot on which the building is situated.

5.833 Extent of Use. Does not utilize more than twenty (20) percent of the gross floor area of the dwelling unit (except foster family care), and except that professional offices may utilize not more than fifty (50) percent of the gross floor area of the dwelling unit.

5.834 Permitted Uses. Includes not more than one (1) of the following uses:

a. Professional offices in accordance with provisions for off-street parking as required herein with not more than two (2) non-resident assistants.

b. Rooming and/or boarding of not more than two (2) persons, except that the rooming and/or boarding of diseased or mentally ill persons is prohibited.

c. Custom dressmaking.

d. Foster family care (for not more than four (4) children simultaneously).

e. Commercial photography and other similar uses with not more than 1 non-resident employee.

f. Barber shop and beauty parlor with not more than 1 non-resident employee.

g. Tutoring for not more than four (4) students simultaneously, but not including music,
dancing, or business schools, or similar activities. It is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

5.840 Outdoor Storage Areas

Such uses shall not abut existing residential development, a residential street or any R-District and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Zoning Hearing Board to protect the public health, safety, comfort, convenience, and general welfare and especially with regard to abutting properties and the occupants thereof.

5.841 Inflammable and Explosive Liquids. No highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.

5.842 Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 20 feet from all property lines which abut an R-District or existing residential development, but in any other case shall be distant not less than twenty-five (25) feet from any public street.

5.843 Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

5.844 Other Hazardous Materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

5.850 Signs

Signs may be erected and maintained only when in compliance with the following provisions:

5.851 Signs in Residential Districts. The following types of non-illuminated, non-advertising signs are permitted in all Residential Districts as follows:

a. Nameplates and Identification Signs

1) Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two (2) square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
2) For hotels and for buildings other than dwellings a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

b. Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name and address of persons effecting the sale or rental may be erected or maintained, provided:

1) The size of any such signs is not in excess of six (6) square feet; and
2) Not more than one (1) sign is placed upon any property unless such property fronts upon more than one street, in which event one (1) more sign may be erected on each additional frontage.

c. Institutional Signs. Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature may be erected and maintained, provided:

1) The size of any such sign is not in excess of six (6) square feet; and
2) Not more than one (1) such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

d. Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each shall be permitted. One sign per parking area designat
the conditions of use and identity of such parking area and limited to a maximum size of nine (9) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.

e. Development Signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:

1) The size of any sign is not in excess of 50 square feet; and
2) Not more than two (2) signs are placed upon any property, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on such frontage.
3) Any such sign except signs identifying the development shall be removed by the developer within 30 days of the final sale of property.

f. Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:

1) The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and
2) Not more than one such sign is erected on each five hundred (500) feet of street frontage.
g. Artisans' Signs. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

1) The size thereof is not in excess of twelve (12) square feet and
2) Such signs are removed promptly upon completion of the work.

h. Private Driveways. Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2) square feet.

i. Height and Projection of Signs. No sign in an R-District shall project into the public way or project higher than one story or twenty (20) feet, whichever is lower.

j52 Signs in "C" and "M" Districts. Business signs shall be permitted as follows:

a. **Size of Signs.** No sign shall have a gross surface of more than four hundred square feet in any "C" District or no more than four hundred and fifty square feet in any "M" District.

b. Location of Signs. In any C-1 District, all signs shall be securely attached to a building. Freestanding signs shall be permitted in all other "C" and "M" Districts only, provided that no such sign shall be nearer to any property line than the height of such sign, but in no case less than twenty-five (25) feet.

c. Illumination of signs. Flashing signs and revolving illuminated signs shall be considered as a Special Exception permitted in M-Districts provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in "C" or "M" Districts only.

j53 Outdoor Advertising. Outdoor advertisements (billboards) are permitted in all nonresidential Districts.

a. No outdoor advertisement shall be permitted within 200 feet of any residence district, nor facing any public or parochial school, library, church, hospital or similar institutional use, if closer than 200 feet.

b. No two outdoor advertisements shall be located closer to one another than the distance equal to one-fifth of their combined gross-square-foot area, except that no two such advertisements shall be closer to one another than 120 feet.

c. No outdoor advertising sign shall be nearer to any property line than the height of such sign, but in no case less than twenty-five (25) feet.

d. The total surface area of any outdoor advertisements, exclusive of structural supports, and trim, shall not exceed, in square feet, four times the frontage of the lot or tract on which it or they stand, nor shall any individual advertisement of a poster panel exceed 300 square feet or painted advertisement - 600 square feet.
5.854 General Regulations. The following regulations shall apply to all permitted signs:

a. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

b. Wall Signs. Display signs placed against the exterior walls of buildings or structures shall not extend more than two (2) feet out from the wall surface. Wall signs exceeding 40 square feet in area shall be of non-combustible material.

c. Projecting Signs. Attached signs shall not project from any building more than three (3) feet in the direction of a public street or public walk-way area nor shall any such sign extend over a public street or walk-way area. A clear space of not less than ten (10) feet shall be provided below all parts of projecting signs. Projecting signs exceeding forty (40) feet in area shall be made of non-combustible material.

d. Height of Signs. No sign except a free-standing sign shall be higher than the building on which such sign is located nor shall any sign be located upon the roof of any building except as otherwise provided in Section 5.532 h. No such free-standing sign shall extend more than thirty (30) feet above the mean ground level where it is located.

e. Permits (Building) for Signs. Building permits shall be required for all signs except signs provided for in Subsection 5.832 and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.

f. Fees. No fee shall be charged for any permit connected with the erection of a sign necessary to the public welfare.
3.860 Temporary Tract Office

A temporary tract office in any district shall be located on the property to which it is appurtenant; shall be limited to a six (6) months period at the expiration of which time the applicant may request a further extension of time. Otherwise, the tract office shall be removed at the expense of the owner.

3.870 Airports

An airport may be permitted, including the construction of runways, provided that plans for such construction shall be approved by the Federal Aeronautics Administration and that such construction will not interfere with the comprehensive plan for the area which may be affected by it, nor create any hazards or inconvenience in presently developed areas.

3.880 Mobile Home Parks

Mobile homes shall be permitted only in mobile home parks which meet the requirements of this section.

a. No mobile home park shall have an area of less than five (5) acres.

b. Each mobile home site or space within the park shall have an area of 5,000 square feet, provided further that the minimum width of each site shall be not less than fifty (50) feet.

c. No mobile home shall be located within ten (10) feet of its respective site lines, provided further that there shall be no less than a twenty-five (25) foot clearance between mobile homes and any building within the park.

d. No mobile home shall be located closer to any property line of the park or any abutting public street than thirty (30) feet or such greater distance as may be established by this Ordinance with respect to conventional buildings in the District in which the mobile home park is located.

e. Not less than ten (10) percent of the gross area of the park shall be improved for the recreational use of the residents of the park.

f. All service and accessory buildings shall meet the requirements of this Ordinance and all other applicable codes and ordinances.

g. The park shall meet all applicable requirements of the Municipality Land Subdivision Regulations, except as otherwise provided herein.
5.890 **Flood Plain Conservation District**

5.891 Declaration of Specific Intent

The Intent of this Article is to:

A. promote the general health, welfare, and safety of the community;

B. reduce financial burdens imposed on the community, its governmental units and its individuals by preventing excessive development in areas subject to periodic flooding;

C. minimize danger to public health by protecting water supply and natural drainage;

D. and, promote responsible floodproofing measures within the Flood Plain Conservation District.

5.892 Special Definitions

A. The "Flood Plain" is defined as:

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

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

B. The "Floodway" is defined as the designated area of a flood plain required to carry and discharge flood waters of a given magnitude;

C. The "Flood waters of the one hundred year frequency" is defined as the waters of a flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent (1%) chance of occurring each year;

D. "Substantial improvement" is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and was being restored before the damage occurred.
Establishment of the Flood Plain Conservation District (FP)

The Flood Plain Conservation District shall be deemed an overlay. This district shall include all areas subject to inundation by flood waters of the one hundred (100) year frequency. The source of this delineation shall be the 100 year flood plain map, prepared by the U.S. Army Corps of Engineers.

Change in the Flood Plain Conservation District

The delineation of the Flood Plain Conservation District boundaries, may be revised and modified by the Planning Commission where they are changed through natural or other causes, or where changes can be validated by further detailed engineering studies employing on-site survey techniques as approved or recommended by the U.S. Army Corps of Engineers, Baltimore District.

Permitted Uses and Activities

A. In the Flood Plain Conservation District, the development and/or use of any land shall be permitted provided that the development, substantial improvement and/or use adheres to all the requirements of the underlying zone. In addition, all development or substantial improvement in this district shall adhere to the flood-proofing provisions stipulated in the BOCA Basic Building Code of 1970, as amended.

B. In the floodway, no modification, alteration, repair, or new construction of buildings, structures, fill or any combination of these shall be permitted which would impair its ability to carry and discharge flood waters or increase the water surface elevation of the one hundred (100) year flood more than one (1) foot, except where the effect on flood heights is fully offset by stream improvements. The "Floodway" shall be that area delineated in the 100 year flood plain map prepared by the U.S. Army Corps of Engineers.
5.896 Uses by Special Exception

In addition, the following uses may be permitted in the Flood Plain Conservation District as a special exception when authority by the Zoning Hearing Board is given and after review by the Planning Commission.

A. Dams, culverts and bridges approved by the Commonwealth of Pennsylvania, Department of Environmental Resources.

B. Impoundment basins.

C. Storm sewers. However, flap gates shall be provided on all storm water outfalls where an area or portion thereof is susceptible to backflooding.

D. Other uses similar to the above, provided the effect is not to alter substantially the cross-sectional profile of the stream basin at the point of the proposed construction or use.

5.897 Special Regulations

A. In case of any dispute concerning the boundaries of a Flood Plain Conservation District, an initial determination shall be made by the Zoning Officer.

B. Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the Flood Plain Conservation District, which may include the grounds that the said data referred to therein is or has become incorrect because of changes due to natural or other causes may appeal to the Zoning Hearing Board. The burden of proof in such appeal shall be on the appellant.

C. The Flood Plain Conservation District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot. Should the Flood Plain Conservation district be declared inapplicable to any tract by reason of action by (i) the Coal Township Board of Commissioners in amending this; and or (ii) the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (iii) any court of competent jurisdiction in determining the legal effect of the same; the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article.
5.898 Municipal Liability

The grant of a zoning permit or approval of a subdivision plan in the Flood Plain Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

5.900A OTHER USES REQUIRING SPECIAL REGULATIONS

5.910A Settling Ponds and Reservoirs

If the contents of settling ponds is poisonous, toxic or caustic, the settling pond must be fenced by an eight (8) foot fence of cyclone fencing or tighter topped by three (3) strands of barbed wire; if the contents emit noxious fumes, suitable ventilation controls must be exercised to prevent air pollution.

5.920A Race Tracks

All motor driven vehicles including automobiles, go-carts, motorcycles, motor-scooters, dune buggies and the like shall be located a minimum of one-half mile from any Residential District.

The Board shall consider the noise factor, and require noise deadening devices, or other means, to prevent the noise from becoming objectionable to surrounding areas.
**5.900B CONDITIONAL USES**

**5.910B General.** Conditional Uses shall be allowed only in the districts where they are designated, and only upon a determination by the Board of Township Commissioners that they comply with the standards and criteria set forth herein.

**5.911B Additional Requirements.** The Board of township Commissioners may, upon a review of the application including the environmental assessment, establish such additional requirements for the development and the operations of the conditional use as may be required to protect the public health, safety and general welfare of the community.

**5.920B Administrative Procedures**

**5.921B Application.** Application for a Conditional Use shall be made directly to the governing body. Applications shall be in accordance with Section 9.220 hereof and as otherwise specified herein. All such applications shall be referred to the Planning Commission for review; and, no such application shall be finally authorized until the Planning Commission has submitted its review findings, or until 30 days after referral to the Planning Commission, whichever occurs first.

**5.922B Public Hearing.** Application for a Conditional Use shall be conducted pursuant to Section 8.140 hereof.
5.930B Standards and Criteria for conditional Uses

5.931B General Criteria

a. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

b. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

c. That the use shall be compatible with adjoining development and the proposed character of the zone district where it is to be located.

d. That adequate landscaping and screening is provided as required in Section 4.700 and as otherwise provided herein.

e. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

f. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

g. That the use is compatible with the Township's Master Plan.

h. An environmental assessment shall be submitted with all applications for conditional uses in accordance with Section 5.940 hereof.
5.932B Standards

a. Traffic. The proposed development shall not be located on a site where primary access to the site is from a minor street designed primarily to provide vehicular access to abutting properties. The development shall be designed in a manner which will not be injurious to the safe and convenient flow of vehicular traffic. A traffic plan, with estimates of the number of vehicles shall be submitted to the Township.

b. Performance Standards. The proposed development will comply with the performance standards specified in Article VI hereof and such additional performance standards that shall be specified by the Board of Township Commissioners to protect the health, safety and welfare of the Township.

c. Permits. There shall be provided evidence of all required State and Federal permits.

d. Distance From Existing Development. No Conditional Use shall be nearer to existing development than 2000 feet or such greater distance as may be required to assure the health, safety and welfare of the Community.

e. Transfer of Products and Waste. Vehicles used in the transfer of waste shall be designed to preclude the accidental dumping of any part of such wastes while in transit; and, transportation routes shall be designed to minimize traversing densely populated areas except for waste pick-ups.

5.940B ENVIRONMENTAL ASSESSMENT

5.941B General. All applications for a Conditional Use must be accompanied by an Environmental Assessment as specified herein; provided, however, that upon the request of the developer, components of the Environmental Assessment may be waived by the Township commissioners when such components are deemed unnecessary for certain Conditional Uses.
5.942B **Purpose.** The purpose of the Environmental Assessment is to provide the Township Commissioners with sufficient information to determine if the proposed use will be harmful or beneficial to the Municipality; and to determine corrective actions if needed to mitigate potential adverse environmental impacts.

5.943B **Assurances.** Due to the importance of securing professional, objective data in the Environmental Assessment, the selection of the professionals to be engaged in its preparation shall be subject to the approval of the Township Commissioners. The developer will further provide the Township Commissioners with assurances, adequate to protect the Township from violations of non-compliance with measures required to mitigate identified adverse environmental impacts.

5.944C **Content of the Environmental Assessment**

1. **Description of the Proposal**

Describe the proposed or recommended actions, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by the Township.

2. **Description of the Environment**

Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.
3. **The Environmental Impact of the Proposed Activities**

Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, both beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

4. **Mitigating Measures Included in the Proposed Action**

Include a description of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

5. **Any Adverse Effects Which Cannot be Avoided Should the Proposal be Implemented**

Include a discussion of the unavoidable adverse impacts described in 3 and 4, above, and an analysis of who or what will be affected and the degree of impact.

6. **The Relationship Between Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity**

Describe the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risk to health or safety.
Short-term and long-term do not refer to any fixed time period, but should be viewed in terms of the various significant ecological and geo-physical consequences of the proposed action.

7. Any Irreversible and Irretrievable Commitments of Resources Which Would be Involved in the Proposed Action Should It be Implemented

Describe, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

8. Alternatives to the Proposed Action

Identify alternatives to the proposed action, and describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

5.943D Outline Considerations for Developing Environmental Assessment

1. Description of the Proposal

a. Who is proposing the action?

b. What is the nature of the action to be taken?

c. What is it designed to accomplish? What identified needs will be met and to what degree?

d. Where will it take place? Indicate phasing of acquisition and development activities, if applicable, and timetables for completion.

e. How does it fit in with local planning efforts, comprehensive plans, etc.?
2. **Description of the Environment**

   a. Present and past land uses of the site and of the surrounding area.

   b. Special topographic features which may be present.

   c. Describe the site's surface and subsurface geologic characteristics.

   d. Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.

   e. Describe the area's water resources, with specific reference to ground water, water quality, aquifer and aquifer recharge areas, and areas subject to flooding.

   f. Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species.

   g. Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.

3. **Environmental Impact of the Proposed Action**

   a. What will be the effect on land uses in the area?

   b. Will the project affect a site listed on the National Register of Historic Places?

   c. In what way will soils and topography be affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation which may create unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of viewlines to landmarks, blockage of view corridors, etc.
d. Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how and where it will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition, and construction wastes.

e. How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply, etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity, and seasonal flows, diversion or blockage of surface water, alterations of natural watercourses, introduction of increase of effluents or toxic, hazardous, or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on groundwater recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.

f. How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, introduction of vegetation which will spread onto adjacent lands, introduction of exotic vegetation, creation of areas of highly visible, drying, or decaying vegetation.

g. How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restrictions, food chains, etc.
h. How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections and traffic to be generated, generation of truck traffic.

i. Effect on air quality and ambient noise level? Include what odors will originate; types and concentrations of gases, vapors, particulates, and smoke; noise and vibration levels at property lines and the level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals, or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, dose to populations and biota, and possible concentrations through food chains.

j. Describe management practices proposed for the area.

4. Mitigating Measures Included in the Proposed Action

Describe actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.

5. Unavoidable Adverse Effects

If adverse effects have been identified in Section 3 and cannot be mitigated, they should be again identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.
6. Relationship Between the Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

What are the impacts of the proposal in the context of other similar projects? In what way will future generations be affected by the currently proposed actions.

How do the immediate and long-range impacts on the area with the project compare with the immediate and long-range impacts without the project?

7. Any Irreversible and Irretrievable Commitments of Resources

Describe any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resources uses. Such commitments may occur because of resources extraction, erosion, destruction of archaeological, geological or historic features, destruction of fragile habitat or endangered species habitat, unalterable changes in land use, and resources used in project development.

8. Alternatives to the Proposed Action

Identify alternatives which may be considered, including modification of the present proposal and different approaches to gaining the same result.

The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for rejection. Where appropriate, consideration should be given to alternate construction methods which may avoid environmental degradation.
5.950B DISTRICT DESIGNATION

5.951B Reclassification of Uses. Any of the following uses currently designated as a Principal Use or Special Use shall be redesignated as Conditional Uses in the following Districts; and all of the following uses are designated as Conditional Uses; and, provided further that all such uses shall be permitted as Conditional Uses in less restrictive districts; provided, however, that no Conditional Uses shall be permitted in any Commercial Districts or Flood Plain Districts.

Schedule II, C-N CONSERVATION

Waste Disposal
Incinerator Plant
Sewage Treatment Plant
Co-generation Plant
Airports

Schedule II, C-P Coal Production

Waste Disposal
Storage of Explosives
Saw Mills
Incinerator Plant
Sewage Treatment Plant
Co-generation Plant
Airports

Schedule IV, M-1 Light Manufacturing

Printing and Varnishing Shops
Plastic Molding and Extrusion

Schedule IV, M-2 Heavy Manufacturing

Rubbish incinerator
Rubber and miscellaneous plastic production
Manufacture of explosives, dynamite and other blasting products
Petroleum refining and other products obtained through fractional distillation
ARTICLE 6
PERFORMANCE STANDARDS

6.100 GENERAL APPLICATION

Permitted and special uses enumerated in the "C" and "M" Districts, and uses accessory thereto, are subject to the following performance standards and procedures. If the Zoning Officer or the Zoning Hearing Board has no reasonable grounds for believing that any other use will violate these performance standards, such existing and proposed use shall also be subject to these performance standards.

6.200 PERFORMANCE STANDARDS PROCEDURE

6.210 Prior to Construction and Operation

Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the Owner of subject property that said use will be operated in accordance with the performance standards set forth herein.

6.220 Continued Compliance

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the responsibility of the Zoning Officer and Zoning Hearing Board.

6.230 Determination of Violation

The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the Zoning Hearing Board of the occurrence or existence of a probably violation thereof. Said Board shall investigate the alleged violation. If after public hearing(s) on due notice, said Board finds that a violation occurred or exists, such violation shall be terminated as provided in Subsection 6.240 following:
6.240 **Termination of Violation**

All violations as ascertained in accordance with Subsection 6.230 above shall be terminated within thirty (30) days of the decision of the Zoning Hearing Board or shall be deemed a separate violation for each day following and subject to fines as set forth herein, except that certain uses established before the effective date of this Ordinance and non-conforming as to performance standards shall be given a reasonable time in which to conform therewith as determined by said Board.

6.300 **REGULATION OF NUISANCE ELEMENTS**

6.310 **Definition of Elements**

No land or building in any "M" District which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other nuisance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "Dangerous or objectionable elements"); provided that any use permitted by this Ordinance may be undertaken and maintained in any "M" District if it conforms to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

6.320 **Locations Where Determinations Are to be Made for Enforcement of Performance Standards**

The determination of the existence of any dangerous and objectionable elements shall be made at:

a. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.

b. The property lines of the use creating such elements for noise, for vibration, for glare and for odors.
6.410 Fire and Explosion Hazards

In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.

6.420 Radioactivity or Electrical Disturbance

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

6.430 Noise

At the points of measurement specified in Section 6.320, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table III after applying the corrections shown in Table IV. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association.
TABLE III

<table>
<thead>
<tr>
<th>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</th>
<th>Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm²</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 - 300</td>
<td>60</td>
</tr>
<tr>
<td>300 - 2400</td>
<td>40</td>
</tr>
<tr>
<td>above 2400</td>
<td>30</td>
</tr>
</tbody>
</table>

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M., one or more of the corrections in Table IV shall be applied to the octave band levels given in Table III.

TABLE IV

<table>
<thead>
<tr>
<th>Type or Location of Operation or Character of Noise</th>
<th>Correction in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Daytime operation only</td>
<td>5</td>
</tr>
<tr>
<td>2. Noise source operates less than*</td>
<td></td>
</tr>
<tr>
<td>a. 20% of any one-hour period</td>
<td>5</td>
</tr>
<tr>
<td>b. 5% of any one-hour period</td>
<td>10</td>
</tr>
<tr>
<td>3. Noise of impulsive character, hammering, etc.</td>
<td>-5</td>
</tr>
<tr>
<td>4. Noise of periodic character, hum, screech, etc.</td>
<td>-5</td>
</tr>
<tr>
<td>5. Property is located in an &quot;M&quot; District and is not within 500 feet measured horizontally or vertically of any R-District</td>
<td>10</td>
</tr>
</tbody>
</table>

*Apply one of these corrections only.

6.440 **Vibration**

No vibration shall be permitted which is detectable without instruments at the points of measurement specified in Subsection 6.320.

6.450 **Glare**

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of
Glare Continued

measurement specified in Subsection 6.320. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

6.460 Smoke

No emission shall be permitted from any chimney or otherwise of visible grey smoke of a shade equal to or darker than No. 2 on the Power’s Micro-Ringlemann Chart, published by McGraw-Hill Publishing Co., Inc., and copyrighted 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four (4) minutes in any thirty (30) minutes.

6.470 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.

6.480 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.
ARTICLE 7
NONCONFORMING USES AND BUILDINGS

7.100 CONTINUATION OF USE

A use, building or structure lawfully in existence prior to the adoption of this Ordinance, which does not comply with the applicable use provisions of this Ordinance or any applicable amendment thereto may be continued except as otherwise provided in this article.

7.200 REGULATION OF NONCONFORMING USES

No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted, or structurally altered except when changed to a conforming use, or when required to do so by law or order and as follows:

7.210 Restoration

Any nonconforming building or structure damaged less than fifty percent of its then existing floor area may be restored, reconstructed, or used as before, provided that the volume of such use, building or structure shall not exceed fifty percent of the volume which existed prior to such damage, or as provided under Subsection 7.250 hereof, and that it be completed within one year of such happening and provided that such restorations shall be in conformity with the requirements of this Ordinance.

7.220 Displacement

A nonconforming use shall not be extended to displace a conforming use.

7.230 Change of Use

a. A nonconforming use or structure shall not be changed into a use which is permitted in a less restrictive district.

b. A nonconforming use may be changed into a conforming use.

c. A nonconforming use which is not permitted in any district or which is permitted only as a special use may only be changed into a conforming use.

d. When a nonconforming use shall be changed in accordance with the provisions hereof, the use of the building or other structure or tract of land shall not thereafter be changed again except in accordance with these regulations.
Repairs

a. Normal maintenance, repairs, and incidental alteration of a building or other structure containing a nonconforming use is permitted, providing it does not extend the area or volume of space occupied by the nonconforming use.

b. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

Expansion

A nonconforming use or structure may be expanded up to fifty percent of its volume as it exists at the time of the adoption of this Ordinance. Such use shall not be expanded, however, into a more restrictive district than where it is located; and such use shall not be permitted to expand except in accordance with all of the building regulations herein.

Prior Approval

Nothing herein contained shall require any change in the plans, construction, or designated use of a building complying with existing laws, a permit for which had been duly granted and the construction of which shall have been started before the date of adoption of this Ordinance or any applicable amendment thereto, and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall have been completed, according to such plans as have been filed, within one year of the date of adoption of this Ordinance or any applicable amendment thereto.

Termination of Nonconforming Uses

Amendment

The discontinuance of nonconforming use for a period of one year and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment of and such nonconforming use shall not thereafter be revived. Intent to resume active operations shall not affect the foregoing.

Partial Destruction

When fifty percent or more of the existing floor area or volume of a nonconforming building or structure, or use of land is destroyed by fire, or by other casualty, or Act of God, the use of such building, structure or land as a nonconforming use shall thereafter be terminated.

Registration of Nonconforming Uses

The Zoning Officer shall identify and register nonconforming uses and nonconforming structures as required in Section 613 of the Pennsylvania Municipalities Planning Code.
ARTICLE 8

ZONING HEARING BOARD

8.100 ORGANIZATION AND PROCEDURE

8.110 Establishment

Pursuant to the provisions of the Pennsylvania Municipality Planning Code, Article IX, a Zoning Hearing Board is hereby established.

8.120 Appointment

8.121 Members of the Board shall be residents of the municipality, appointed by the Governing Body. The Zoning Hearing Board shall consist of three members, one of whom shall be designated to serve until the first day of January following the adoption of the Zoning Ordinance, 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 three years. Members of the Board shall hold no other public office in the municipality, except that no more than one member of the Board may also be a member of the Planning Commission.

8.122 Appointment to Fill Vacancies

The Board shall promptly notify the Governing Body of any vacancies which occur. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant and such appointments to fill such vacancies shall be made in the same manner as the original appointment.

8.123 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 Governing Body who appointed the member taken after the member has received fifteen days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
**Organization of Board**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but where two (2) members are disqualified to act on 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 further action by the Board as provided in Section 8.140. **The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Municipality and laws of the Commonwealth.** The Board shall keep full public records of its business and shall submit a report of its activities to the Governing Body once a year.

**Compensation**

Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

**Hearings**

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

- **8.141** Notice shall be given to the public, the applicant, the county planning agency, the zoning officer, such other persons as the Governing Body shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The Governing Body may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.
8.142 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.

8.143 The parties to the hearing shall be any person who is entitled to notice under Section 8.141 without special request therefore who has made timely appearance of record before the Board and any other person permitted to appear by the Board. 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.

8.144 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8.145 The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings; and copies of graphic or written material received in evidence shall be made available to any party at cost; provided, however, that the appellant shall be given the opportunity to waive the stenographic recording in favor of a tape recording; and, such waiver shall be in written form and signed by the appellant.

8.146 The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
8.147 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 forty-five days. 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 or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reason 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. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.

8.148 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.

8.150 **Board's Functions**

8.151 **Special Exceptions.** The board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth herein. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this zoning ordinance.

8.152 **Unified Appeals.** Where the board has jurisdiction over a zoning matter, the board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal 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. 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 court.

8.153 Challenge to the Validity of any Ordinance or Map. Except as provided in Section 8.154, relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Governing Body. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and of interpretation which may lie within the special competence of the Board, and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon as provided in Section 8.140. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

8.154 Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of Section 8.210, 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:

a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size of shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

b. That because of such physical circumstances or condition there is no reasonable possibility that the property can be developed in strict conformity with provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
c. That such unnecessary hardship has not been created by the applicant;

d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

8.160 Parties Appellant Before Board

Appeals under Section 8.152 and proceedings to challenge an ordinance under Section 8.153 may be filed with the Board in writing by any officer or agency of the municipality, or any person aggrieved. Requests for a variance under Section 8.154 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

8.170 Time Limitations

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

8.171 No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
8.172 No person shall be allowed to file any proceeding with the Board later than thirty days after any application for development, preliminary or final, has been approved by an appropriate municipal officer, 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 failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

8.180 Stay of Proceedings

Upon filing of any proceeding referred to in Section 8.160 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 certified 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 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.

8.190 General Grant of Power

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Pennsylvania Municipalities Planning Code and as herein more particularly provided.
8.200 ZONING CHALLENGES

8.210 Landowner

A landowner desiring to challenge the validity of any provision of the Zoning Ordinance, or any amendment thereof shall not be required to make or file any application for development as a condition to pursuing any available judicial or administrative relief, except in the following cases:

8.211 When the power to grant relief against the challenged provision is lodged in any administrative agency or officer and the application is necessary to a decision upon the appropriate relief; and

8.212 When an application is necessary to define the controversy and to aid in its proper disposition.

8.220 Scope of Judicial Relief

Notwithstanding any provision contained in Section 8.210 of this Ordinance, a landowner desiring to challenge the validity of any provision of the Zoning Ordinance, or any amendment thereof, may elect to file a complete application for development, either preliminary or final, with the appropriate agency or officer and demand that such agency or officer decide in what respects the application accords with the provisions of the governing ordinance or map and in what respects it conflicts therewith:

8.221 The determination pursuant to such demand shall be made in accordance with the procedures and within the time prescribed by this Ordinance for acting upon the application in question. But where the procedures otherwise applicable do not require this, a decision pursuant to a demand made under this section shall be in writing and shall note the matters deemed to be in conflict with the ordinance or map and cite to the provisions of such ordinance or map relied upon. A copy of the decision shall be furnished the applicant personally or mailed to him not later than the day after the decision is rendered.
8.222 Upon receipt of the decision, the landowner may immediately pursue the administrative and judicial proceedings available to challenge the provisions found to be in conflict with his application. In addition, he may elect to serve a copy of the decision upon the Governing Body together with copies of his application and notice of his intention to secure the special relief authorized by Section 8.360. If the landowner elects to serve such notice, the Governing Body shall have sixty days from the receipt thereof within which it may amend the challenged provisions of the ordinance or map. If no amendment is adopted within the sixty day period, the court rendering the decision upon the challenge shall disregard any subsequent amendment and may, if it holds the challenged provisions invalid, enter judgment ordering the appropriate agency or officer to approve the landowner's application as filed. If an amendment is adopted within the sixty day period, the landowner may accept the amendment and dismiss his action without prejudice to his right to raise the same issues in another action; or he may amend his complaint and challenge the amended provisions and if such amended provisions are held invalid by the court, the court shall have power to enter judgment ordering the appropriate agency or officer to approve the landowner's application as filed.

8.223 When the landowner is unaware of the conflict between his application for development and the provisions of the ordinance or map at the time of filing thereof and files a complete application preliminary or final without serving demand for a decision thereon as provided in this section, and thereafter the application is disapproved on the grounds that it conflicts with provisions of the governing ordinance or map, the landowner may elect, at that time, to demand a decision in the terms required by this section whereupon the procedures set forth in this section and the powers granted to the court shall be applicable as if a demand had been served at the time the application was filed.

8.300 ZONING APPEALS TO COURTS

8.310 Zoning Appeals

Zoning appeals shall include appeals from the decisions of the Zoning Hearing Board and appeals upon reports of the Board in proceedings to challenge the validity of the ordinance or map.
Courts Having Jurisdiction

As used in this article, "court" means the Court of Common Pleas, of Northumberland County.

Who May Appeal

Zoning appeals may be taken to court by any party before the Board, or any officer or agency of the municipality.

Time Limitation Upon Appeal

All zoning appeals shall be filed not later than thirty days after issuance of notice of the decision or report of the Board.

Commencement of Zoning Appeals

Zoning appeals shall be entered as of course by the prothonotary or clerk upon the filing of a zoning appeal notice which concisely sets forth the grounds on which the appellant relies, verified to the extent that it contains averments of fact. The zoning appeal notice shall be accompanied by a true copy thereof.

Upon filing of a zoning appeal, the prothonotary or clerk shall forthwith as of course, send to the Board by registered or certified mail, the copy of the zoning appeal notice together with writ of certiorari commanding the Board within twenty days after receipt thereof to certify to the court its entire record in the matter in which the zoning appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and owned by the Board at the time it received the writ of certiorari.

If the appellant is a person other than the owner of property directly involved in the decision or report of the Board, the appellant, within five days after the zoning appeal is filed, shall serve a true copy of the zoning appeal notice upon such owner in the manner specified by the Rules of Civil Procedure for the service of a complaint in equity and shall file proof of such service. For identification of such owner, the appellant may rely upon the record of the Board and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.
8.330 **Intervention**

Within the thirty days first following the filing of a zoning appeal, the municipality and any owner or tenant of property directly involved in the decision or report of the Board may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same upon each appellant or each appellant's counsel or record. All other intervention shall be governed by the Rules of Civil Procedure relating to intervention in actions.

8.340 **Transcript of Board Testimony**

The appellant, before proceeding to hearing or argument upon the zoning appeal, shall obtain and file with the court a transcript thereof.

8.350 **Supersedeas**

At any time during the pendency of a zoning appeal, the court or a judge thereof may grant an order of supersedeas upon such terms and conditions, including the filing of security, as the court or judge thereof may prescribe.

8.360 **Hearing and Argument of Zoning Appeal**

If no verbatim record of testimony before the Board was made, or if upon motion, it is shown that proper consideration of the zoning appeal requires the presentation of additional evidence a judge of the court may hold a hearing to receive such evidence or may remand the case to the Board or refer it to a referee to receive such evidence. Final decision of each zoning appeal shall be made by the court, or a judge thereof considering the record and the findings of fact made by the Board as supplemented and replaced by findings of fact made by judge or referee. The final decision shall contain conclusions of law, and:

8.361 Where the appeal is from the decision of the board, the court may reverse, affirm or modify the decision appealed.

8.362 Where the appeal involves a challenge to the validity of any ordinance or map the court shall have power to declare the ordinance, map or any provisions thereof invalid and, in addition thereto, shall have power to: (i) enter judgment in favor of the landowner as provided in section 8.220, or (ii) stay the effect of its judgment for a limited time to give the Governing Body an opportunity to modify or amend the ordinance or map in accordance with the opinion of the court.
8.370 Costs

No costs shall be allowed against the Board, unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice.

8.380 Appellate Review

Appeals from decisions of courts made under this Ordinance shall be taken to the Commonwealth Court of Pennsylvania in the manner provided for other civil cases, but no such appeal shall be entertained unless it is filed within thirty days after the date of entry of the decision of the lower court.
ARTICLE 9

ADMINISTRATION AND ENFORCEMENT

9.100 ZONING OFFICER

9.110 Creation of Office

The Office of Zoning Officer is hereby established.

9.120 Appointment

The Zoning Officer shall be appointed by and compensated by the Governing Body.

9.130 Holding Other Public Office

The Zoning Officer may not hold any elective office in the Municipality.

9.140 Powers and Duties

The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. He shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this Ordinance and all nonconforming uses, record and file all applications for permits with accompanying plans and documents, and make such reports to the Planning Commission and the Zoning Hearing Board as may be required.

Zoning permits for a variance from the requirements of this Ordinance and for such special uses as may be enumerated in Article 3, hereof shall be issued only upon written order of the Zoning Hearing Board.

9.150 Appeals

All appeals from decisions of the Zoning Officer shall be taken in the manner set forth in this Ordinance and as otherwise prescribed by the Pennsylvania Municipalities Planning Code.
9.210 Purpose

To determine compliance with the provisions of this Ordinance, no person shall erect, alter or convert any structure or building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Officer.

9.220 Application for Permits

All such applications shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot or lots to be built upon, its assessment map and parcel number as recorded, the date of official record of any lot or lots on which construction is proposed, the exact size and location of any building, sign, parking or loading area or other physical feature existing or proposed on the lot, the existing and intended use of each building or part of a building, the number of families, dwelling units, employees, offices or other appropriate units of occupancy which the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Ordinance. One copy of such plans shall be returned to the owner when such plans shall be approved; one copy each of all applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

9.230 Issuance of Permits

It shall be the duty of the Zoning Officer to issue a Zoning Permit, provided he is satisfied that the structure, building, sign, parking area of premises, and the proposed use thereof, conform with all requirements of this Ordinance and that all other reviews and actions, if any, called for in this Ordinance have been complied with and all necessary approvals secured thereof.

All Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises effected, and protected from the weather, whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations regulated by this ordinance of any kind unless a Zoning Permit covering such operation has been displayed as required by this Ordinance, nor shall they perform such building operations after notification of the revocation of said Zoning Permit.
9.240 Denial of Permits

When the Zoning Officer is not satisfied that the applicant’s proposed development will meet the requirements of this Ordinance, he shall refuse to issue a Zoning Permit and the applicant may appeal to the Zoning Hearing Board for a reversal of the Zoning Officer’s decision.

9.250 Revocation of Permits

If it shall appear at any time, to the Zoning Officer that the application or accompanying plans are in any material respect false or misleading or that work is being done upon the premises differing materially from that called for in the applications filed with him under existing laws or ordinances, he may forthwith revoke the Zoning Permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Zoning Officer. After the Zoning Permit has been revoked, the Zoning Officer may, in his discretion, before issuing a new Zoning Permit, require the applicant to file an indemnity bond in favor of the Municipality with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

9.300 OCCUPANCY PERMITS

9.310 For New Uses

After completion of the whole building or structure, and upon the sworn application by the owner or his duly authorized agent, setting forth such facts as the Zoning Officer may require, and after actual inspection of the premises by the Zoning Officer or his duly authorized assistant, he shall upon finding the facts to be as represented, issue in duplicate an Occupancy Permit, certifying that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the permit, which purposes shall conform with the requirements of this Ordinance. No change of use shall be made in any building, structure, or premises, or premises now or hereafter erected or altered that is not consistent with the requirements of this Ordinance. Any person desiring to change the use of his premises shall apply to the Zoning Officer for an Occupancy Permit, setting forth under oath such facts as may be required. A copy of the Occupancy Permit shall be kept at
all times upon the premises effected, and shall be displayed
upon request made by any authorized official. A record
shall be kept of all Occupancy Permits issued and the
original applications therefore shall be kept on file in
the same manner as applications for Zoning Permits. No
owner, tenant, or other person shall use or occupy any
building or structure thereafter erected or altered, the
use of which shall be changed after the passage of this
Ordinance without first procuring an Occupancy Permit;
provided that an Occupancy Permit once granted shall
continue in effect so long as there is no change of use,
regardless of change in the personnel of tenants or
 occupants.

9.320 For Existing Uses

Upon written request from the owner, tenant or occupant,
the Zoning Officer, after inspection, shall issue an
Occupancy Permit for an existing use legally existing at
the time this Ordinance is made effective, certifying
the extent and kind of use and whether any such existing
use conforms with the provisions of this Ordinance.

No change or extensions of use, and no alterations shall
be made in a nonconforming use or premises without an
occupancy permit having first been issued by the Zoning
Officer stating that such change, extension or alteration
is in conformity with the provisions of this Ordinance.

9.400 PLANNING COMMISSION

9.410 Review Application and Appeals

The Zoning Hearing Board shall refer to the Planning
Commission all applications for Special Exceptions, and
any other applications or appeals which in their opinion
require review by the Planning Commission.

9.411 Criteria for Review

The Planning Commission shall review such applications
in accordance with applicable criteria set forth in
Section 5.810 and any special requirements for the
intended use.
9.420 Report to the Zoning Hearing Board

The Planning Commission may recommend approval, disapproval, or approval subject to conditions or modifications, and shall report its findings to the Zoning Hearing Board within thirty (30) days of receipt thereof; such report shall state all recommended conditions and modifications and the reasons for such approval or disapproval.

9.430 Addition of Other Similar Uses

9.431 Procedure. Upon application or on its own initiative and after a public hearing preceded by due notice, the Commission may recommend to the Governing Body additional uses to be included in Article 3, provided, however, that such uses conform with the conditions set forth in the special findings required in Subsection 9.432 hereof.

9.432 Conditions

a. Such use is not permitted in any other zone district and if so permitted shall not be further permitted in a more restricted district than the district where such use is first permitted.

b. Such use is more appropriate in the district or districts where it is added than in any other district or districts.

c. Such use conforms to the basic characteristics of the district to which it is to be added and will not adversely affect any uses already permitted in such districts.

d. Such use does not create any danger to health and safety.
e. Such use is not likely to create any more traffic than other uses permitted in such district, and does not create any more dangerous or objectionable influences normally resulting from other permitted use.

9.440 Special Exceptions

The Planning Commission shall review all applications for Special Exceptions in accordance with Section 5.810 hereof and shall make recommendations to the Zoning Hearing Board upon a determination of the suitability of such exception in accordance with the standards and criteria set forth in this Ordinance.

9.450 Report to Governing Body

Following the enactment of this Ordinance the Planning Commission shall, from time to time, prepare and file with the Governing Body, but in no case at less than two (2) year intervals a report on the operation of this Ordinance including recommendations on the enactment of amendments, supplements or changes thereto.

9.500 VIOLATIONS

9.510 Complaints of Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon.

9.520 Procedure for Abatement of Violations

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Governing Body or, with the approval of the Governing Body, an officer of the municipality, in addition to other remedies, may institute in the name of the
municipality 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, business or use constituting a violation.

9.530 Penalties

Any person, partnership or corporation who or which shall violate the provisions of any Zoning Ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of Zoning Ordinance shall be paid over to the Governing Body.

9.600 Fees

The following fees shall be paid to the Zoning Officer upon the filing of an application:

- 9.610 Fees for Zoning Permits not requiring Board action
- 9.620 Zoning Permits for Signs
- 9.630 Occupancy Permits

9.640 Applications requiring Board action, including appeals for variances, applications for special uses, applications for re-hearings on appeals, and applications shall be $250.00.

9.641 The fee for applications requiring Board action shall, however, be increased by an additional $200.00 deposit to cover the cost of a court reporter in the event that a court reporter is requested by the applicant, and any additional cost shall be paid by the applicant.

9.650 Large Scale Developments:

In addition to the fees specified under 9.640 hereof, any application for a large scale development as defined in Section 11.125 hereof shall include a commitment to pay all related planning and engineering costs of the Township which may not otherwise be recovered under Section 602 of the Coal Township Subdivision Ordinance.

9 - 7
ARTICLE 10

AMENDMENTS

10.100 PROCEDURE

Before voting on the enactment of an amendment, the Governing Body shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Governing Body shall submit each such amendment to the Planning Commission at least thirty days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Governing Body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

10.200 PUBLIC NOTICE

Public notices of the proposed amendment shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the municipality where copies of the proposed amendment may be examined, in addition to the time and place of hearing.

10.300 PUBLICATION AFTER ENACTMENT

After enactment, the advertisement of the amendment may consist solely of a reference to the place or places within the municipality where copies of such amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. The amendment may be incorporated into the official ordinance book by reference with the same force and effect as if duly recorded therein.
ARTICLE 11  
DEFINITIONS

11.100 Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word 'building' shall include the word 'structure'; the word 'used' shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word 'shall' is mandatory and not optional; the word 'abut' shall include the words 'directly across from'.

11.101 Accessory Use or Structure
A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

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

11.103 Alley
A public thoroughfare which affords only a secondary means of access to abutting property.

11.104 Automobile or Trailer Sales Area
An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

11.105 Automobile Service Station or Filling Station
A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicles trade at retail, and where the following services may be rendered.

a. Minor Repair
   1. Sale and servicing of spark plugs and batteries.
   2. Tire repair and servicing, no recapping.
3. Replacement of mufflers and tailpipes, water hose, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this shall not be the principal use), windshield wipers, grease retainers and wheel bearings.

4. Radiator cleaning and flushing.

5. Washing and polishing, not including mechanical and/or automatic car wash establishments.

6. Greasing and lubrication.

7. Installation of fuel pumps and fuel lines.

8. Minor servicing and replacement of carburetors.


10. Adjustment and installation of brakes.

11. Tuning engines, except for grinding valves, cleaning carbon or removing the head of engines and/or crankcases.

12. Any similar minor service or repair not listed below under "major repairs".

b. **Major Repair**

In addition to those repairs and services listed above as "minor repair", any general repair, rebuilding or reconditioning not listed above; collision service including body, frame or fender straightening or repair; painting or paint shops; mechanical car wash establishments; but not including any operations which require the heating or burning of rubber.

11.06 Bakery

Bakeries which are first permitted in the M-1 District only, include such baking establishments which manufacture quantities of goods for retail elsewhere than on the premises.

11.07 Basement

A floor level partly or completely below grade. It shall be considered a story if more than 33-1/3% of the perimeter walls of a basement are 5 ft. or more above grade.

11.08 Building

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.
11.109 **Building Group**

Any building, such as a store group, which is divided into separate parts by one or more unpierced walls extending from the ground up.

11.110 **Building Height**

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

11.111 **Building, Principal**

A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

11.111 a. **Cluster Development**

A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued operation and maintenance either through the dedication of such area to the Municipality and the Municipality's acceptan thereof, or through the creation of a homeowners association, or through the developer's acceptance of such responsibility, including such legally binding agreements as may be required to achieve such assurances.

11.112 **Commercial Vehicle**

A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers, and construction equipment.

11.112 a. **Conditional Use**

A designated use that may be allowed or denied by the governing body after recommendations by the Planning Commission, pursuant to express standards and criteria set forth herein. Such Conditional Uses shall be permitted only in those districts where they are expressly designated as such.

11.113 **Court**

A court is any open, unoccupied area which is bounded by three or more attached building walls.
### 11.113 Development Section

Within any large-scale development, the developer may select a portion of the entire approved large-scale development area to be developed in stages or phases; any such area shall be considered as a "development section."

### 11.114 District

A district or a zone shall be any portion of the territory of the Municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

### 11.115 Dwelling

Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except a mobile home and as otherwise provided herein.

a. **Dwelling, Single-Family**

   A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit.

b. **Dwelling, Two-Family**

   A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

c. **Dwelling, Town House**

   A town house shall include a group of not more than eight (8) single-family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.

d. **Dwelling, Garden Apartments**

   A group of rental units, generally under single ownership (but a condominium is not precluded) where there shall not be more than eight (8) dwelling units contained within each structure; such structures containing garden apartment units are generally less than four (4) stories in height although in the Municipality they shall not exceed a height of 2.5 stories or 35 feet.

e. **Dwelling, Multi-Family**

   A structure containing 3 or more dwelling units including but not limited to garden apartments, condominiums and town houses.
11.116 Dwelling Structure

Any structure which shall contain one (1) or more dwelling units, not including a hotel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boarding house or similar structure.

11.117 Dwelling Unit

One (1) or more rooms, including a kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

11.118 Essential Services

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

11.119 Family

An individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

11.120 Floor Area

For the purposes of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising, or service type of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

11.121 Garage, Private Parking

A detached accessory building or a portion of a principal building used only for the storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for storage of more than one (1) commercial vehicle per family and such vehicle shall not exceed a 1-ton rated capacity.
11.122 **Garage, Public Parking**

A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles not including a structure or part thereof used only for storage or display of automobiles for other than transients.

11.123 **Governing Body**

The Coal Township Board of Commissioners.

11.124 **Hotel**

A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in individual rooms or suites.

11.125 **Large-Scale Development**

a. **Residential** A large scale residential development shall be planned for a site of not less than 3 acres.

b. **Commercial** A large scale commercial development shall be planned for a site of not less than 3 acres.

c. **Manufacturing** A large scale manufacturing development shall be planned for a site of not less than 10 acres.

11.126 **Limited Access Highway**

A highway designed in such a manner so as to provide no direct access to properties abutting its right-of-way and including all highways designated as limited access highways as adopted by the Planning Commission.

11.127 **Lot or Zone Lot**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.

a. **Lot, Corner**

A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

b. **Lot, Depth**

The mean horizontal distance between the front and rear lot lines.
c. **Lot Lines**

  The property lines bounding the lot.

  1. **Lot Line, Front.** The ultimate right-of-way line of the street or road.

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

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

  4. **Lot Line, Street or Alley.** A lot line separating the lot from a street or alley.

  d. **Lot Width**

  The mean width of the lot measured at right angles to its depth. Such a line along which this minimum lot frontage shall be measured at a point which shall coincide with the building set back or front yard line.

  e. **Lot Area**

  The computed area contained within the lot lines and the ultimate right-of-way line. The area within the right-of-way shall not be computed as part of the lot area.

1. **Mobile Home**

   A transportable, single family dwelling intended for permanent occupancy, office or place of assembly 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, and constructed so that it may be used without a permanent foundation. **DELETION: ORDNANCE NUMBER A-201 11/13/80**

   **Except the above.**

2. **Mobile Home Park**

   A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transfer use, consisting of two or more mobile home lots. Provisions regulating mobile home parks are set forth in Section 5.880 hereof.

3. **Motels, Motor Courts and Motor Hotels**

   A series of attached or semi-attached dwelling structures, where each unit has convenient access to parking space for the use of the units' occupants. The units, with the exception of the manager's office or caretaker's unit, are designed to provide sleeping accommodations for automobile transients or overnight guests.
11.131 Municipality

The Township of Coal.

11.132 Net Developed Area

Total acreage excluding any area within a public right-of-way.

11.133 Net Land Area

The net land area of any development parcel shall include only the area contained within the property line and the ultimate right-of-way line. The area within the right-of-way (public right-of-way or other thoroughfare) shall not be computed as part of the "net land area".

11.134 Nonconforming Lot

Any zone lot in single ownership, where the owner of said lot does not own any adjoining property, the subdivision of which could create one (1) or more conforming lots, which does not conform with the minimum area and/or dimensions required in the District where such lot is situated or for any special use, as the case may be.

11.135 Nonconforming Structure

A sign or structure, the design or size of which does not conform to the regulations of this Ordinance for the District in which it is located.

11.136 Nonconforming Use

A building, structure or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. A nonconforming use is not intended to include the performance standards specified in Article 6 hereof. A Zoning Permit will be required for a change of use only when a use is proposed to be changed to a less restrictive use, as set forth in Section 2.400 hereof.

11.137 Nursing Home

Any premises with less than fifteen (15) sleeping rooms where persons are lodged and furnished with meals and nursing care.

11.138 Parking Area, Private

An open area for the same uses as a private garage, and regulated as a private garage.

11.139 Parking Area, Public

An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
The Planning Commission of the Township of Coal.

Professional Office

The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential occupancy, shall be conducted by a member of the residential family entirely within a residential building, and shall include only the offices of doctors, or physicians, dentists, optometrists, ministers, architects, landscape architects, professional engineers, lawyers, artists, authors, musicians and such other similar professional occupations which may be so designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to a greater extent than for the professional activities listed herein. The issuance of a State or Local license for regulations of any gainful occupation need not be deemed indicative of professional standing.

Recreation

a. Recreation Commercial

Recreation facilities operated as a business and open to the general public for a fee.

b. Recreation, Private, Non-Commercial

Clubs or recreation facilities, operated by a non-profit organization and open only to bonafide members of such organization.

c. Recreation, Public

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

Residential Street

A street, between two intersecting streets, upon which an R-District abuts, or where fifty (50) per cent or more of the abutting street frontage is in predominantly residential use.

Rooming House

A building containing a single dwelling unit and rooms for the rooming and/or boarding of at least three (3) persons, but not more than twenty-five (25) persons by pre-arrangement for definite period of not less than one (1) week.
1.145 Seasonal Dwelling

A seasonal dwelling shall be any detached dwelling not designed for year-round use by virtue of the absence of central heating and similar facilities.

1.146 Setback Line

A line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said codes.

1.147 Sign

A "sign" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court, or public office notices, nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or a religious group. A "sign" shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a "sign".

1.148 Sign, Business

A "business sign" is a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

1.149 Sign, Flashing

A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance any revolving, illuminated sign shall be considere a "flashing sign".

1.150 Sign, Gross Surface Area Of

The "gross surface area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements, lying outside the limits of such sign and not forming an integral part of the display.

1.151 Sign, Outdoor Advertising

An outdoor sign or billboard which directs attention to a business profession, commodity or entertainment conducted, sold, or offered elsewhere than upon the same lot. Under the provisions of this ordinance, outdoor advertising can be erected on the premises in any of the nonresidential districts.
Special Exceptions

A "special exception" is a use which because of its unique characteristics requires individual consideration in each case by the Planning Commission and the Zoning Hearing Board as specified in Articles 8 and 9, before it may be permitted in the district enumerated in Article 3. In accordance with the provisions of this Ordinance, the Planning Commission and the Zoning Hearing Board may require certain conditions and safeguards before such a use is permitted.

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 the floor and the ceiling above.

a. Story, Half

A partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residential purposes, other than for a janitor or caretaker or his family.

b. Story, First

The lowest story or the ground story of any building the floor of which is not more than twelve inches below the average contact ground level at the exterior walls of the building.

Street

A public or private thoroughfare not less than 30 feet in width if in existence prior to the passage of this Ordinance nor less than 50 feet in width if established subsequent to the passage of this Ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

a. Side Street

Any street, the length of which shall be not more than 50 percent of the length of the largest street line of the Municipality's blocks of which it is part.
11.155 **Structure**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

11.156 **Structural Change**

Any change in the structural members of a building, such as walls, beams, columns, or girders.

11.157 **Ultimate Right-of-Way**

The full width of the road designated by the Governing Body to be the minimum required width of any public right-of-way.

11.158 **Yard**

An open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

a. **Yard, Front**

An open space extending the full width of the lot between the front of the building and the ultimate right-of-way line unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

b. **Yard, Rear**

An open space extending the full width of the lot, between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

c. **Yard, Side**

An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
11.159 Variance
The Zoning Hearing Board may authorize departure to a minor degree from the terms of this Ordinance in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in this Ordinance.

11.160 Zoning Hearing Board
The Zoning Hearing Board of the Township of Coal.

11.161 Zoning Officer
The administrative officer, appointed by the Governing Body who shall administer and enforce the provisions of this Ordinance.

11.162 Zoning Map
The Zoning Map or Maps of the Township of Coal, Pennsylvania dated _______, together with all amendments subsequently adopted.
ARTICLE 12
INTERPRETATION AND VALIDITY

12.100 INTERPRETATION

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall control.

12.200 EXEMPTIONS

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

12.300 VALIDITY

If any section, subsection, sentence, clause, or phrase of this Ordinance or the location of any district boundary shown on the Zoning Map that forms a part hereof is for any reason held by a Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance or Zoning Map. The Governing Body of the Township of Coal hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.
12.400 **EFFECTIVE DATE**

This Ordinance shall take effect at the earliest period allowed by law.

Duly presented and adopted at a regular meeting of the Board of Commissioners of the Township of Coal, Pennsylvania held on this ___ day of **JANUARY**, 1977.

________________________
Secretary

________________________
ATTEST:
NOTICE OF INTENT TO ENACT A ZONING
ORDINANCE BY THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF COAL

ORDINANCE NO. A-169

An Ordinance to permit, prohibit, regulate, restrict, and determine:

Uses of land, watercourses, and other bodies of water; size, height, bulk,
location, erection, construction, repair, maintenance, alteration, raising,
removal and use of structures; areas and dimensions of land and bodies of
water to be occupied by uses and structures, as well as areas, courts, yards,
and other open spaces and distances to be left unoccupied by uses and struct-
ures; density of population and intensity of use; maps outlining the various
zoned areas; and providing for: Special exceptions and variances administered
by the Zoning Hearing Board and the Planning Commission; the administration and
enforcement of this Ordinance and penalties for the violation thereof; in the
Township of Coal, County of Northumberland, State of Pennsylvania, as follows:

Section 1. Adoption of Zoning Ordinance

That a certain document, with attached maps identified as the "Coal
Township Zoning Ordinance" be and is hereby adopted as the Zoning Ordinance of
the Township of Coal, in the County of Northumberland, in the State of Pennsylvania,
for the regulation of all development in the Township of Coal. Each and all pro-
visions of the ordinance are hereby referred to and adopted as if fully set forth
herein. (Said Ordinance has been filed in the Office of the Prothonotary of the
County of Northumberland and in the Office of The News-Item located at 701 N. Rock
St., Shamokin, Pa.; and, copies of said Ordinance shall be available for examination
at no charge, or for sale at a charge not greater than the cost thereof in the Office
of the Secretary of the Township of Coal.)
Section 2. Repealer

All Ordinances or parts of Ordinances of the Township of Coal which are less restrictive than the provisions of this ordinance are hereby repealed.

Section 3. Saving Clause

That nothing in this Ordinance or in the Zoning Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action required or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. Date of Effect

That the Secretary of the Township of Coal, shall certify to the adoption of this Ordinance; and this Ordinance shall take effect upon adoption.

ENACTED INTO AN ORDINANCE this 12th day of January, 1977.

The above described Ordinance shall be considered for enactment by the Board of Township of Commissioners of the Township of Coal at their meeting to be held on the 12th day of January, 1977 at 8:00 P.M. in the Coal Township Municipal

BOARD OF COMMISSIONERS

OF COAL TOWNSHIP

By: Daniel Venn, President

ATTEST:

Stanley Zalewski,
Secretary
The Board Of Commissioners of Coal Township will hold a public hearing to consider two Amendments to the Coal Township zoning ordinance on August 10, 1995 at 7:00 p.m. in the Township Building located at 805 West Lynn Street, Coal Township, PA.

The first proposed Amendment will change the required number of parking spaces in a C1 district for retail stores, store groups and shops with greater than fifty thousand (50,000) square feet of floor area. The proposed Amendment will change Section 5.612, Table 1 on page 5-15 to read as follows:

In a C-1 District, 1 for each 300 sq. ft. of floor area where the floor area shall exceed 1,000 sq. ft. In all other C-Districts 3 spaces shall be provided for each 300 sq. ft. of floor area up to 50,000 sq. ft. 1 space shall be provided for each 200 sq. ft. in addition to the space required for the first 50,000 sq. ft. of floor area.

The second proposed Amendment is to rezone an area of Coal Township from coal production (C.P.) to heavy manufacturing (M-2). The property to be rezoned is described as follows:

BEGINNING at a point on the southerly right-of-way formerly of the Carbon Run Branch of the Reading Railroad and in Venn Access Road (Crab Run Road); Thence through Venn Access Road South 45 degrees 24 minutes 00 seconds East 282.00 feet to a point; Thence through same South 29 degrees 30 minutes 00 seconds East 114.00 feet to a point and the northerly right-of-way of State Route No. 49083; Thence along said right-of-way South 67 degrees 18 minutes 10 seconds West 86.20 feet to a point; Thence along same South 64 degrees 06 minutes 20 seconds West 141.00 feet to a point; Thence along same on a curve to the right having a Delta Angle of 11 degrees 56 minutes 09 seconds, a Radius of 1472.63 feet, a Tangent of 153.95 feet, and Arc Length of 306.78 feet and Chord Bearing and distance of South 70 degrees 04 minutes 20 seconds West 306.22 feet to a point of reverse curve; Thence along same on a curve to the left having a Delta Angle of 16 degrees 15 minutes 36 seconds, a Radius of 448.00 feet, a Tangent of 64.00 feet, an Arc Length of 127.14 feet and Chord Bearing and distance of South 67 degrees 54 minutes 40 seconds West 126.71 feet to an iron pin and land of Daniel A. Moroz and Arlette F. Moroz; Thence along land of said Moroz North 26 degrees 36 minutes 00 seconds West 204.30 feet to an iron pin; Thence along same South 66
RESOLUTION

RESOLUTION SIGNIFYING THE INTENTION OF THE COAL TOWNSHIP BOARD OF COMMISSIONERS TO AMEND ORDINANCE NO. A-169 TO CHANGE COAL PRODUCTION DESIGNATION ON LANDS IN COAL TOWNSHIP TO M-2 MANUFACTURING

WHEREAS, the Board of Commissioners is empowered by the municipalities Planning Code to amend its zoning ordinance; and

WHEREAS, the Board believes that certain lands that are presently designated on the Coal Township zoning map as C.P. (Coal Production) would be better utilized if zoned for Manufacturing and therefore should be designated as M-2 Heavy Manufacturing; and

NOW THEREFORE, be it resolved and it is hereby resolved that:

1. Coal Township Commissioners do hereby signify their intention to adopt proposed ordinance No. 323 for the purpose of changing the designation of land zoned for Coal Production to M-2 Heavy Manufacturing. The location of the area to be considered for rezoning is the area described in the attached Exhibits "A" and "B". A map of the specific areas will be available for inspection in the Township Building.

2. A hearing as required by the Municipalities Planning Code is hereby scheduled for August 10, 1995 at 6:00 p.m. in the
RESOLUTION

RESOLUTION SIGNIFYING THE INTENTIONS OF THE COAL TOWNSHIP BOARD OF COMMISSIONERS TO AMEND ORDINANCE NO. A-169 TO AMEND ARTICLE 5 SECTION 612 DESIGNATING THE NUMBER OF PARKING SPACES REQUIRED IN COMMERCIAL DISTRICTS WITH RETAIL STORES, STORE GROUPS AND SHOPS

WHEREAS, the Board of Commissioners is empowered by the municipalities Planning Code to amend its zoning ordinance; and

WHEREAS, the Board believes that the requirements of Article 5, Section 612 for the number of parking spaces for large retail stores with floor area in excess of 50,000 square feet are burdensome and do not promote the purpose of an integrated site plan that is beneficial to township residents and properties,

NOW THEREFORE, be it resolved and it is hereby resolved that:

1. Coal Township Commissioners do hereby signify their intention to adopt proposed Ordinance No. 322 for the purpose of amending Article 5, Section 612, Table I to provide for less required parking spaces in Retail Stores, Store Groups and Shops that have in excess of 50,000 square feet in Commercial Districts other than C-1.

2. A hearing as required by the Municipalities Planning Code is hereby scheduled for August 10, 1995 at 6:00 p.m. in the
Township Building located at 805 West Lynn Street, Coal Township.

3. A copy of the Proposed Amendment is attached hereto.

4. The Secretary to the Board is hereby authorized and directed to do the following:
   a. Prepare and present a Notice of Public Hearing for publication indicating the intention of the Board to consider a Zoning Map Amendment.
   b. Deliver a copy of the Proposed Ordinance to the Coal Township Planning Commission and the Northumberland County Planning Commission for their review and comment at least thirty one days prior to the scheduled hearing date.

5. All Resolutions or parts of Resolutions which are inconsistent herewith are hereby repealed.

ATTEST:

[Signature]
Secretary
June 8, 1995

[Signature]
COAL TOWNSHIP BOARD OF COMMISSIONERS
PROPOSED ORDINANCE NO. 322

ORDINANCE AMENDING ORDINANCE No. A-169 OF THE TOWNSHIP OF COAL REGULATING THE USE OF LAND AND STRUCTURES THEREON.

Section 1. Purpose.

This amendment is made in order to Amend Article 5, Section 612, to change the required number of parking spaces in C-2 and C-3 Districts for Retail Stores, Stores and Shops which have floor area in excess of 50,000 square feet.

Section 2. Text of Amendment

Article 5, Section 612, Table I, Required Parking Spaces for Retail Stores, Store Groups, and Shops is amended to read as follows:

In a C-1 District, 1 for each 300 sq. ft. of floor area where the floor area shall exceed 1,000 sq. ft. In all other C-Districts 3 spaces shall be provided for each 300 sq. ft. of floor area up to 50,000 sq. ft. Where the floor area exceeds 50,000 sq. ft. 1 space shall be provided for each 200 sq. ft. in addition to the spaces required for the first 50,000 sq. ft. of floor area.

Section 3. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
Township Building located at 805 West Lynn Street, Coal Township.

3. A copy of the Proposed Amendment is attached hereto.

4. The Secretary to the Board is hereby authorized and directed to do the following:
   a. Prepare and present a Notice of Public Hearing for publication indicating the intention of the Board to consider a Zoning Map Amendment.
   b. Deliver a copy of the Proposed Ordinance to the Coal Township Planning Commission and the Northumberland County Planning Commission for their review and comment at least thirty one days prior to the scheduled hearing date.

5. All Resolutions or parts of Resolutions which are inconsistent herewith are hereby repealed.

ATTEST:

Secretary

June 8, 1995

COAL TOWNSHIP BOARD OF COMMISSIONERS

[Signatures]
Section 4. Effective Date.

This ordinance shall become effective on August 10, 1995.

ATTEST:

Secretary

By:

COAL TOWNSHIP BOARD
OF COMMISSIONERS

[Signature]

[Signature]

[Signature]
GENERAL DESCRIPTION OF PROPERTY REQUESTED FOR ZONING CHANGE
LYING AND BEING IN THE TOWNSHIP OF COAL, COUNTY OF
NORTHUMBERLAND AND STATE OF PENNSYLVANIA

BEGINNING at a point on the southerly right-of-way formerly of the Carbon Run Branch
of the Reading Railroad and in Venn Access Road (Crab Run Road);

Thence through Venn Access Road South 45 degrees 24 minutes 00 seconds East 282.00
feet to a point;

Thence through same South 29 degrees 30 minutes 00 seconds East 114.00 feet to a point
and the northerly right-of-way of State Route No. 49083;

Thence along said right-of-way South 67 degrees 18 minutes 10 seconds West 86.20 feet
to a point;

Thence along same South 64 degrees 06 minutes 20 seconds West 141.00 feet to a point;

Thence along same on a curve to the right having a Delta Angle of 11 degrees 56 minutes
09 seconds, a Radius of 1472.63 feet, a Tangent of 153.95 feet, an Arc Length of 306.78
feet and Chord Bearing and Distance of South 70 degrees 04 minutes 20 seconds West
306.22 feet to a point of reverse curve;

Thence along same on a curve to the left having a Delta Angle of 16 degrees 15 minutes
36 seconds, a Radius of 448.00 feet, a Tangent of 64.00 feet, an Arc Length of 127.14
feet and Chord Bearing and Distance of South 67 degrees 54 minutes 40 seconds West
126.71 feet to an iron pin and land of Daniel A. Moroz and Arlette F. Moroz;

Thence along land of said Moroz North 26 degrees 36 minutes 00 seconds West 204.30
feet to an iron pin;

Thence along same South 66 degrees 12 minutes 00 seconds West 293.80 feet to an iron
pin;

Exhibit "A"
Thence along same South 88 degrees 00 seconds West 180.00 feet to an iron pin;

Thence along same North 43 degrees 05 minutes 00 seconds West 12.00 feet to an iron pin and the southerly right-of-way formerly of the Carbon Run Branch of the Reading Railroad;

Thence along said right-of-way on a curve to the right having a Delta Angle of 19 degrees 22 minutes 23 seconds, a Radius of 980.40 feet, a Tangent of 167.35 feet, an Arc Length of 331.50 feet and Chord Bearing and Distance of North 55 degrees 08 minutes 20 seconds East 329.91 feet to a point of compound curve;

Thence along same on a curve to the right having a Delta Angle of 01 degrees 42 minutes 38 seconds, a Radius of 5269.28 feet, a Tangent of 78.66 feet, an Arc Length of 157.31 feet and Chord Bearing and Distance of North 65 degrees 40 minutes 50 seconds East 157.31 feet to a point;

Thence along same North 66 degrees 32 minutes 00 seconds East 211.67 feet to a point of curve;

Thence along same on a curve to the left having a Delta Angle of 03 degrees 34 minutes 19 seconds, a Radius of 5231.28 feet, a Tangent of 163.11 feet, an Arc Length of 326.12 feet and Chord Bearing and Distance of North 64 degrees 45 minutes 00 seconds East 328.07 feet to the place of BEGINNING.

CONTAINING 6.41 acres and being more fully shown on a draft of survey prepared by Taylor-Dobek Associates, dated May 21, 1983.

Exhibit "A"
GENERAL DESCRIPTION OF PROPERTY REQUESTED FOR ZONING CHANGE
LYING AND BEING IN THE TOWNSHIP OF COAL, COUNTY OF
NORTHUMBERLAND AND STATE OF PENNSYLVANIA

BEGINNING at a point on the northerly right-of-way formerly of the Carbon Run &
M&S Branch of the Reading Railroad and on the easterly right-of-way of Crab Run
Road;

Thence along the northerly right-of-way of said railroad and crossing Crab Run Road in a
westerly direction 1050 feet more or less;

Thence North 09 degrees 55 minutes East 731 feet to a point;

Thence North 63 degrees East 633 feet more or less to a point and the easterly right-of-
way of Crab Run Road;

Thence North 36 degrees 44 minutes West 350 feet more or less to a point;

Thence South 88 degrees 02 minutes East 1035 feet to a set stone;

Thence South 88 degrees 26 minutes East 260 feet to a point;

Thence North 01 degree 45 minutes East 231.5 feet to a point and the southerly right-of-
way of a street;

Thence along said right-of-way South 88 degrees 26 minutes East 340 feet to a point;

Thence North 01 degree 45 minutes East 140 feet to a point on the southerly right-of-way of
Catherine Street;

Thence along said right-of-way South 88 degrees 26 minutes East 180 feet to a point;

Thence North 01 degree 45 minutes 150 feet to a point and the northerly right-of-way of
Hill Street;

Thence along said right-of-way South 88 degrees 26 minutes East 420 feet to a point;

Exhibit "E"
Thence North 01 degree 45 minutes East 290 feet more or less to a point;

Thence South 88 degrees 26 minutes 360 feet to a point;

Thence North 01 degree 45 minutes East 280 feet more or less to a point in Fern Street;

Thence South 88 degrees 45 minutes East 10 feet to a point in Maple Avenue;

Thence North 01 degree 45 minutes East 10 feet to a point in line of the northerly right-of-way of Fern Street;

Thence along the northerly right-of-way of Fern Street South 88 degree 26 minutes East 380 feet to a point;

Thence North 01 degree 45 minutes East 140 feet to a point;

Thence South 88 degrees 26 minutes East 570 feet to a point;

Thence South 01 degree 45 minutes West 1134 feet more or less to a point and the northerly right-of-way of State Route No. 125;

Thence along the northerly right-of-way of State Route No. 125 and along the northerly right-of-way of State Route No. 49083 in a westerly direction 2090 feet more or less to a point;

Thence North 88 degrees 26 minutes West 730 feet to a point;

Thence South 59 degrees West 168 feet to a point;

Thence South 46 degrees 30 minutes West 249 feet to a point and the easterly right-of-way of Crab Run Road;

Thence along the easterly right-of-way of Crab Run Road North 44 degrees West 340 feet more or less to the place of BEGINNING.

CONTAINING 85 acres more or less and being more fully shown on a map prepared by E. F. Morgan, P.E., dated Sept. 3, 1976.
PROPOSED ORDINANCE NO. 323

ORDINANCE AMENDING ORDINANCE No. A-169 OF THE TOWNSHIP OF COAL REGULATING THE USE OF LAND AND STRUCTURES THEREON.

Section 1. Purpose.

This amendment is made in order to change the designation of parcel of land from Coal Production to M-2 Heavy Manufacturing.

Section 2. Zoning Map.

The zoning map of Coal Township is hereby amended to provide that the area of Coal Township described in Exhibits "A" and "B" are rezoned to M-2 Heavy Manufacturing.

Section 3. Repealer.

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

Section 4. Effective Date.

This ordinance shall become effective on August 10, 1995.

ATTEST: COAL TOWNSHIP BOARD OF COMMISSIONERS

Secretary

By:

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degrees 12 minutes 00 seconds West 293.80 feet to an iron pin; Thence along same south 88 degrees 14 minutes 00 seconds West 180.00 feet to an iron pin; Thence along same North 43 degrees 05 minutes 00 seconds West 12.00 feet to an iron pin and the southerly right-of-way formerly of the Carbon Run Branch of the Reading Railroad; Thence along said right-of-way on a curve to the right having a Delta Angle of 19 degrees 22 minutes 23 seconds, a Radius of 980.40 feet, a Tangent of 167.35 feet, an Arc Length of 331.50 feet and Chord Bearing and distance of North 55 degrees 08 minutes 20 seconds East 329.91 feet to a point of compound curve; Thence along same on a curve to the right having a Delta Angle of 01 degrees 42 minutes 38 seconds, a Radius of 5269.28 feet, a Tangent of 78.66 feet, an Arc Length of 157.31 feet and Chord Bearing and Distance of North 65 degrees 40 minutes 50 seconds East 157.31 feet to a point; Thence along same North 66 degrees 32 minutes 00 seconds East 211.67 feet to a point of curve; Thence along same on a curve to the left having a Delta Angle of 03 degrees 34 minutes 19 seconds, a Radius of 5231.28 feet, a Tangent of 163.11 feet, an Arc Length of 326.12 feet and Chord Bearing and Distance of North 64 degrees 45 minutes 00 seconds East 326.07 feet to the place of BEGINNING. CONTAINING 6.41 acres and being more fully shown on a draft of survey prepared by Taylor-Dobeck Associates, dated May 21, 1983. AND ALSO;

BEGINNING at a point on the northerly right-of-way formerly of the Carbon Run & M&S Branch of the Reading Railroad and on the easterly right-of-way of Crab Run Road; Thence along the northerly right-of-way of said railroad and crossing Crab Run road in a westerly direction 1050 feet more or less; Thence North 09 degrees 55 minutes East 731 feet to a point; Thence North 63 degrees East 633 feet more or less to a point and the easterly right-of-way of Crab Run Road; Thence North 36 degrees 44 minutes West 350 feet more or less to a point; Thence South 88 degrees 02 minutes East 1035 feet to a set stone; Thence North 01 degree 45 minutes East 231.5 feet to a point and the southerly right-of-way of a street; Thence along said right-of-way South 88 degrees 26 minutes East 340 feet to a point; Thence North 01 degree 45 minutes East 140 feet to a point on the southerly right-of-way of Catherine Street; Thence along said right-of-way South 88 degrees 26 minutes East 180 feet to a point; Thence North 01 degree 45 minutes 150 feet to a point and the northerly right-of-way of Hill Street; Thence along said right-of-way South 88 degrees 26 minutes East 420 feet to a point; Thence North 01 degree 45 minutes East 290 feet more or less to a point; Thence South 88 degrees 26 minutes 360 feet to a point; Thence North 01 degree 45
minutes East 280 feet more or less to a point in Fern Street; Thence South 88 degrees 45 minutes East 110 feet to a point in Maple Avenue; Thence North 01 degree 45 minutes East 10 feet to a point in line of the northerly right-of-way of Fern Street; Thence along the northerly right-of-way of Fern Street South 88 degrees 226 minutes East 380 feet to a point; Thence North 01 degree 45 minutes East 140 feet to a point; Thence South 88 degrees 26 minutes East 570 feet to a point; Thence South 01 degree 45 minutes West 1134 feet more or less to a point and the northerly right-of-way of State Route No. 125; Thence along the northerly right-of-way of State Route No. 125 and along the northerly right-of-way of State Route No. 49083 in a westerly direction 2090 feet more or less to a point; Thence North 88 degrees 26 minutes West 730 feet to a point; Thence South 46 degrees 30 minutes West 249 feet to a point and the easterly right-of-way of Crab Run Road; Thence along the easterly right-of-way of Crab Run Road North 44 degrees West 340 feet more or less to the place of BEGINNING. CONTAINING 85 acres more or less and being more fully shown on a map prepared by E.F. Morgan, P.E., dated Sept. 3, 1976

The public is invited to attend this hearing and to comment on the proposed Amendments.

Interested parties may view or copy the full text of the proposed zoning ordinance amendments which will be available at the Coal Township Municipal Building located at 805 W. Lynn Street, Coal Township, PA. Those wishing to copy the proposed zoning amendments will be required to pay a nominal fee.

Following the public hearing the Board of Commissioners will convene a Special Public Meeting to review public comment and to consider adopting the proposed zoning ordinance amendments.

BY ORDER OF
TOWNSHIP OF COAL
MARY ALICE KREBS, SECRETARY

PROOF OF PUBLICATION
PUBLISH: July 27 & Aug. 3, 1995
ORDINANCE AMENDING ORDINANCE NO. A-169 OF THE TOWNSHIP OF COAL REGULATING THE USE OF LAND AND STRUCTURES THEREON.

Section 1. Purpose

This amendment is made in order to allow the development of light manufacturing in land that was previously zoned for general commercial.

Section 2. Zoning Map

The zoning map of Coal Township is hereby amended to provide that the area of Coal Township, Route 61, East of Ranshaw continuing to an Eastern boundary of Coal Township shall be zoned to be M-1, light manufacturing.

Section 3. Repealer

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

Section 4. Effective Date

This ordinance shall become effective on the day of 2002.

ATTEST: COAL TOWNSHIP BOARD OF COMMISSIONERS

Secretary President
MOUNT CARMEL TOWNSHIP

R-1 LOW DENSITY RESIDENTIAL
R-2 MEDIUM DENSITY RESIDENTIAL
C-N CONSERVATION
C-P COAL PRODUCTION
C-1 NEIGHBORHOOD COMMERCIAL
C-2 REGIONAL COMMERCIAL
C-3 GENERAL COMMERCIAL
M-1 MANUFACTURING
M-2 HEAVY MANUFACTURING
FLOODPLAIN


August 6, 2002

Mr. Greg Schoffler, Director
Northumberland County Planning Commission
399 S. Fifth Street - Suite 207
Sunbury, PA 17801

Dear Mr. Schoffler:

Please be advised that the Coal Township Commissioners are proposing to amend their Zoning Ordinance. A hearing has been scheduled for September 12, 2002, at 7:00 PM. I am enclosing a copy of the proposed Zoning Amendment and would request that the County Planning Agency review it and make any recommendations that it desires on or prior to September 12, 2002.

Thank you for giving this your prompt attention.

Sincerely yours,

Mary Alice Krebs, Manager
Board of Commissioners
TOWNSHIP OF COAL

Enclosure

RECEIVED
AUG 13 2002
Northumberland County Planning Commission
ORDINANCE 385

ORDINANCE AMENDING ORDINANCE NO. A-169 OF THE TOWNSHIP OF COAL REGULATING THE USE OF LAND AND STRUCTURES THEREON.

Section 1. Purpose

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ATTEST:

COAL TOWNSHIP BOARD OF COMMISSIONERS

Secretary

President
August 6, 2002

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Northumberland County Planning Commission
399 S. Fifth Street - Suite 207
Sunbury, PA 17801

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Thank you for giving this your prompt attention.

Sincerely yours,

[Signature]
Mary Alice Krebs, Manager
Board of Commissioners
TOWNSHIP OF COAL

Enclosure
ORDINANCE 385

ORDINANCE AMENDING ORDINANCE NO. A-169 OF THE TOWNSHIP OF COAL REGULATING THE USE OF LAND AND STRUCTURES THEREON.

Section 1. Purpose

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Section 2. Zoning Map

The zoning map of coal Township is hereby amended to provide that the area of Coal Township, Route 61, East of Ranshaw continuing to an Eastern boundary of Coal Township shall be zoned to be M-1, light manufacturing.

Section 3. Repealer

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

Section 4. Effective Date

This ordinance shall become effective on the 10th day of September, 2002.

ATTEST: 

COAL TOWNSHIP BOARD OF COMMISSIONERS

Secretary

President

RECEIVED

SEP 26, 2002

Northumberland County Planning Commission