WHITE DEER TOWNSHIP
UNION COUNTY, PENNSYLVANIA

ZONING ORDINANCE

Enacted: July 20, 1999
Effective: July 25, 1999

Prepared by
WHITE DEER TOWNSHIP PLANNING COMMISSION
WHITE DEER TOWNSHIP ZONING HEARING BOARD
and
WHITE DEER TOWNSHIP BOARD OF SUPERVISORS

with the assistance of
LANDPLAN, INC.
Professional Planning and Development Consultant
PARTICIPANTS

WHITE DEER TOWNSHIP ZONING ORDINANCE

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WHITE DEER TOWNSHIP ZONING ORDINANCE

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ARTICLE 1

TITLE, AUTHORITY, AND PURPOSE

100 SHORT TITLE

This Ordinance shall be known and be cited as the "White Deer Township Zoning Ordinance of 1999" and is intended to serve as a comprehensive amendment of the White Deer Township Zoning Ordinance enacted and ordained by the Township Board of Supervisors in June 1989.

101 AUTHORITY

The PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended) provides that the Supervisors of White Deer Township may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

The Supervisors of White Deer Township, Union County, PA, under the authority cited above, do hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of the Township.

102 GENERAL PURPOSES

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Township, with consideration being given to the character of the area, the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

A. promote, protect and facilitate the public health, safety, morals, and the general welfare; coordinated and practical community development; and proper density of population; emergency management preparedness and operations, airports and national defense facilities; the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;

B. prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;
C. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;

D. provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;

E. accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and

F. facilitate appropriate development of the Township, protect the tax base, and encourage economy in public expenditures.

103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance provides a legal basis and framework for future development in White Deer Township. Its provisions were guided by the policy recommendations set forth in the Comprehensive Plan for White Deer Township, adopted by the Township Board of Supervisors on January 26, 1989. The following list of goals represent the Township's legislative findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources, and other factors which the Board believes relevant in guiding the future development of the municipality.

A. General

1. To promote orderly growth and development of White Deer Township.

2. To simplify the zoning program in order to create greater understanding and acceptance by the general public.

3. To improve the flexibility and enforcement of the Township’s land use regulations.

B. Environment

1. To preserve, as far as possible, the rural character of White Deer Township by concentrating commercial, industrial, and residential development in the eastern section of the Township. Agriculture and forest uses shall be encouraged in central and western sections.

2. To provide for compatible uses in floodplain areas (e.g. agriculture, open space, etc.)

3. To continue to provide adequate water and sewer facilities to serve the more intensely developed areas of the Township.

4. To insure that new development is not a detriment to the environment.
5. To improve stormwater management planning and control.

C. **Housing**
   1. To provide for a variety of housing choices in terms of types of housing.
   2. To provide areas for higher density development where utilities can be utilized or extended to service the development.
   3. To provide low density rural housing opportunities that minimize the impact of strip development upon highways.

D. **Agriculture**
   1. To preserve those areas most uniquely suited for agriculture and minimize the intrusion of non-compatible development.
   2. To minimize the intrusion of agriculture into development areas.

E. **Industrial/Commercial**
   1. To encourage the development of major industrial areas along the easterly end of the Township where a) topography is especially suitable, and b) adequate transportation facilities and utilities are readily available.
   2. To encourage commercial development of the I-80/ U.S. Route 15 Interchange areas, especially west of the U.S. Route 15/New Columbia Exit.
   3. To provide for neighborhood commercial uses in residential areas.

F. **Highways**
   1. To protect highways from development encroachment.
   2. To insure the future of U.S. Route 15 as a limited access highway.

104 **DISCLAIMER OF MUNICIPAL LIABILITY**

This Ordinance is not intended to create nor assume liability on the part of White Deer Township or any officer or employee thereof for any fire, flood, or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations.
ARTICLE 2

DESIGNATION OF ZONING DISTRICTS

200 DESIGNATION OF DISTRICTS

For the purpose of implementing the objectives of this Ordinance, White Deer Township is hereby divided into the following zoning districts:

- **V** Village District
- **RR** Rural Residential District
- **C** Commercial District
- **C & M** Commercial & Manufacturing District
- **A** Agricultural District
- **W** Woodland District
- **FF & FP** Flood Fringe and General Floodplain District (Overlying District)
- **FW** Floodway District (Overlying District)

201 DISTRICT PURPOSE STATEMENTS

A. **V Village District**

   It is the intent of this district to allow for the expansion of the existing villages of New Columbia, White Deer and West Milton. A variety of residential and compatible non-residential uses and activities are provided for, although higher density residential and intensive non-residential development will require the extension or installation of public or community sewer and water facilities. Authorized non-residential uses must meet specific criteria designed to maintain the residential character of the district. Churches, schools, community centers, and similar uses are also permitted to support the residential community.

B. **RR Rural Residential District**

   The purpose of this district is to provide space within the Township where low density residential uses can logically be accommodated yet not interfere with nor encroach into the agricultural or open space areas surrounding them. While public sewer and water facilities may be available in some portions of this zone, the majority of the development in this zone will be served by on-lot sewage and water systems. Extensions of public sewer and water systems into these areas should only be pursued where such infrastructure is needed to correct potential health or safety problems, as a means of preserving the rural character of this zoning district. The maintenance of existing woodlands, crop lands and open space areas is also encouraged. Multi-family or higher density residential uses are discouraged in this zoning district, as are other potentially incompatible non-residential uses.
C. Commercial District

This zoning district is established to accommodate retail and wholesale business activities and other non-residential uses serving Township residents as well as the regional market. Areas set aside for this zone include portions of the Township adjacent to the New Columbia interchange of U.S. Route 15 and the southwest quadrant of the I-80 and U.S. Route 15 interchange where uses of this nature already exist and where additional development of this type are anticipated. The regulations governing this district permit the development of a wide range of shopping, service and other commercial activities, with the exception of truck and heavy equipment sales, service or repair. Adequate off-street parking and loading areas, and appropriate buffer yards or screen plantings are required. Regulations are also included to ensure proper arrangements are made to safely accommodate the anticipated traffic volumes entering and exiting each site, and to assure the efficient movement of people and goods to and from the Township.

D. Commercial and Manufacturing District

The purpose of this zone is to protect the integrity of existing intensive commercial, manufacturing or industrial operations and to provide space for the expansion or extension of similar types of development in the Township. Most of the uses permitted in the Commercial District are provided for in this zone as are manufacturing, industrial and heavy commercial activities. The regulations governing this zone prohibit any new use which would substantially interfere with this intent. Areas identified for the Commercial and Manufacturing designation include the area east of U.S. Route 15 north of West Milton and south of New Columbia and the area east of U.S. Route 15, north of New Columbia and south of White Deer. Requirements insure that adequate buffer yards, planting strips and/or screenings are provided between the uses in this zone and other adjoining zoning districts, particularly residential areas, and all development in floodprone segments of this zone must be floodproofed.

E. Agricultural District

This district is intended to preserve and protect those areas of White Deer Township which are predominantly agricultural in use and those portions of the municipality which have the highest quality soils. Land cultivation and related agricultural production activities, including animal husbandry, are encouraged in these areas, as is the maintenance of the area's rural countryside character. The intent of such designation is to permit those lands best suited for agriculture (including pasture, grazing lands and some wooded tracts) to be utilized for that purpose and to discourage incompatible land uses from encroaching into these areas. All types of agricultural activities, including agribusinesses, and land conservation uses, are provided for, and residential uses, while allowed, are permitted only at a low density. The agricultural designation is intended to encourage farmers to invest in farm improvements and to discourage land speculation for residential development.
in these areas of the Township.

F. W Woodland District

It is the intent of this district to recognize the sizeable woodland and forested areas of the Township as a significant land use and encourage their protection from destruction, elimination or inappropriate development. This zone includes those areas of the Township designated as part of the Tiadaghton and Bald Eagle State Forests. The value of conserving land as a natural resource is acknowledged in this district, and the problems which can occur with over-utilization or improper development of such areas are recognized, including soil erosion, stream and drainageway sedimentation, water supply contamination, and loss of wildlife habitat. The regulations governing this district therefore provide for uses which will support environmental protection objectives.

G. FF & FP Flood Fringe and General Floodplain District (Overlying District)

The district is intended to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Article 6.) In these floodplain areas, development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related requirements of this and all other Township codes and ordinances.

H. FW Floodway District (Overlying District)

The purpose of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in 100 year flood heights, velocities, or frequencies will be permitted. (See Article 6.) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on 100 year flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration and the PA Department of Community and Economic Development, Office of Strategic Planning and Program Operations. Furthermore, the use of land in this floodplain district shall be governed by the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related requirements of this and all other Township codes and ordinances.
202 ZONING MAP

A. The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references and amendments. A copy of the Official Zoning Map shall be on file in the White Deer Township Municipal Building and in the office of the Township Zoning Officer.

B. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100 of this Ordinance. The final authority as to the current status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Township Board of Supervisors, and shall bear the date of the amendment and the signatures of the Chairman of the Board of Supervisors and the Township Secretary.

203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

A. Designation of District Boundaries

The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated as shown on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

B. Determination of District Boundary Locations

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto. Provided however, no boundary shall be changed by the Zoning Hearing Board. (The Zoning Hearing Board may request recommendations from the Township Planning Commission prior to making such decisions.) If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Township Supervisors.

C. Severed Lots

Where a district boundary line divides a lot which was in single ownership at the time of adoption of this Ordinance or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either zone into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided they find that such extension is consistent with the purposes of this Ordinance, including all floodplain management regulations.
The delineation of any boundary of the floodplain districts may be revised by the Township Supervisors in accordance with the amendment procedure outlined in Section 1100 of this Ordinance where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the municipality has sought and obtained approval for said change from the Federal Insurance Administration as per the National Flood Insurance Program regulations and has received a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) for the proposed boundary change.
ARTICLE 3

DISTRICT REGULATIONS

300 APPLICATION OF DISTRICT REGULATIONS

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

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

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

1. exceed the height or bulk;
2. accommodate or house a greater number of persons or families;
3. occupy a greater percentage of lot area; or to
4. have narrower or smaller rear yards, front yards, side yards or other open space;

than is required in this Article, or in any other manner be contrary to this Ordinance.

C. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements herein specified for the district in which it is located.

D. The commencement of any of the uses or activities listed in this Article (the District Regulations) shall require the issuance of a Building/Zoning Permit from the Township Zoning Officer, except as may be exempted by Section 1202 A. of this Ordinance.

301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 302-309. The use regulations are also presented by category of use in the Table of Uses which can be found at the end of this Article on pages 27 A, B, & C.
### Section 302

#### VILLAGE DISTRICT

#### USES AND STRUCTURES

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single family detached dwellings. (See 402 &amp; 403)</td>
<td>1. Uses &amp; structures customarily incidental to an approved, principal use.</td>
<td>1. Single-family attached dwelling structures, i.e. townhouses. (See 405)</td>
<td>1. Multi-family housing developments. (See 407)</td>
</tr>
<tr>
<td>2. Two-family dwellings, i.e. duplexes. (See 402)</td>
<td>2. Roadside stands. (See 426)</td>
<td>2. Multi-family dwelling structures, i.e. apartment buildings. (See 406)</td>
<td>2. Mobile home parks. (See 408)</td>
</tr>
<tr>
<td>3. Conversion apartments. (See 404)</td>
<td>3. Home occupations. (See 434)</td>
<td>3. Boarding or rooming homes. (See 410)</td>
<td>3. Residential cluster developments. (See 409)</td>
</tr>
<tr>
<td>4. Churches or places of worship.</td>
<td>4. Family day care or accessory group day care homes.</td>
<td>4. Group homes or institutional residences. (See 411)</td>
<td>4. Nursing homes or retirement villages.</td>
</tr>
<tr>
<td>5. Government or municipal buildings, or community centers.</td>
<td>5. Accessory residential uses. (See 435)</td>
<td>5. Personal care homes. (See 412)</td>
<td>5. Medical, dental or veterinary clinics.</td>
</tr>
<tr>
<td>6. Police or fire stations.</td>
<td>6. Accessory warehousing &amp; storage facilities. (See 436)</td>
<td>6. Day care centers or group day care homes. (See 413)</td>
<td>6. Public or private schools.</td>
</tr>
<tr>
<td>7. Bed &amp; breakfast establishments. (See 414)</td>
<td>7. Outside display or sale of merchandise or products. (See 438)</td>
<td>7. Clubs or fraternal organization facilities.</td>
<td>7. Utility supply facilities. (See 431)</td>
</tr>
<tr>
<td>8. Restaurants. (See 415)</td>
<td>8. Signs. (See 702)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Public or semi-public parks, playgrounds, or recreation areas. (See 430)</td>
<td>9. Off-street parking &amp; loading areas. (See 800 &amp; 801)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Land cultivation. (See 425)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Financial or professional offices.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Neighborhood retail activities. (See 415)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Funeral homes.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued on Next Page)
### Minimum Lot Requirements

(See Section 501)

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Minimum Lot Area Per Principal Structure or Use:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>a. Individual On-Lot Sewage &amp; Water, OR On-Lot Sewage &amp; Public Water:</strong></td>
<td></td>
</tr>
<tr>
<td>1) Single family detached dwellings &amp; other principal uses (except as provided below) - 30,000 sq.ft. per dwelling unit (DU) or use.</td>
<td></td>
</tr>
<tr>
<td>2) Two-family dwellings - 15,000 sq.ft. per DU.</td>
<td></td>
</tr>
<tr>
<td>3) Conversion apartments - 10,000 sq.ft. per DU.</td>
<td></td>
</tr>
<tr>
<td>4) Boarding or rooming homes, group homes or institutional residences, or personal care homes - 1 acre.</td>
<td></td>
</tr>
<tr>
<td>5) Schools or churches - 1 acre.</td>
<td></td>
</tr>
<tr>
<td><strong>b. Community Sewer &amp; On-Lot Water:</strong></td>
<td></td>
</tr>
<tr>
<td>1) Single family detached dwellings &amp; other principal uses (except as provided below) - 20,000 sq.ft. per DU or use.</td>
<td></td>
</tr>
<tr>
<td>2) Two-family dwellings - 10,000 sq.ft. per DU.</td>
<td></td>
</tr>
<tr>
<td>3) Conversion apartments - 5,000 sq.ft. per DU.</td>
<td></td>
</tr>
<tr>
<td>4) Boarding or rooming homes, group homes or institutional residences, or personal care homes - 20,000 sq.ft. + 1,000 sq.ft. per boarder, resident or client, as applicable.</td>
<td></td>
</tr>
<tr>
<td>5) Schools or churches - 1 acre.</td>
<td></td>
</tr>
<tr>
<td><strong>c. Community Sewer &amp; Public Water:</strong></td>
<td></td>
</tr>
<tr>
<td>1) Single family detached dwellings &amp; other principal uses (except as provided below) - 10,000 sq.ft. per DU or use.</td>
<td></td>
</tr>
<tr>
<td>2) Two-family dwellings - 5,000 sq.ft. per DU.</td>
<td></td>
</tr>
<tr>
<td>3) Conversion apartments - 4,000 sq.ft. per DU. (See Section 404)</td>
<td></td>
</tr>
<tr>
<td>4) Boarding or rooming homes, group homes or institutional residences, or personal care homes - 10,000 sq.ft. + 1,000 sq.ft. per boarder, resident or client. (See Sections 410, 411, &amp; 412)</td>
<td></td>
</tr>
<tr>
<td>5) Nursing homes or retirement villages - 2 acres. (See Section 412)</td>
<td></td>
</tr>
<tr>
<td>6) Single family attached or multi-family dwelling structures - 8,000 sq.ft. per DU. (See Sections 405 &amp; 406)</td>
<td></td>
</tr>
<tr>
<td>7) Multi-family housing or residential cluster developments - 5 acres. (See Section 407 &amp; 409)</td>
<td></td>
</tr>
<tr>
<td>8) Mobile home parks - 3 acres. (See Section 408)</td>
<td></td>
</tr>
<tr>
<td>9) Restaurants, business or professional offices, neighborhood retail activities, &amp; clinics - 20,000 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>10) Schools or churches - 1 acre.</td>
<td></td>
</tr>
</tbody>
</table>

### Minimum Yard Requirements

(See Section 502)

<table>
<thead>
<tr>
<th></th>
<th>Minimum Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Front Yard:</strong></td>
<td></td>
</tr>
<tr>
<td>a. <strong>Structures</strong> - 50 ft. from road C/L or 25 ft. from edge of road R/W, whichever is greater.</td>
<td></td>
</tr>
<tr>
<td><strong>b. Nonresidential Parking</strong> - 10 ft. from edge of road R/W. (No parking shall be permitted within this required setback area nor within the clear sight triangle of any road or driveway intersection.) (See also Section 800 H.)</td>
<td></td>
</tr>
<tr>
<td><strong>2. Side Yards:</strong></td>
<td></td>
</tr>
<tr>
<td>a. <strong>Principal Structures</strong> - 10 ft. each side. *</td>
<td></td>
</tr>
<tr>
<td>b. <strong>Accessory Structures</strong> - 6 ft. each side.</td>
<td></td>
</tr>
<tr>
<td>c. <strong>Nonresidential Parking &amp;/or Loading Areas</strong> - 5 ft. each side.</td>
<td></td>
</tr>
<tr>
<td><strong>3. Rear Yard:</strong></td>
<td></td>
</tr>
<tr>
<td>a. <strong>Principal Structures</strong> - 15 feet.</td>
<td></td>
</tr>
<tr>
<td>b. <strong>Accessory Structures</strong> - 10 feet.</td>
<td></td>
</tr>
<tr>
<td>c. <strong>Nonresidential Parking &amp;/or Loading Areas</strong> - 5 feet.</td>
<td></td>
</tr>
<tr>
<td><strong>4. Land Cultivation Activities:</strong> Not within the clear sight triangle of any public road or driveway intersection.</td>
<td></td>
</tr>
<tr>
<td>* <strong>NOTE:</strong> No side yard shall be required where fireproof common walls, approved by the PA Department of Labor &amp; Industry, are used.</td>
<td></td>
</tr>
</tbody>
</table>

### Maximum Height Requirements

(See Section 503)

| **1. Principal Structures:** | 40 feet. |
| **2. Accessory Structures:** | 30 feet. |
V VILLAGE DISTRICT

LOT, YARD AND OPEN SPACE REQUIREMENTS

Minimum Lot Requirements (Continued)

d. All lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State or local sewage and water regulations.

2. Minimum Lot Width:
   b. Community Sewer and On-Lot Water - 80 feet.
   c. Community Sewer and Public Water -
      1) Single family detached dwellings & other principal uses - 80 feet.
      2) Single family attached dwellings structures - 22 feet per DU (+ applicable side yard requirements).
         (See also Section 405.)

3. Maximum Building Coverage: 50%.
This page was intentionally left blank in order to preserve the desired sequence of the remaining district regulation charts.
**Section 303**

**RR RURAL RESIDENTIAL DISTRICT**

**USES AND STRUCTURES**

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single family detached dwellings. (See 402 &amp; 403)</td>
<td>1. Uses &amp; structures customarily incidental to an approved, principal use.</td>
<td>1. Two-family dwellings, i.e. duplexes. (See 402)</td>
<td>1. Residential cluster developments. (See 409)</td>
</tr>
<tr>
<td>2. Conversion apartments. (See 404)</td>
<td>2. Roadside stands. (See 426)</td>
<td>2. Group homes. (See 411)</td>
<td>2. Public or private schools.</td>
</tr>
<tr>
<td>3. Churches or places of worship.</td>
<td>3. Home occupations. (See 434)</td>
<td>3. Personal care homes. (See 412)</td>
<td>3. General agricultural activities involving the boarding or raising of livestock or poultry. (See 425)</td>
</tr>
<tr>
<td>4. Public or semi-public parks, playgrounds, or recreation areas. (See 430)</td>
<td>4. Family day care or accessory group day care homes.</td>
<td>4. Day care centers or group day care homes. (See 413)</td>
<td>4. Utility supply facilities. (See 431)</td>
</tr>
<tr>
<td>5. Land cultivation. (See 425)</td>
<td>5. Signs. (See 703)</td>
<td>5. Government or municipal buildings, or community centers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8. Cemeteries. (See 443)</td>
<td></td>
</tr>
</tbody>
</table>

(Continued on Next Page)
## Section 303

**RR RURAL RESIDENTIAL DISTRICT**

### LOT, YARD AND OPEN SPACE REQUIREMENTS

#### Minimum Lot Requirements
(See Section 501)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Area Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area Per Principal Structure or Use:</td>
<td></td>
</tr>
<tr>
<td>a. Individual On-Lot Sewage &amp; Water, OR On-Lot Sewage &amp; Public Water</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>1) Single family detached dwellings &amp; other principal uses (except as provided below)</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>2) Two-family dwellings &amp; conversion apartments - 22,500 sq.ft. per DU.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>3) Group homes or personal care homes - 1 acre + 1,000 sq.ft. per resident or client.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>4) Schools or churches - 2 acres.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>b. Community Sewer and On-Lot Water, OR Community Sewer &amp; Public Water</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>1) Single family detached dwellings &amp; other principal uses (except as provided below)</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>2) Two-family dwellings &amp; conversion apartments - 15,000 sq.ft. per DU.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>3) Group homes or personal care homes - 30,000 sq.ft. + 1,000 sq.ft. per resident or client.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>4) Schools or churches - 1 acre.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>5) Residential cluster developments - 10 acres.</td>
<td>1 acre per DU or use.</td>
</tr>
<tr>
<td>c. All lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State or local sewage and water regulations.</td>
<td>1 acre per DU or use.</td>
</tr>
</tbody>
</table>

#### Minimum Yard Requirements
(See Section 502)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Distance Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front Yard:</td>
<td>50 ft. from road C/L or 25 ft. from edge of road R/W, whichever is greater.</td>
</tr>
<tr>
<td>a. Structures</td>
<td>50 ft. from road C/L or 25 ft. from edge of road R/W, whichever is greater.</td>
</tr>
<tr>
<td>b. Nonresidential Parking - 10 ft. from edge of road R/W. (No parking shall be permitted within this required setback area nor within the clear sight triangle of any road or driveway intersection.)</td>
<td>(See also Section 800 H.)</td>
</tr>
<tr>
<td>2. Side Yards:</td>
<td>15 feet each side.</td>
</tr>
<tr>
<td>a. Principal Structures</td>
<td>15 feet each side.</td>
</tr>
<tr>
<td>b. Accessory Structures</td>
<td>10 feet each side.</td>
</tr>
<tr>
<td>c. Nonresidential Parking &amp;/or Loading Areas</td>
<td>10 feet each side.</td>
</tr>
<tr>
<td>3. Rear Yard:</td>
<td>20 feet.</td>
</tr>
<tr>
<td>a. Principal Structures</td>
<td>20 feet.</td>
</tr>
<tr>
<td>b. Accessory Structures</td>
<td>10 feet.</td>
</tr>
<tr>
<td>c. Nonresidential Parking &amp;/or Loading Areas</td>
<td>10 feet.</td>
</tr>
</tbody>
</table>

#### Maximum Height Requirements
(See Section 503)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Height Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Principal Structures</td>
<td>40 feet.</td>
</tr>
<tr>
<td>3. Agricultural Structures</td>
<td>No maximum.</td>
</tr>
</tbody>
</table>

2. Minimum Lot Width:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Width Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Community Sewer &amp; On-Lot Water, OR Community Sewer &amp; Public Water</td>
<td>100 feet.</td>
</tr>
</tbody>
</table>

3. Maximum Building Coverage: 20%.

4. Maximum Impervious Surface: 30%.
## Section 304

### C COMMERCIAL DISTRICT

#### USES AND STRUCTURES

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Wholesale, retail &amp; service business establishments, excluding truck or heavy equipment sales, service or repair facilities. (See 415)</td>
<td>1. Uses &amp; structures customarily incidental to an approved, principal use.</td>
<td>1. Shopping centers or retail complexes. (See 415)</td>
<td></td>
</tr>
<tr>
<td>2. Business, financial &amp; professional offices.</td>
<td>2. Roadside stands. (See 426)</td>
<td>2. Bars or taverns. (See 415)</td>
<td></td>
</tr>
<tr>
<td>3. Restaurants. (See 415)</td>
<td>3. Home occupations. (See 434)</td>
<td>3. Adult entertainment establishments. (See 419)</td>
<td></td>
</tr>
<tr>
<td>4. Hotels or motels. (See 415)</td>
<td>4. Accessory warehousing or storage facilities. (See 436)</td>
<td>4. Utility supply facilities. (See 431)</td>
<td></td>
</tr>
<tr>
<td>5. Automotive service stations &amp; repair shops. (See 416)</td>
<td>5. Outside display or sale of merchandise or products associated with an approved, principal use. (See 438)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Public entertainment facilities, exc. adult entertainment establishments. (See 418)</td>
<td>6. Signs. (See 704)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Medical, dental or veterinary clinics.</td>
<td>7. Off-street parking and loading areas. (See 800 &amp; 801)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Police or fire stations.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Land cultivation. (See 425)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued on Next Page)
### Minimum Lot Requirements
(See Section 501)

1. **Minimum Lot Area Per Principal Structure or Use:**
   a. **Commercial Activities & Other Principal Uses** (except as provided below) - 2 acres.
   b. **Shopping Centers or Retail Complexes** - 5 acres.
   c. **All lots** must meet the requirements of the PA Sewage Facilities Act and all other applicable State or local sewage and water regulations. In addition, each lot shall be of sufficient size to provide for all required service, access, parking, loading, & open space areas.

2. **Minimum Lot Width:** 200 feet.

3. **Maximum Building Coverage:** 40%.

4. **Maximum Impervious Surface:** 60%.

### Minimum Yard Requirements
(See Section 502)

<table>
<thead>
<tr>
<th>Minimum Yard Requirements</th>
<th>Maximum Height Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Front Yard:</strong></td>
<td><strong>1. Principal &amp; Accessory Structures:</strong> 40 feet.</td>
</tr>
<tr>
<td>a. Structures (measured from edge of R/W) -</td>
<td></td>
</tr>
<tr>
<td>1) Local streets - 35 feet.</td>
<td></td>
</tr>
<tr>
<td>2) Collector streets - 50 feet.</td>
<td></td>
</tr>
<tr>
<td>3) Arterial highways - 75 feet.</td>
<td></td>
</tr>
<tr>
<td>b. Parking Areas - 15 feet from edge of road R/W. (No parking shall be permitted within this required setback area nor within the clear sight triangle of any road or driveway intersection. Such space shall be maintained as a planting strip.) (See also Section 800 H.)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2. Side Yards:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Structures - 20 feet each side when abutting a nonresidential use; 40 feet when abutting a residential use. *</td>
</tr>
<tr>
<td>b. Parking &amp;/or Loading Areas - 10 feet each side.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>3. Rear Yard:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Structures - 30 feet when abutting a nonresidential use; 40 feet when abutting a residential use.</td>
</tr>
<tr>
<td>b. Parking &amp;/or Loading Areas - 10 feet.</td>
</tr>
</tbody>
</table>

| **4. Land Cultivation Activities:** Not within the clear sight triangle of any public road or driveway intersection. |

* **NOTE:** No side yard shall be required where fireproof common walls, approved by the PA Department of Labor & Industry, are used.
### Permitted Principal Uses & Structures

1. Enclosed or unenclosed manufacturing or industrial operations. (See 420)
2. Research and development facilities. (See 420)
3. Food processing operations. (See 420)
4. Machine shops and related service & repair facilities. (See 420)
5. Contractor's shops & yards. (See 421)
6. Wholesale, retail & service business establishments. (See 415)
7. Truck and/or heavy equipment sales, service & repair facilities. (See 415)
8. Automobile service stations & repair shops. (See 416)
9. Warehousing and enclosed storage facilities, including personal storage units. (See 417)
10. Sawmills &/or lumber yards. (See 415)
11. Distribution centers or transportation terminals. (See 420)
12. Land cultivation. (See 425)

### Permitted Accessory Uses & Structures

1. Uses & structures customarily incidental to an approved, principal use.
2. Accessory warehousing & storage facilities associated with an approved, principal use. (See 436)
3. Administrative offices associated with an approved, principal use.
4. Accessory wholesale or retail commercial sales or outlets associated with an approved, principal use.
5. Accessory storage trailers. (See 437)
6. Outside display or sale of merchandise or products associated with an approved, principal use. (See 438)
7. Signs. (See 704)
8. Off-street parking and loading areas. (See 800 & 801)

### Special Exception Uses & Structures (See Section 1001 D.)

1. Commercial communications transmitting &/or receiving facilities. (See 432)

### Conditional Uses & Structures (See Section 1101)

1. Junk yards or auto salvage operations. (See 422)
2. Municipal or residual waste landfills. (See 424)
3. Utility supply facilities. See 431)
**C & M COMMERCIAL & MANUFACTURING DISTRICT**

**LOT, YARD AND OPEN SPACE REQUIREMENTS**

### Minimum Lot Requirements
(See Section 501)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area Per Principal Structure or Use:</td>
<td></td>
</tr>
<tr>
<td>a. Industrial Activities &amp; Other Principal Uses (except as provided below)</td>
<td>2 acres</td>
</tr>
<tr>
<td>b. Industrial Parks or Complexes</td>
<td>5 acres</td>
</tr>
<tr>
<td>c. Distribution Centers or Transportation Terminals</td>
<td>5 acres</td>
</tr>
<tr>
<td>d. Junk Yards or Auto Salvage Operations</td>
<td>5 acres</td>
</tr>
<tr>
<td>(See Section 422)</td>
<td></td>
</tr>
<tr>
<td>e. Municipal or Residual Waste Landfills - 100 acres</td>
<td></td>
</tr>
<tr>
<td>(exclusive of identified floodplain areas). (See Section 424)</td>
<td></td>
</tr>
<tr>
<td>f. All lots must meet the requirements of the PA Sewage Facilities Act and</td>
<td></td>
</tr>
<tr>
<td>all other applicable State or local sewage and water regulations. In</td>
<td></td>
</tr>
<tr>
<td>addition, each lot shall be of sufficient size to provide for all</td>
<td></td>
</tr>
<tr>
<td>required service, access, parking, loading, &amp; open space areas.</td>
<td></td>
</tr>
<tr>
<td>2. Minimum Lot Width:</td>
<td>200 feet</td>
</tr>
<tr>
<td>3. Maximum Building Coverage:</td>
<td>50%</td>
</tr>
<tr>
<td>4. Maximum Impervious Surface:</td>
<td>80%</td>
</tr>
</tbody>
</table>

### Minimum Yard Requirements
(See Section 502)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front Yard:</td>
<td></td>
</tr>
<tr>
<td>a. Structures (measured from edge of R/W) -</td>
<td></td>
</tr>
<tr>
<td>1) Local streets - 35 feet</td>
<td></td>
</tr>
<tr>
<td>2) Collector streets - 50 feet</td>
<td></td>
</tr>
<tr>
<td>3) Arterial highways - 75 feet</td>
<td></td>
</tr>
<tr>
<td>b. Parking Areas - 15 feet from edge of road R/W. (No parking shall</td>
<td></td>
</tr>
<tr>
<td>be permitted within this required setback area nor within the clear</td>
<td></td>
</tr>
<tr>
<td>sight triangle of any road or driveway intersection. Such space shall</td>
<td></td>
</tr>
<tr>
<td>be maintained as a planting strip.) (See also Section 800 H.)</td>
<td></td>
</tr>
<tr>
<td>2. Side Yards:</td>
<td></td>
</tr>
<tr>
<td>a. Structures - 20 feet each side when abutting a nonresidential use;</td>
<td></td>
</tr>
<tr>
<td>40 feet when abutting a residential use. *</td>
<td></td>
</tr>
<tr>
<td>b. Parking &amp;/or Loading Areas - 10 feet each side.</td>
<td></td>
</tr>
<tr>
<td>3. Rear Yard:</td>
<td></td>
</tr>
<tr>
<td>a. Structures - 30 feet when abutting a nonresidential use; 40 feet when</td>
<td></td>
</tr>
<tr>
<td>abutting a residential use. *</td>
<td></td>
</tr>
<tr>
<td>b. Parking &amp;/or Loading Areas - 10 feet.</td>
<td></td>
</tr>
<tr>
<td>4. Land Cultivation Activities: Not within the clear sight triangle of any</td>
<td></td>
</tr>
<tr>
<td>public road or driveway intersection.</td>
<td></td>
</tr>
</tbody>
</table>

*NOTE:* No side yard shall be required where fireproof common walls, approved by the PA Department of Labor & Industry, are used.
# Section 306

## AGRICULTURAL DISTRICT

### USES AND STRUCTURES

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. General agricultural uses, inc. land cultivation &amp;/or the boarding or raising of livestock or poultry. (See 425)</td>
<td>1. Uses &amp; structures customarily incidental to an approved, principal use.</td>
<td>1. Seasonal facilities. (See 428)</td>
<td>1. Concentrated animal operations or commercial slaughter houses. (See 425 B.)</td>
</tr>
<tr>
<td>2. Commercial animal husbandry. (See 425)</td>
<td>2. Roadside stands. (See 426)</td>
<td>2. Group homes or institutional residences. (See 411)</td>
<td>2. Public or private schools.</td>
</tr>
<tr>
<td>3. Horticultural activities, inc. nurseries, greenhouses, &amp;/or tree-farming operations. (See 425)</td>
<td>3. Home occupations. (See 434)</td>
<td>3. Commercial communications transmitting and/or receiving facilities. (See 432)</td>
<td>3. Surface mining or mineral extraction operations. (See 423)</td>
</tr>
<tr>
<td>4. Roadside stands. (See 426)</td>
<td>4. Family day care homes or accessory group day care homes.</td>
<td>4. Cemeteries. (See 443)</td>
<td>4. Utility supply facilities. (See 431)</td>
</tr>
<tr>
<td>5. Agribusinesses. (See 415)</td>
<td>5. Accessory storage trailers associated with an agricultural use. (See 437)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Stables &amp;/or riding academies.</td>
<td>6. Signs. (See 705)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Veterinary clinics or hospitals, &amp;/or kennels. (See 427)</td>
<td>7. Off-street parking &amp; loading areas. (See 800 &amp; 801)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Single family detached dwellings. (See 402 &amp; 403)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Churches or places of worship.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Bed &amp; breakfast establishments. (See 414)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Public or semi-public parks, playgrounds, or recreation areas. (See 430)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued on Next Page)
### Minimum Lot Requirements
(See Section 501)

1. **Minimum Lot Area Per Principal Structure or Use:**
   - b. Principal Agriculture Uses - 2 acres.
   - c. Single Family Detached Dwellings and Other Principal Non-Agricultural Uses (except as provided below) - 1 acre per DU or use. (See also Section 425 C.)
   - d. Group Homes or Institutional Residences - 1 acre + 1,000 sq.ft. per resident or client. (See Section 411)
   - e. Veterinary Clinics or Hospitals, &/or Kennels - 2 acres.
   - f. Schools or Churches - 2 acres.
   - g. Surface Mining or Mineral Extraction Operations - 10 acres. (See Section 423)
   - h. All lots shall meet the requirements of the PA Sewage Facilities Act and all other applicable State or local sewage and water regulations.

2. **Minimum Lot Width:** 150 feet.

3. **Maximum Building Coverage:** 20%.

4. **Maximum Impervious Surface:** 30%.

### Minimum Yard Requirements
(See Section 502)

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard:</td>
<td></td>
</tr>
<tr>
<td>a. Non-Agricultural Structures - 50 feet from road C/L or 25 feet from edge of road R/W, whichever is greater.</td>
<td></td>
</tr>
<tr>
<td>b. Agricultural Structures - 100 feet from road C/L or 75 feet from edge of road R/W, whichever is greater. (See also Section 425 A.3.)</td>
<td></td>
</tr>
<tr>
<td>c. Land Cultivation Activities - Not within the clear sight triangle of any public road or driveway intersection.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yards:</td>
<td></td>
</tr>
<tr>
<td>a. Principal Non-Agricultural Structures - 20 feet each side.</td>
<td></td>
</tr>
<tr>
<td>b. Accessory Non-Agricultural Structures - 10 feet each side.</td>
<td></td>
</tr>
<tr>
<td>c. Principal &amp; Accessory Agricultural Structures - See Section 425 A.3.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard:</td>
<td></td>
</tr>
<tr>
<td>a. Principal Non-Agricultural Structures - 20 feet.</td>
<td></td>
</tr>
<tr>
<td>b. Accessory Non-Agricultural Structures - 15 feet.</td>
<td></td>
</tr>
<tr>
<td>c. Principal &amp; Accessory Agricultural Structures - See Section 425 A.3.</td>
<td></td>
</tr>
</tbody>
</table>

### Maximum Height Requirements
(See Section 503)

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Structures:</td>
<td></td>
</tr>
<tr>
<td>b. Agricultural - No maximum.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Structures:</td>
<td></td>
</tr>
<tr>
<td>b. Agricultural - No maximum.</td>
<td></td>
</tr>
</tbody>
</table>

### Notes
- All lots shall meet the requirements of the PA Sewage Facilities Act and all other applicable State or local sewage and water regulations.
**Section 307**  
**WOODLAND DISTRICT**

**USES AND STRUCTURES**

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Land &amp; forest conservation activities, inc. wildlife or nature preserves, and state forest or game lands.</td>
<td>1. Uses &amp; structures customarily incidental to an approved, principal use.</td>
<td>1. Agribusinesses. (See 415)</td>
<td>1. Commercial or institutional recreation or resort developments. (See 430)</td>
</tr>
<tr>
<td>2. Forest management or commercial timber harvesting activities.</td>
<td>2. Roadside stands. (See 426)</td>
<td>2. Commercial communications transmitting &amp;/or receiving facilities. (See 432)</td>
<td>2. Campgrounds or RV parks. (See 429)</td>
</tr>
<tr>
<td>3. Sawmills. (See 415)</td>
<td>3. Home occupations. (See 434)</td>
<td>3. Cemeteries. (See 443)</td>
<td>3. Surface mining or mineral extraction operations. (See 423)</td>
</tr>
<tr>
<td>4. Public, semi-public or private parks or recreation areas. (See 430)</td>
<td>4. Signs. (See 705)</td>
<td></td>
<td>4. Utility supply facilities. (See 431)</td>
</tr>
<tr>
<td>5. Classroom or educational facilities associated with conservation activities.</td>
<td>5. Off-street parking &amp;/or loading areas. (See 800 &amp; 801)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. General agricultural uses, including land cultivation &amp;/or the boarding or raising of livestock or poultry. (See 425)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Commercial animal husbandry. (See 425)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Horticultural activities, inc. nurseries, greenhouses, &amp;/or tree-farming operations. (See 425)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Stables &amp;/or kennels.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Seasonal facilities. (See 428)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Single family detached dwellings. (See 402 &amp; 403)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Bed &amp; breakfast establishments. (See 414)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued on Next Page)
Section 307
WOODLAND DISTRICT
LOT, YARD AND OPEN SPACE REQUIREMENTS

 Minimum Lot Requirements
(See Section 501)

1. Minimum Lot Area Per Principal Structure or Use:
   a. Land Conservation Activities & Other Principal Uses (except as provided below) - 3 acres.
   c. Single Family Detached Dwellings & Other Principal Residential Uses (See also Section 425 C.)
      1) Lots with slope of 15% or less - 3 acres. *
      2) Lots with slope exceeding 15% - 5 acres. *
   d. Campgrounds or RV Parks - 10 acres. (See Section 429)
   e. Commercial or Institutional Recreation or Resort Developments - 10 acres. (See Section 430)
   f. Surface Mining or Mineral Extraction Operations - 10 acres. (See Section 423)
   g. All lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State or local sewage and water regulations.


3. Maximum Building Coverage: 10%.

4. Maximum Impervious Coverage: 15%

* NOTE: Lot slope shall be measured from the edge of the adjoining road R/W or front property line, as applicable, to the rear property line.

 Minimum Yard Requirements
(See Section 502)

1. Front Yard:
   a. Non-Agricultural Structures - 50 feet from road C/L or 25 feet from edge of road R/W, whichever is greater.
   b. Agricultural Structures - 100 feet from road C/L or 75 feet from edge of road R/W, whichever is greater. (See also Section 425 A.3.)
   c. Land Cultivation Activities - Not within the clear sight triangle of any public road or driveway intersection.

2. Side Yards:
   a. Principal & Accessory Non-Agricultural Structures - 25 feet each side.
   b. Principal & Accessory Agricultural Structures - See Section 425 A.3.

3. Rear Yard:
   a. Principal Non-Agricultural Structures - 50 feet.
   b. Accessory Non-Agricultural Structures - 25 feet.
   c. Principal & Accessory Agricultural Structures - See Section 425 A.3.

 Maximum Height Requirements
(See Section 503)

1. Principal Structures:
   b. Agricultural - No maximum.

2. Accessory Structures:
   b. Agricultural - No maximum.
Section 308

FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)

USES AND STRUCTURES *

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Same as the underlying district, and in addition:</td>
<td>Same as the underlying district, and in addition:</td>
<td>Same as the underlying district.</td>
<td>Same as the underlying district.</td>
</tr>
<tr>
<td>1. Land cultivation. (See 425)</td>
<td>1. Uses &amp; structures customarily incidental to an approved, principal use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Horticultural activities, including nurseries, greenhouses, &amp;/or tree-farming operations. (See 425)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Public, semi-public or private recreation facilities or uses, inc. parks, playgrounds, picnic areas, or similar uses.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Temporary uses, such as carnivals or circuses. (See 441)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**NOTE:** All uses, activities, and/or development in this district shall be undertaken in strict compliance with the floodproofing requirements contained in Article 6 of this Ordinance and any subsequently-adopted Township floodplain management regulations.

(Continued on Next Page)
Section 308

FF & FP  FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)

LOT, YARD AND OPEN SPACE REQUIREMENTS

<table>
<thead>
<tr>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Height Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(See Section 501)</td>
<td>(See Section 502)</td>
<td>(See Section 503)</td>
</tr>
</tbody>
</table>

SAME AS THE UNDERLYING DISTRICT
### Section 309

**Floodway District**  
(Overlying District)

#### USES AND STRUCTURES *

<table>
<thead>
<tr>
<th>Permitted Principal Uses &amp; Structures</th>
<th>Permitted Accessory Uses &amp; Structures</th>
<th>Special Exception Uses &amp; Structures (See Section 1001 D.)</th>
<th>Conditional Uses &amp; Structures (See Section 1101)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Same as the underlying district, and in addition:</td>
<td>Same as the underlying district, and in addition:</td>
<td>Same as the underlying district, and in addition:</td>
<td>Same as the underlying district, and in addition:</td>
</tr>
<tr>
<td>1. Land cultivation. (See 425)</td>
<td>1. Accessory uses, such as yards, gardens, or pervious parking areas.</td>
<td></td>
<td>1. Water-related uses, such as docks, piers, marinas, etc. (See 442)</td>
</tr>
<tr>
<td>2. Undeveloped public, semi-public or private parks, playgrounds, or recreation areas, including hiking trails, picnic grounds, fishing, boating or swimming areas. (See 430)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Temporary uses, such as carnivals or circuses. (See 441)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
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**NOTE:** No construction, development, use, activity, or encroachment shall be permitted which will cause an increase in 100 year flood heights.  
(See also Article 6 of this Ordinance for detailed floodplain management regulations.)

(Continued on Next Page)
<table>
<thead>
<tr>
<th>Section 309</th>
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<tr>
<td>FW FLOODWAY DISTRICT</td>
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<td>(Overlying District)</td>
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**LOT, YARD AND OPEN SPACE REQUIREMENTS**

<table>
<thead>
<tr>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Height Requirements</th>
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<tbody>
<tr>
<td>(See Section 501)</td>
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SAME AS THE UNDERLYING DISTRICT
## TABLE OF USES

<table>
<thead>
<tr>
<th>USES</th>
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<td></td>
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<td>Residential</td>
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<tr>
<td>Boarding or rooming homes</td>
<td>SE</td>
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<td>Conversion apartments</td>
<td>P</td>
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<tr>
<td>Group homes</td>
<td>SE</td>
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<tr>
<td>Mobile homes on individual lots</td>
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<tr>
<td>Mobile home parks</td>
<td>C</td>
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<tr>
<td>Multi-family dwellings (apartments)</td>
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<td>Multi-family housing developments</td>
<td>C</td>
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<tr>
<td>Residential cluster developments</td>
<td>C</td>
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<tr>
<td>Single family attached (townhouses)</td>
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<td>Single family detached dwellings</td>
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<tr>
<td>Two family dwellings (duplexes)</td>
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<td>Auto service stations or repair shops</td>
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<td>Bars or taverns</td>
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<td>Commercial communications facilities</td>
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<td>Financial offices</td>
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<td>Funeral homes</td>
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<td>Grocery stores or conven. markets</td>
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<td>Heavy equipment sales, service &amp; repairs</td>
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#### USES

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#### Commercial (Continued)

- Kennels
- Lumber yards
- Neighborhood retail activities
- Personal storage warehouses
- Professional offices
- Public entertainment facilities
- Public utility service centers
- Restaurants
- Retail shopping complexes
- Sawmills
- Wholesale, retail & services businesses

#### Industrial

- Contractor's shops & yards
- Distribution centers
- Enclosed manufacturing operations
- Food processing operations
- Junk yards/auto salvage operations
- Machine shops
- Mineral extraction operations
- Munic. or residual waste landfills
- Public utility storage yards
- Research & development facilities
- Transportation terminals
- Unenclosed manufacturing operations
- Warehousing or enclosed storage

#### Agricultural

- Agribusinesses
- Animal husbandry
- Concentrated animal operations
- Conservation areas/game preserves
- Horticultural activities
- Land cultivation
- Nurseries or greenhouses
- Raising of poultry or livestock
- Roadside stands (principal use)
- Stables or riding academies
- Timber harvesting/forest management

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<table>
<thead>
<tr>
<th>USES</th>
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</table>

P - Permitted Use
SE - Special Exception Use
C - Conditional Use
ARTICLE 4
SUPPLEMENTARY USE REGULATIONS

400 PURPOSE AND APPLICABILITY

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall pertain to the identified uses.

401 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Township Supervisors to hear and decide such request as a conditional use. The Township Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 1101 of this Ordinance. In addition, the use may only be permitted if:

A. it is similar to and compatible with the other uses permitted in the zone where the subject property is located;
B. it is not permitted in any other zone under the terms of this Ordinance; and
C. it in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

402 DWELLING UNITS

All dwelling units, including single family, two-family, and multi-family units, hereafter erected or altered shall adhere to the following requirements.

A. Every dwelling unit shall conform to all applicable building, housing, electrical and plumbing codes in effect in the Township or as may hereafter be enacted.

B. Every dwelling unit shall be placed upon and firmly anchored to a permanent, frost-free foundation or footer, except as may be provided otherwise in Section 408 regarding the placement of mobile homes in mobile home parks. Such foundation shall consist of masonry construction placed upon a continuous footer set below the frost line, or other technique or methodology of demonstrated capability approved by the Township. In no event shall the dwelling unit be placed or erected upon jacks, loose blocks or other
temporary materials. (See also Section 403 for additional requirements regarding mobile homes.)

C. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the floodplain management provisions contained in Article 6 of this Ordinance.

D. In the absence of other more restrictive codes, every single family dwelling unit (whether attached or detached, including mobile homes and manufactured housing) must contain a minimum of 700 square feet of gross floor area. In the case of multi-family dwellings or other types of apartment units (including conversion apartments and accessory residential units), each dwelling unit must contain a minimum of 500 square feet of gross floor area, except for efficiency apartments, where 350 square feet of gross floor area must be provided for each unit.

403 MOBILE HOMES ON INDIVIDUAL LOTS

For the purposes of this Ordinance, a mobile home may be permitted to be placed on a lot as a permanent independent dwelling unit in any district providing for single family detached dwellings. (See Section 440 B. for mobile homes to be used as temporary quarters.) When reviewing applications for such proposals, the Township shall utilize the following criteria and may require additional information to be submitted where it is necessary to adequately protect the health, safety, and welfare of Township residents.

A. Every lot to be used for the placement of a mobile home shall have a gross area at least equal to the minimum lot size for single family detached dwellings for the district in which it is located. In addition, the unit must meet all applicable minimum setback requirements.

B. Every mobile home shall meet the minimum standards of all local building, housing, electrical, plumbing, and other codes in effect in the Township or as may hereafter be enacted. Where such standards are more restrictive than those provided herein or specifically preempt the regulations of this Ordinance, the more restrictive or preemptive requirements shall apply.

C. Each mobile home shall be placed upon and securely anchored to a permanent, frost-free foundation or footer. Such foundation shall at least minimally comply with industry standards and Federal law regarding the placement of mobile homes. In no case shall the unit be placed upon jacks, loose blocks, or other temporary materials. Furthermore, no unnecessary open space shall be left between the mobile home and the foundation, except for windows or other openings as might be necessary for floodproofing purposes. (Mobile homes being placed in the Flood Fringe or General Floodplain District must also meet the requirements of Section 602 C.2. of this Ordinance.)
D. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadman" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to meet at least minimum, industry-approved standards for wind resistance.

E. Every mobile home shall, at a minimum, utilize industry-approved permanent skirting around its entire perimeter. In no case shall bales of hay, straw, interior plywood, or other similar materials be used in place of the required skirting. Such skirting must be in place prior to the issuance of a Certificate of Occupancy.

F. Every unit which is to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Article 6 of this Ordinance. No mobile homes shall be permitted to be situated in a Floodway District.

404 CONVERSION APARTMENTS

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate a greater number of dwelling units or households shall be permitted only within a district providing for such conversion apartments. All such conversions shall meet the requirements established in the District Regulations for the applicable zoning district and the provisions set forth below.

A. The lot upon which a conversion apartment is located shall meet the minimum lot area requirements set forth in Article 3, the District Regulations, for the district in which it is to be located.

B. Conversions may only be authorized for structures which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building or structure per lot.

C. Conversions in the Rural Residential District shall be limited to two (2) dwelling units per structure, and in the Village District, to four (4) dwelling units per structure.

D. All conversions shall be subject to the gross floor area requirements set forth in Section 402 D.

E. No conversion apartment may be used for boarding purposes or as a group home.

F. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a community sewage system cannot be made, certification from the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing
sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.

G. No structural alterations designed to increase the gross floor area dimensions of the unit shall be made to the building, except as may be necessary for safety purposes or to improve handicapped accessibility.

H. Arrangements for the collection, storage and disposal of solid waste generated by the proposed conversion shall be made by the developer and submitted as part of the application for such use.

I. The yard, off-street parking, and other applicable requirements of this Ordinance shall be met.

405 SINGLE FAMILY ATTACHED DWELLING STRUCTURES

Single family attached dwelling structures (i.e. townhouse structures) shall be permitted only where specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. (Applications proposing to locate more than one single family attached dwelling structure on a single tract of land shall meet the requirements of Section 407 of this Ordinance governing multi-family housing developments.)

A. Minimum Area and Density Requirements

1. The minimum gross lot area required for each single family attached dwelling structure shall be as specified in the District Regulations, Article 3. Single family attached dwelling structures shall contain no more than eight (8) dwelling units per structure and, notwithstanding anything herein to the contrary, the overall density shall not exceed five (5) dwelling units per acre.

2. Where individual dwelling units of a single family attached dwelling structure and portions of land on which the structure is located are proposed to be subdivided and conveyed as separate lots, a minimum of 5,000 square feet shall be conveyed with each dwelling unit. In such cases the applicant shall submit sufficient documentation along with his subdivision plans which demonstrates that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Sub-Section D.6. below.)

3. Where individual dwelling units of a single family attached dwelling structure and all of the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, a minimum of 6,000 square feet shall be conveyed with each dwelling unit. (See also Sub-Section D.6. below.)
4. Where individual dwelling units of a single family attached dwelling structure are to be conveyed independently of any land area, the applicant shall demonstrate that all other requirements of the Uniform Condominium Act will be met. (See also Sub-Section D.6. below.)

5. Where individual dwelling units of a single family attached dwelling structure are proposed to be subdivided, whether or not such subdivision includes any land area, all dwelling units contained in the structure shall be part of the proposed division.

B. Minimum Lot Width

The minimum lot width for each single family attached dwelling unit shall be as specified in the District Regulations, Article 3. The minimum width required for a lot containing a single family attached dwelling structure shall vary depending upon the number of units proposed. In no case however, shall the lot width for a single family attached dwelling structure be less than the minimum required for a single family detached dwelling in the district where such structure is located.

C. Minimum Yard Requirements

The minimum yard requirements for single family attached dwelling structures shall be as specified in the District Regulations, Article 3.

D. Design Standards

All single family attached dwelling structures shall be designed in accordance with the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. In addition, the following requirements shall be met.

1. Traffic Access. No single family attached dwelling unit may access directly onto a public street. All such units must access public roadways via private internal streets or common parking areas. New streets or access drives shall be designed and constructed in accordance with the applicable standards outlined in the White Deer Township Subdivision and Land Development Ordinance.

2. Common Open Space Ownership & Maintenance. Where the conveyance of title to individual dwelling units of a single family attached dwelling structure does not include the conveyance of any land area or does not include conveyance of the entire site, the developer shall submit a plan to the Township indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space/land area associated with the building (including access drives and driveways) as a part of his application for such a use. Copies of such arrangements shall be noted on the development plan and recorded as part of every deed for such conveyances. Where no conveyance is proposed, the developer shall supply the Township with a copy of his
plans for the maintenance of all common open space areas associated with the structure and a note specifying such ownership and maintenance responsibilities shall be included on the development plan.

406 MULTI-FAMILY DWELLING STRUCTURES

Multi-family dwelling structures (i.e. apartment buildings, but excluding single family attached dwellings) shall be permitted only as specified in the District Regulations, Article 3. Every such application shall also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. (Applications proposing to locate more than one multi-family dwelling structure on a single tract of ground shall meet the requirements of Section 407 below governing multi-family housing developments.)

A. **Minimum Area and Density Requirements**

The minimum lot area required for each multi-family dwelling structure shall be as specified in the District Regulations, Article 3. No multi-family dwelling structure shall contain more than eight (8) dwelling units and, notwithstanding anything herein to the contrary, the overall density shall not exceed five (5) dwelling units per acre.

B. **Minimum Lot Width**

The minimum width required for a lot containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3.

C. **Minimum Yard Requirements**

The minimum yard requirements for multi-family dwelling structures shall be as specified in the District Regulations, Article 3.

D. **Other Requirements**

All design requirements set forth in the White Deer Township Subdivision and Land Development Ordinance and Section 405 D. of this Ordinance shall also be met.

407 MULTI-FAMILY HOUSING DEVELOPMENTS

Multi-family housing developments (the placement of more than one multi-family dwelling structure and/or more than one single family attached dwelling structure on a single tract on ground) shall be permitted only as specified in the District Regulations, Article 3. Every such application shall also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.
A. **Minimum Area and Density Requirements**

Each multi-family housing development shall contain a minimum of five (5) contiguous acres of land suitable for development. The standards set forth in Sub-Sections 405 A. and 406 A. which establish the maximum number of dwelling units permitted per structure for single family attached dwelling structures and multi-family dwelling structures, respectively, shall apply to the type of development proposed. Notwithstanding anything herein to the contrary, the overall density for such developments shall not exceed five (5) dwelling units per acre.

B. **Minimum Lot Width**

The minimum required lot width shall vary with each individual application and shall be dependent upon the number of units proposed in each structure and the proposed arrangement of buildings in the development. In no case however, shall the lot width be less than the minimum required for the district in which the development is to be located. For developments involving single family attached dwelling structures, each dwelling unit shall maintain the minimum width required in the District Regulations.

C. **Minimum Yard Requirements**

The minimum yard requirements for multi-family housing developments shall be as specified in the District Regulations, Article 3.

D. **Design Standards**

All multi-family housing developments shall be designed in accordance with the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. In addition, the following requirements shall be met.

1. **Traffic Access.** No structures within the multi-family housing development nor individual dwelling units in the development may access directly onto a public street. All such structures and dwelling units must access onto an internal road within the development. New streets and access drives shall be designed and constructed in accordance with the applicable standards outlined in the White Deer Township Subdivision and Land Development Ordinance.

2. **Street Lighting.** Each multi-family housing development shall be furnished by the developer with lighting designed to adequately illuminate driveways, walkways, streets, and intersections, and to provide for the safe movement of pedestrians and vehicles throughout the development at night. (See also Section 504 I. of this Ordinance.)

3. **Common Open Space Requirements.** A minimum of five percent (5%) of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such
open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units. All provisions of the White Deer Township Subdivision and Land Development Ordinance regarding such open space facilities shall also be met. In addition, applications for multi-family housing developments shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space areas. Copies of such arrangements shall be noted on the development plan and included in each deed or lease agreement.

E. Building Relationships

1. Arrangement of Buildings. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.

2. Maximum Length of Rows. The maximum length of any group of attached dwelling units shall not exceed 200 feet. A building group must be arranged in order to be accessible by emergency vehicles.

3. Distance Between Buildings.
   a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
   b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

4. Distance Between Buildings and Driveways.
   a. No driveway or parking lot shall be closer than 15 feet to the front of any building, nor ten (10) feet to the side or rear of any building, except that space may be provided for loading and unloading which is situated closer to the building it is intended to serve than is herein provided.
   b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

408 MOBILE HOME PARKS

Mobile home parks are permitted only in those zoning districts as specified in the District Regulations, Article 3. All proposed mobile home parks and extensions to existing parks shall also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.

Every mobile home placed in an approved mobile home park in White Deer
Township, including replacement units, shall obtain a Building/Zoning Permit prior to its placement in the mobile home park. In addition, each unit, including replacement units, must obtain a Certificate of Occupancy, as required by this Ordinance prior to being used as a dwelling unit. All additions proposed for mobile homes located in mobile home parks shall also require a Building/Zoning Permit from the Township prior to being initiated. Building/Zoning Permits for replacement units which do not exceed the length or width of the prior unit OR Permits for replacement units (including larger units) which will meet the dimensional requirements of this Ordinance may be authorized by the Township Zoning Officer. Where however, the replacement unit will exceed the length or width of the prior unit or will not meet all dimensional requirements set forth in this Ordinance, Permit authorization must be obtained from the Township Board of Supervisors.

A. Minimum Park Area and Density Requirements

The minimum gross area provided for each mobile home park shall be as specified in the District Regulations, Article 3. Overall density of the park shall not exceed five (5) mobile home lots per acre, provided that all other applicable requirements of this Ordinance can be met.

B. Mobile Home Park Lot Area and Width Requirements

1. **Minimum Lot Sizes.** The minimum mobile home lot shall contain no less than 7,500 square feet.

2. **Minimum Lot Width.** The minimum width of any mobile home lot shall be not less than 60 feet.

C. Mobile Home Lot Pad or Stand Requirements

All mobile home lots within the mobile home park shall be improved to provide durable and adequate support for the placement thereon of a mobile home and shall be properly equipped to render the lot useable. All such improvements shall be maintained in satisfactory condition by the developer or park owner. At a minimum, the following requirements shall be met.

1. The mobile home lot pad or stand shall be equal to the length and width of the mobile home proposed to use the lot.

2. The mobile home lot pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. At a minimum, each pad shall be provided with one frost-proof footer at least 16 inches in width, extending the full width of the pad, for every ten (10) feet of mobile home length.

3. Each mobile home lot pad shall be provided with anchors and tie-downs as set forth in Section 403 D. of this Ordinance thereby affording an
opportunity to secure the unit against uplift, sliding or rotation.

4. Each mobile home lot shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electrical service connections.

D. Minimum Yard Requirements

1. Setbacks from Public Roads. All mobile homes and auxiliary park buildings shall be located at least 50 feet from the centerline of any abutting public road or street or 25 feet from the edge of the road right-of-way, whichever is greater.

2. Side and Rear Yard Setbacks. All mobile homes shall be setback a minimum of 10 feet from each side lot line and no less than 15 feet from their rear lot line.

3. Minimum Distance Between Mobile Homes. Each mobile home shall be located at least 20 feet from any other mobile home in the mobile home park.

4. Minimum Distance Between Mobile Homes and Auxiliary Structures. All mobile homes shall be located at least 50 feet from any auxiliary park buildings and repair, maintenance, or storage buildings.

5. Buffer Yards and/or Screening Requirements. All mobile homes, auxiliary park buildings and other park structures shall be located at least 50 feet from the mobile home park perimeter boundary lines. If however, a suitable, attractive screening, either man-made or of natural plantings, is provided along the perimeter, this minimum buffer yard may be reduced to 25 feet. Screening may also be required to effectively and attractively conceal repair, maintenance, or storage buildings from mobile home lots, park streets, or public roads. (See also Sections 505 and 506.)

E. Design Standards

All mobile home park developments shall be designed in accordance with the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. In addition, the following requirements shall be met.

1. Traffic Access. All mobile home lots shall abut and have access on a street of the mobile home park internal street system. No individual dwelling unit shall have direct access to a public street. (See also Sub-Section E.2. below.) In addition, at the entrance intersection of the mobile home park, a 50 foot wide cartway shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.

2. Common Open Space Requirements. A minimum of ten (10) percent of
the gross park area shall be reserved by the developer as common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. All provisions outlined in the White Deer Township Subdivision and Land Development Ordinance regarding such recreation and open space facilities shall also be met. In addition, applications for mobile home parks shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space and recreation areas. Copies of such arrangements shall be noted on the development plan and included in the lease for each lot in the park.

F. Utilities and Park Facilities

1. **Sewage Facilities.** A public or private community-wide sewer system shall be utilized by the developer for collecting, conveying, treating and disposing of sewage from mobile homes, service buildings and other accessory facilities located in the mobile home park.

2. **Water Facilities.** A public or private community-wide water supply shall be used to provide water service for the mobile home park.

3. **Other Utility Systems.** Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township and the appropriate utility company. Where feasible, utility distribution and service lines in the mobile home park shall be installed underground.

4. **Solid Waste Collection, Storage and Disposal.** Arrangements for the collection, storage, and disposal of solid wastes generated by the residents of the proposed facility shall be made by the developer and submitted to the Township as a part of his application for such use.

5. **Service and Other Auxiliary Park Buildings.** Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and for the well-being of park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.

6. **Park Management.** Each mobile home park owner shall designate a manager who shall be responsible for maintaining the park in accordance with the requirements of this Ordinance and the terms and conditions of the park's approval.

G. **Rules and Regulations of the Park**

The developer shall submit a copy of the proposed rules and regulations to
be followed by tenants of the mobile home park as a part of his application for such a use. At a minimum, such regulations shall require that:

1. Each mobile home must be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials, but shall not include bales of hay, straw, interior plywood, or like materials.)

2. Each mobile home lot must be provided with a concrete entrance patio or porch, at least 200 square feet in size.

3. Garbage and trash must be placed in appropriate receptacles.

409 **RESIDENTIAL CLUSTER DEVELOPMENTS**

Residential cluster developments shall be permitted only in those zoning districts as specified in the District Regulations, Article 3. Every such application shall also meet the requirements outlined in the White Deer Township Subdivision and Land Development Ordinance as well as the standards set forth below.

Residential cluster development is an optional form of development which permits the clustering or grouping of residential structures on a single tract of ground to maximize the amount of open space which can be preserved. This form of development allows the developer to create lots smaller than otherwise provided for in this Ordinance, so long as the land saved by the reduction in lot sizes is reserved as permanent open space for the use and enjoyment of all residents of the development.

A. **Minimum Tract Area Requirements**

Each residential cluster development situated in the Village District shall contain a minimum of five (5) contiguous acres of land suitable for development. In the Rural Residential District, such developments shall contain a minimum gross lot area of ten (10) contiguous acres of land. Excluded from the determination of tract size shall be 1) all land situated in a 100 year floodplain; and 2) all land with a slope exceeding 15%.

B. **Permitted Dwelling Types**

The type of dwelling units permitted in any cluster development shall be as set forth in the District Regulations, Article 3, for the zoning district in which the development is located; that is, the Village District, single family detached dwellings, single family attached dwelling structures, two-family dwellings, and multi-family dwelling structures may be clustered, and in the Rural Residential District, only single family detached and two-family dwellings may be included in cluster developments. All units proposed shall be for sale only.

C. **Tract Density Standards**

All residential cluster developments shall be designed in accordance with the
standards of this Section, except that the maximum gross density of the district in which the development is located shall not be exceeded; that is, in Village District, the maximum allowable tract density shall not exceed 4.36 dwelling units per acre for single family dwellings, 5.81 dwelling units per acre for two-family dwellings, and 5.00 dwelling units per acre for single family attached and multi-family dwelling structures. In the Rural Residential District, the maximum gross tract density shall not exceed 1.45 dwelling units per acre for single family detached dwellings and 2.90 dwelling units per acre for two-family dwellings.

The maximum number of dwelling units per structure for single family attached and multi-family dwelling structures shall be as set forth in Sections 405 A. and 406 A. of this Ordinance.

D. Permitted Lot Area Reductions

The minimum lot area requirement for single family detached dwellings may be reduced up to 50% from the minimum established for the district in which the development is to be located, and 25% for two-family dwellings. The minimum gross lot area requirement for single family attached dwellings may be reduced to the area of the dwelling unit and for multi-family dwellings, the minimum gross lot area may be reduced to the area of the multi-family dwelling structure.

E. Minimum Lot Width

The minimum lot width required for single family detached and two-family dwellings shall be 60 feet in the Village District and 75 feet in the Rural Residential District. Width requirements for other types of dwellings shall be as set forth in the District Regulations, Article 3.

F. Minimum Yard Requirements

1. In the Village District, the minimum yard requirements for single family detached and two-family dwellings shall be:
   a. Front Yard: 40 feet from road centerline.
   b. Side Yards: 5 feet each side.
   c. Rear Yard: 10 feet.

2. Minimum yard requirements for single family detached and two-family dwellings in the Rural Residential District shall be:
   a. Front Yard: 50 feet from road centerline.
   b. Side Yards: 8 feet from each side.
   c. Rear Yard: 15 feet.

3. The minimum yard requirements for all other types of dwellings shall be as specified in the District Regulations, Article 3.
4. A 50 foot setback shall be provided around the entire perimeter of the development site. The area of this setback may be included as part of the development's required open space, however where such setback area is included as part of the required open space, it shall not then be included as part of any required lot area. If the area of this setback is not included as part of the required open space, then this area may be included as part of the required lot area.

G. Maximum Building Coverage

The maximum permitted building coverage shall be 30% and shall apply to the entire development tract, rather than to individual lots.

H. Design Standards

   a. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the tract, the character of the adjoining property, and the type and size of the proposed buildings in order to produce a liveable and economic land use pattern.

   b. Buildings shall be arranged in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the tract. Grading around the buildings shall be designed to be in harmony with the natural topography, at the same time assuring adequate drainage and safe and convenient access.

   c. In the Village District, there shall be at least 10 feet between single family detached or two-family dwellings, and in the Rural Residential District, at least 20 feet shall be provided between such structures.

   d. In general, the front or rear of any single family attached or multi-family dwelling structure shall be no closer to the front or rear of any other such structure in the development than 40 feet. And, the side of any such structure shall be no closer to the side, front or rear of any other such structure in the development than 30 feet.

   a. Access to the dwellings and circulation between the buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, adequate and convenient for the residents of the development.

   b. Access and circulation for fire fighting apparatus, furniture moving vans, fuel oil trucks, garbage collection, deliveries and snow removal
shall be planned for efficient operation and maintenance.

c. Walking distance from the main entrance of a building to a street, driveway or parking area shall be designed to be less than 100 feet. Any exception to this standard shall be reasonably justified by compensating advantages, such as desireable views and site preservation through adaptation of topography. In no case however shall the distance exceed 250 feet.

3. Yards. Yards shall assure privacy, desireable views, adequate natural light and ventilation, convenient access to and around the dwelling and other essential facilities or uses.

4. Other Design Standards. The design standards set forth in the White Deer Township Subdivision and Land Development Ordinance and Section 407 D.1 and 2 of this Ordinance shall also be met.

I. Open Space Requirements

A minimum of 50% of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the development. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or service lanes. The area shall also be easily accessible to all units in the development and shall be free of safety and health hazards. Portions of the area to be used for recreational purposes shall have suitable physical characteristics, including well-drained soils, gentle topography, and suitable shape and size.

Applications for residential cluster developments shall include a proposal indicating the ultimate ownership and maintenance of such open space areas. Where such open space is not dedicated to the Township or where such dedication is not accepted by the Township, an Agreement which assigns maintenance responsibilities for the open space and/or recreational facilities shall be submitted by the developer and approved by the Township; noted on and recorded with the final development plan; and included in the deeds for each parcel or dwelling unit within the development. At a minimum, covenants in the Agreement shall:

1. Obligate the purchasers to participate in a Homeowners Association and to support maintenance of the open space by paying assessments to the Association sufficient to cover the cost of such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

2. Obligate such an Association to maintain the open areas as well as any private streets and utilities which may have been approved within the development.

3. Empower the Township, as well as other purchasers in the development,
to enforce the covenants in the event of failure of compliance.

4. Provide that if the Township is required to perform any maintenance work in or for the open space areas, such purchasers shall pay the cost thereof and that the same shall be a lien on their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the Homeowner’s Association of which the developer (or owner, if other than the developer) shall remain a member until all lots in the development are sold. Other equivalent provisions to assure adequate perpetual maintenance may be considered and approved by the Township.

5. Guarantee that the Homeowner’s Association formed to own and maintain the open space will not be dissolved without the consent of the Township.

K. Criteria for Granting Approval of Residential Cluster Developments

In addition to the standards set forth the Section 1101 of this Ordinance for review and approval of Conditional Use applications, the following criteria shall be utilized in reviewing applications for residential cluster developments.

1. The proposed cluster development shall be in harmony with the general purpose, goals, objectives, and standards of the White Deer Township Comprehensive Plan, this Ordinance, and the Township Subdivision and Land Development Ordinance;

2. The proposed cluster development shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, safety and general welfare;

3. The proposed cluster development shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water, sewers and schools; and

4. The proposed cluster development shall not result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.

410 BOARDING OR ROOMING HOMES

Boarding or rooming homes may be permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such uses shall also meet the requirements outlined below.

A. The lot upon which the boarding or rooming home is situated shall meet the minimum area requirements established in the District Regulations for the
district in which the use is to be located.

B. Boarding or rooming facilities shall be accessory to a single family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Ordinance, the owner of the single family dwelling must occupy the unit as its legal resident.

C. Accommodations may be provided for up to six (6) additional persons, with a maximum of two (2) persons per bedroom. Such accommodations shall be for periods of one (1) week or more in duration.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall be meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all requirements of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for a boarding or rooming home.

E. The off-street parking requirements set forth in Article 8 and all other applicable standards of this Ordinance shall be met.

F. Where adjacent land use dictates, in the opinion of the approving authority, adequate buffer yards and/or screen planting shall be provided in accordance with Sections 505 and 506 of this Ordinance.

411 GROUP HOMES OR INSTITUTIONAL RESIDENCES

Group homes or institutional residences may be permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such activities shall also meet the requirements outlined below.

A. The lot upon which the group home or institutional residence is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Residents of a group home shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping responsibilities. (There shall however be a no more than two (2) persons per bedroom.)

C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. For the purposes of this Ordinance, group homes providing accommodations for more than eight (8) residents shall be considered to be institutional residences. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Adult supervision shall be provided at the facility on a 24-hour basis.
E. Applicants for group homes or institutional residences shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.

F. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.

G. The applicant shall provide a copy of his complete license application from the PA Department of Public Health, where applicable, including drawings, as a part of his application for such a use. Revocation or suspension of the State Permit shall constitute an automatic revocation of the Township Building/Zoning Permit.

H. Any Building/Zoning Permit for a group home or institutional residence shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be nontransferable.

I. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all other requirements of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for such a use.

J. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such a use.

K. Where adjacent land use dictates, adequate buffer yards and/or screen planting shall be provided in accordance with Sections 505 and 506 of this Ordinance.

L. The requirements set forth in Article 7 regarding signs and in Article 8 regarding off-street parking, loading and access drives, and all other applicable standards of this Ordinance shall also be met.

412 PERSONAL CARE OR NURSING HOMES

Personal care or nursing homes may be permitted only in those zoning districts as specified in the District Regulations, Article 3. Every application for such a use shall also meet the requirements outlined below.

A. The lot upon which the personal care or nursing home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
B. Satisfactory evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and the PA Department of Labor and Industry.)

C. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection. Nursing homes shall be served by the community sewer system and public water supplies.

D. Access to the facility shall be provided which meets the requirements set forth in Section 802 of this Ordinance for multi-family residential uses. Adequate off-street parking facilities, meeting the standards of Section 800 shall also be provided. In addition, pedestrian accessways shall be designated which are distinguished and separated from vehicular drives and parking areas.

E. Arrangements for the collection, storage and disposal of all solid wastes generated by the personal care or nursing home shall be made by the applicant and submitted to the Township for approval as a part of his application for such a use. Where determined appropriate, the Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

F. Where adjacent land use dictates, in the opinion of the approving authority, adequate buffer yards and/or screen planting shall be provided in accordance with Sections 505 and 506 of this Ordinance.

413 DAY CARE CENTERS OR GROUP DAY CARE HOMES

Day care centers, nursery schools, kindergartens, or similar operations which are licensed by the PA Department of Public Welfare to provide care for children outside of a family residence or those providing limited daytime care for adult, elderly, or handicapped persons may be permitted only as set forth in the District Regulations, Article 3. All such uses shall also meet the requirements outlined below.

A. The lot upon which the day care center is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Outdoor recreation areas of at least 100 square feet per child and 50 square feet per adult being tended shall be provided. Such areas shall be completely enclosed with at least a four (4) foot chain-link or solid fence located no less than 25 feet from the edge of any adjoining street right-of-way. A dwelling or accessory building may be used as part of the required enclosure.

C. Outdoor recreation areas shall be sufficiently screened and insulated to the extent possible to protect the neighborhood from noise and other disturbances.
D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection.

E. All other applicable codes, ordinances or laws (including regulations of the PA Department of Public Welfare, PA Department of Labor and Industry, and PA Department of Education) shall be met. Satisfactory evidence that all necessary permits or approvals have been obtained shall be submitted as part of an application for a day care center.

F. Off-street parking facilities shall be provided in accordance with the standards set forth in Section 800, and drop-off and pick-up areas shall be sufficiently separated from parking areas to avoid pedestrian/vehicular conflicts.

414 **BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments may be permitted only in those zoning districts as specified in the District Regulations, Article 3. In addition, the following standards shall also be met.

A. The lot upon which the bed and breakfast establishment is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. The operator of the facility shall reside on the premises.

C. Overnight lodging accommodations for any guest shall not exceed 14 continuous nights nor more than 60 days in any calendar year.

D. The maximum number of bedrooms in a bed and breakfast establishment shall not exceed six (6).

E. The maximum number of guests per bedroom shall not exceed two (2) adults and any children under the age of 18 accompanying them.

F. Lodging accommodations may or may not include arrangements for breakfast or other meals.

G. Dining facilities and services shall be available only to lodgers, except in the Village District, where such facilities may be open to the public.

H. Satisfactory evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and PA Department of Labor and Industry).

I. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection.
J. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of his application for such use.

K. Adequate off-street parking and loading facilities shall be provided in accordance with Sections 800 and 801 of this Ordinance.

L. Signs advertising the facility shall meet the requirements set forth in Article 7 of this Ordinance.

415 RETAIL ESTABLISHMENTS

Retail establishments shall include those facilities and personal service uses specified in the District Regulations, Article 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. Additional documentation may be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents.

A. Applications for retail establishments shall include the following information:

1. A site plan, prepared by a PA-licensed, professional land surveyor, architect or other individual of demonstrated qualification, showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site;

2. An indication that adequate sewage disposal facilities and a safe water supply will be provided;

3. An indication that access to the proposed establishment will be adequate and as required by this Ordinance (Section 802) and that the number of off-street parking spaces and loading berths required by this Ordinance (Sections 800 and 801) will be provided;

4. An indication that a buffer yard or screen planting as required by this Ordinance (Sections 505 and 506) will be provided;

5. An indication that all outdoor lighting associated with the proposed establishment will meet the requirements of Section 504 1 of this Ordinance;

6. An indication that arrangements have been made for the collection, storage and disposal of solid wastes generated by the commercial use, including arrangements for screening of proposed on-site storage facilities; and

7. An indication that all signs used to advertise such facilities will meet the requirements of Article 7 of this Ordinance.
B. No on-lot, unenclosed storage or accumulation associated with an approved commercial use shall become a nuisance or create a safety hazard. (See also Section 436 regarding accessory warehousing and storage facilities.)

C. All outside display or sale of merchandise or products associated with an approved commercial use shall meet the requirements set forth in Section 438 of this Ordinance.

416 AUTOMOTIVE SERVICE STATIONS AND/OR REPAIR SHOPS

Automotive service stations and/or repair shops may be permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 415 of this Ordinance as well as the standards outlined below, and all applicable State and federal laws.

A. No gasoline service station or automotive repair shop shall have an entrance or exit for vehicles within 300 feet of any school, playground, church or public place of assembly, nor within 40 feet of any intersection.

B. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

C. All fuel, oil, propane gas, or other similar substance shall be stored at least 30 feet from any street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)

D. All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.

E. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the PA Department of Labor and Industry and PA Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the activity.

F. Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the additional loading.

G. No more than three (3) vehicles may be offered for sale at any one time at an automotive service station or repair shop.

417 PERSONAL STORAGE WAREHOUSES

Personal storage warehouses are permitted only in those zoning districts as
specified in the District Regulations, Article 3. All applications for such uses shall meet the criteria established for retail uses in Section 415 of this Ordinance as well as the standards outlined below.

A. There shall be no commercial or residential use conducted from or occurring within such facilities. Such warehouses shall be used exclusively for the storage of personal property, goods, and materials.

B. Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in warehouse units.

418 PUBLIC ENTERTAINMENT FACILITIES

For the purposes of this Ordinance, public entertainment facilities shall include, but not be limited to, bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of enclosed recreational establishments. Such uses may be permitted only as provided in Article 3, the District Regulations. In addition, all applications for public entertainment facilities shall meet the criteria established for retail uses in Section 415 of this Ordinance as well as the standards outlined below, and all other applicable State or local requirements.

A. All such uses shall be conducted entirely within an enclosed structure.

B. Off-street parking and loading areas shall be provided in accordance with Sections 800 and 801 of this Ordinance.

C. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. (See also Article 7.)

D. Adequate measures shall be taken to prevent noise or other noxious influences from disturbing nearby residential properties, including the provision of buffer yards and/or screen plantings, as determined appropriate by the Township Planning Commission.

419 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments or facilities may only be permitted as specified in Article 3, the District Regulations. In addition, all applications for adult entertainment establishments shall meet the criteria set forth for retail uses in Section 415 of this Ordinance as well as the standards outlined below, and all applicable State or local requirements.

A. No adult entertainment establishment shall be situated or located within:

1. 250 feet of the boundary of any Residential District or residential property line;

2. 500 feet of the property line of any church, school, theater, park,
playground, or other areas where minors congregate;

3. 250 feet of the property line of any retail establishment;

4. 500 feet of the property line of any other adult entertainment establish-
   ment; nor in

5. any establishment licensed by the PA Liquor Control Board to dispense
   alcoholic beverages.

B. Advertisements, displays, or other promotional materials for adult entertain-
   ment establishments shall not be shown or exhibited so as to be visible to the
   public from any street, sidewalk or other public place.

C. All building openings, entries, exits or windows for adult entertainment estab-
   lishments shall be located, covered or screened in such a manner so as to
   prevent a view into the interior from any street, sidewalk or other public place.
   In the case of any adult drive-in or motion picture theater, viewing screens
   shall be situated so as to prevent observation from any street, sidewalk or
   other public area.

420 MANUFACTURING OR INDUSTRIAL USES

Manufacturing or industrial uses shall include those assembly or processing
operations and activities established in the District Regulations, Article 3. 
Applications for such activities shall meet the requirements outlined below as well
as the standards set forth in the White Deer Township Subdivision and Land
Development Ordinance. Additional documentation may be required where it is
dehemed necessary by the Township to protect the health, safety and welfare of its
residents.

A. Manufacturing or industrial operations shall abut on or provide direct access
   to a street or highway which is capable of accommodating the anticipated
   levels and types of industrial and employee traffic.

B. Every manufacturing or industrial operation must be contained within a
   building, except as may be authorized herein.

C. No on-lot, unenclosed storage or accumulation associated with an approved
   manufacturing or industrial use shall become a nuisance or create a safety
   hazard. Further, any outside display or sale of merchandise must meet the
   standards established in Section 438.

D. Adequate sewage and water facilities shall be provided by the developer in
   accordance with the standards of the PA Department of Environmental
   Protection. The developer shall provide sufficient documentation along with
   development plans to indicate that such service will be provided.

E. Arrangements for the collection, storage and disposal of all solid wastes
generated by the operation shall be made by the developer and submitted to the Township for approval as a part of his application for such a use. Where determined appropriate, the Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

F. Off-street parking spaces shall be provided in accordance with Section 800 of this Ordinance and off-street loading areas shall meet the requirements of Section 801.

G. Accessory sales or retail outlets may be permitted to be associated with approved principal uses, but shall be clearly incidental to the industrial use of the subject site. Where such uses are authorized, additional off-street parking shall be provided to satisfactorily accommodate the commercial activity.

H. Where determined appropriate, in the opinion of the approving authority, buffer yards and screen planting shall be provided along the entire perimeter of the site in accordance with the standards set forth in Sections 505 and 506 of this Ordinance.

I. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the manufacturing or industrial use to indicate that each of the applicable performance standards will be met.

1. **Sound.** The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.

2. **Vibration.** No vibrations shall be discernible beyond the property lines of the industry.

3. **Odor.** No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.

4. **Toxic or Noxious Matter.** No discharge beyond lot lines of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property or businesses shall be permitted.

5. **Glare.** No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.

6. **Heat.** No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.

7. **Dust and Fly Ash.** No solid or liquid particles shall be emitted in such
quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.

8. **Smoke.** No smoke shall be emitted in such quantity as would be become a nuisance.

9. **Fire, Explosion, and Chemical Hazards.** In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate fire fighting and fire suppression equipment and devices standard in the industry, or as may be required by the OSHA. Burning of industrial waste materials in open fires shall be prohibited.

10. **Radioactivity or Electrical Disturbances.** 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.

### 421 CONTRACTOR'S SHOPS AND YARDS

Contractor's shops and yards may be permitted in those zoning districts as specified in the District Regulations, Article 3. In addition, all applications for such uses shall meet the criteria set forth for manufacturing or industrial uses in Section 420 of this Ordinance as well as the standards outlined below.

- **A.** Construction, fabricating and fitting activities shall be conducted within an enclosed building or structure, unless recommended otherwise by the Township Planning Commission.

- **B.** Storage yards shall be buffered and screened from adjacent areas in accordance with the requirements of Sections 505 and 506 of this Ordinance.

### 422 JUNK YARDS OR AUTO SALVAGE OPERATIONS

All junk yards or auto salvage operations created after the effective date of this Ordinance shall comply with the provisions outlined below, as well as all other municipal regulations which may be in effect at the time of enactment of this Ordinance (including the White Deer Township Junk Yard and Refuse Ordinance, enacted May 25, 1971 and any subsequent amendments) or any other such regulations which may hereafter be enacted. Where however there is a conflict between the provisions of the Junk Yard and Refuse Ordinance and the standards established in this Ordinance, the more restrictive provisions shall prevail. In addition, the standards set forth in the White Deer Township Subdivision and Land Development Ordinance shall apply to junk yards or auto salvage operations.

- **A.** The minimum area required for a junk yard or an auto salvage operation shall be as set forth in the District Regulations, Article 3.
B. Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard and screen planting as set forth in Sections 505 and 506 of this Ordinance may be required by the Township. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

C. No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub-growth over ten (10) inches in height shall be permitted to grow within this setback area. And, where determined appropriate by the Township approving authority, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan for his facility. (See also Section 504 G.)

D. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding eight (8) feet.

E. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.

F. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vectors that could be hazardous to public health.

423 MINERAL EXTRACTION OPERATIONS

Mineral extraction operations, including the commercial excavation of sand, gravel, clay, shale, rock or other natural mineral deposit as may be defined by the Surface Mine Reclamation Act or other State or Federal regulations, may be permitted only as specified in the District Regulations, Article 3. Such operations shall comply with PA Department of Environmental Protection’s and/or applicable Federal permit requirements and evidence of such compliance must be submitted with any application for a mineral extraction operation. In addition, the following standards shall be met.

A. The minimum area required for a mineral extraction operation shall be as set forth in the District Regulations, Article 3.

B. Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties.

The Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal
roads used for access and transportation of resources, materials and products of the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. An annual renewal and update of the Building/Zoning Permit for the activity, including the amount of the bond, shall be required. The bond shall be administered in accordance with the provisions of the PA Municipalities Planning Code, as amended, relating to improvement agreements.

C. The applicant shall submit plans which indicate what precautions will be taken to avoid soil erosion and sedimentation problems wherever any excavation is proposed. The applicant shall consult the County Conservation District concerning these plans and shall obtain a report on the soil characteristics of the site and the acceptability of his erosion control plans. Exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent soil erosion, unless other erosion control techniques are approved. (See also Section 504 G.)

D. Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 50 feet and screening in accordance with Section 506 of this Ordinance shall be provided. In addition, in the case of open excavation, a fence, at least six (6) feet in height, shall completely surround the excavation area.

E. No extraction activities, stockpiling or storage of extracted material shall be located within the buffer yard required in Sub-Section D. above. In addition, no such activities shall be located closer than 100 feet to a street right-of-way line or residential dwelling, nor less than 250 feet from any stream, body of water or designated wetland.

F. The minimum performance standards contained in Section 420 I. of this Ordinance shall be met by such operations.

G. Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way and shall be subject to such additional conditions and safeguards deemed necessary by the Township Supervisors to protect the public health, safety and welfare.

H. Following the extraction operation, the applicant shall restore the area to the contour satisfactory to the Township Supervisors. The applicant shall provide plans and proposals to the Township indicating the process to be followed to bring about this restoration as a part of his application for such a use. A bond to ensure completion of the approved restoration may be required by the Department of Environmental Protection as part of the applicant’s State Mining Permit.
MUNICIPAL OR RESIDUAL WASTE LANDFILLS

Municipal or residual waste landfills may only be permitted in those zoning districts as specified in the District Regulations, Article 3, and shall be subject to the following standards as well as all applicable requirements of the PA Department of Environmental Protection (25 PA Code, Chapters 271-299 relating to Municipal and Residual Waste Regulations, or as may hereafter be amended.)

A. The minimum area required for a municipal or residual waste landfill shall be as set forth in the District Regulations, Article 3.

B. The applicant shall obtain a Permit for the proposed facility from the PA Department of Environmental Protection prior to the issuance of a Building/Zoning Permit by the Township.

C. Municipal or residual waste landfills shall abut on or provide direct access to an arterial highway capable of accommodating the anticipated type and volumes of traffic generated by the facility. Access to any such facility shall be designed to minimize danger to normal traffic and nuisance to surrounding properties. In addition, all such access roads shall at a minimum meet the requirements set forth in Section 273.213 of Chapter 273 and Section 288.213 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended.

D. Municipal or residual waste landfill sites shall be completely enclosed by a fence to prevent unauthorized access and to prevent debris from being blown from the site. In addition, all requirements relating to access control contained in Section 273.212 of Chapter 273 and Section 288.212 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be met.

E. Municipal or residual waste landfills shall not be sited in the following locations: (All distances shall be measured from the property line of the facility, except as may be otherwise indicated.)

1. within a 100 year floodplain;
2. in or within 300 feet of a wetland;
3. within 100 feet of a perennial stream;
4. in a valley, ravine or the head of a hollow where the operation would result in the elimination, pollution or destruction of a portion of a perennial stream;
5. within 1/4 mile upgradient and within 300 feet downgradient of a private or public water source;
6. within 300 feet of an occupied dwelling;
7. within 300 yards of a building owned by a school district or a school;
8. within 300 yards of a park or playground;

9. within 10,000 feet of a runway used by turbine-powered aircraft at a Federal Aviation Administration (FAA) certified airport;

10. within 5,000 feet of a runway used by piston-type aircraft at an FAA certified airport;

11. within the conical area for runway flight paths that are used by turbine-powered or piston-type aircraft;

12. within 25 feet of a coal seam, coal outcrop or coal refuse;

13. in coal bearing areas underlain by recoverable or mineable coals;

14. in areas underlain by limestone or carbonate formations where the formations are greater than five (5) feet thick and present at the topmost geologic unit; nor shall the landfill facility be located:

15. within 100 feet of a property line or the right-of-way of a public street.

F. The disposal area of a municipal or residual waste landfill shall be located at least:

1. 500 feet from an occupied dwelling;

2. 300 feet from a property line; and

3. 300 feet from the right-of-way of a public street.

G. A copy of the geology, soils and hydrology descriptions required by Sections 273.115-273.120 of Chapter 273 and Sections 288.122-127 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.

H. A copy of the water quality protection and monitoring plan required by Sections 273.151 and 273.152 of Chapter 273 and Sections 288.151 and 288.152 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, including a soil erosion and sedimentation control plan, shall be submitted as a part of an application for a municipal or residual waste landfill.

I. A copy of the gas monitoring and control plan required by Section 273.171 of Chapter 273 and Section 288.161 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.

J. A copy of the emergency contingency plan required by Section 273.181 of Chapter 273 and Section 288.171 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an
application for a municipal or residual waste landfill.

K. A copy of the postclosure land use plan and closure plan required by Sections 273.191 and 273.192 of Chapter 273 and Sections 288.181 and 288.182 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.

L. The applicant for a municipal or residual waste landfill shall demonstrate, to the satisfaction of the Township, sufficient financial responsibility for the operation of the proposed facility and the ability to provide for insurance protection for personal injury and property damage to third parties arising from the operation of the facility. A copy of the collateral and/or surety bond guarantees required by Section 271.311 of Chapter 271 and Section 287.311 of Chapter 287 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of the application for the facility.

M. The applicant for a municipal or residual waste landfill shall demonstrate to the Township that the proposed facility is appropriate and suitable for the district and the location in which it is planned.

N. In addition to the foregoing requirements, the applicant shall provide evidence that all other required governmental approvals have been granted prior to the issuance of a Building/Zoning Permit. Required improvements shall include, but are not limited to, approvals by any Federal or State agencies, storm water management plans, subdivision and land development plans (including appropriate financial guarantees), and approvals under any County or Township ordinances.

O. In the event the landfill is found to be in violation of any other governmental regulations which require that the operations of the landfill shall cease, such action shall cause the Building/Zoning Permit to be void and forfeited. No resumption of the landfill shall take place in such event unless and until the applicant submits and obtains approval of a new Building/Zoning Permit application pursuant to the requirements of this Ordinance and other municipal regulations in effect at the time that such new application is submitted.

425 AGRICULTURAL USES

Irrespective of the specific uses listed or permitted in any of the Township's zoning districts, agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in developing a use in conformance with the District Regulations set forth in Article 3. All agricultural uses initiated after the effective date of this Ordinance shall however be subject to the following safeguards and regulations.
A. General Agricultural Use Regulations

The following general regulations shall apply to all agricultural or family farming uses, as appropriate.

1. Private gardens shall be permitted in all zoning districts.

2. The boarding and raising of livestock (including cattle, horses, pigs, etc.) and poultry may be authorized in the Rural Residential, Agricultural, and Woodland Districts, but only as provided in the District Regulations. Commercial animal husbandry activities however may only be authorized in the Agricultural and Woodland Districts, and only as provided in the District Regulations. (See also Sub-section B. below regarding Concentrated Animal Operations.) In the Rural Residential District, livestock or poultry shall be limited to animals intended for personal, domestic use, unless recommended otherwise by the Township Planning Commission. (Household pets shall be exempt from these regulations. - See also Section 427.)

3. Buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall not hereafter be erected within 50 feet of a property line nor within 25 feet of a street right-of-way, except that front yard setback requirements for all agricultural structures shall be as set forth in the District Regulations. All other agricultural buildings shall be set back at least 20 feet from side and rear lot lines in an Agricultural Zone and at least 25 feet from side and rear lot lines in a Woodland Zone.

4. No outdoor feedlot, compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any occupied dwelling (other than the owner’s residence), nor closer than 50 feet to any property line, stream, water body or designated wetland.

5. All waste storage ponds, waste storage structures (including waste storage tanks and waste stacking facilities), and waste treatment lagoons established after the effective date of this Ordinance shall be planned, designed, constructed, operated and maintained in accordance with all applicable Federal and State standards and specifications. (See also Sub-Section B. below for standards pertaining to concentrated animal operations.)

6. To avoid potential safety problems, cultivation activities shall not be located within the clear sight triangle of any public street intersection.

7. For the purposes of this Ordinance, the first building constructed on a farm in the Agricultural District which is devoted to agricultural use will be considered to be the principal structure on the tract, and any subsequently constructed buildings on the same parcel which are associated with agricultural operations will be considered to be accessory structures. No land development approval will be required for the addition of such
accessory structures.

8. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

B. Concentrated Animal Operation Regulations

Concentrated animal operations (CAO) may only be permitted in an Agricultural District, and all new or expanded CAO’s shall require Conditional Use approval from the Township Supervisors prior to the issuance of a Building/Zoning Permit for the activity. In addition, all applications for CAO’s shall satisfy the following criteria.

1. All concentrated animal operations shall meet the requirements set forth in the PA Nutrient Management Regulations (effective date October 1, 1997; compliance date October 1, 1998, or as may hereafter be amended) for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management, and manure storage facilities.

2. All applications to the Township for new or expanded concentrated animal operations shall include the following information:

   a. a detailed, written description of the type and size of operation being proposed;

   b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner’s residence); and

   c. a copy of the applicant’s Nutrient Management Plan, reviewed and approved by the Union County Conservation District, their designated Nutrient Management Specialist, or other identified agent.

3. Buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall not hereafter be erected within 50 feet of a property line nor within 25 feet of a street right-of-way, except that front yard setback requirements for agricultural structures shall be as set forth in the District Regulations. All other agricultural buildings shall be set back at least 20 feet from side and rear lot lines in an Agricultural Zone and at least 25 feet from side and rear lot lines in a Woodland Zone.

4. No outdoor feedlot, compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any occupied dwelling (other than the owner’s residence), nor closer than 50 feet to any property line, stream, water body or designated wetland.
C. Non-Agricultural Use Regulations

Consistent with the Governor's Agricultural Land Preservation Policy, issued on October 14, 1997, the overall intent of these provisions is to preserve and protect the community's valuable agricultural lands from irreversible conversion to uses that result in their loss as an environmental and essential food and fiber resource. All non-agricultural subdivisions proposed in the Agricultural and Woodland Zoning Districts of the Township after the effective date of this Ordinance shall therefore be subject to the following regulations.

1. In the Agricultural and Woodland Zoning Districts, a tract of land containing ten (10) acres or less at the effective date of this Ordinance may be developed or subdivided for non-agricultural purposes in accordance with the following criteria.
   a. All non-agricultural lots shall meet the minimum lot size and dimensional requirements established in Sections 306 and 307 of this Ordinance, as applicable; and
   b. Where feasible, all non-agricultural lots should be contiguous, use a common access, and be located so as to afford the least disruption to any farm operation as possible.

2. In the Agricultural and Woodland Zoning Districts, a tract of land containing in excess of ten (10) acres at the effective date of this Ordinance, may only be developed or subdivided for non-agricultural purposes in accordance with the following criteria.
   a. The total amount of land developed or subdivided for non-agricultural purposes shall not exceed ten (10) acres or 10% of the parent tract as it existed at the effective date of this Ordinance, whichever is less;
   b. All non-agricultural lots shall meet the minimum lot size and dimensional requirements established in Sections 306 and 307 of this Ordinance, as applicable;
   c. All applications for non-agricultural subdivisions shall include plans showing the applicant’s entire allotment of non-agricultural lots either as part of the proposed subdivision or illustrated on the plot plan’s residual tract map; and
   d. Where feasible, all non-agricultural lots created from a single tract should be contiguous, use a common access, and be located so as to afford the least disruption to any farm operation as possible.

3. In the Agricultural and Woodland Zoning Districts, after the effective date of this Ordinance, tracts of land which are subdivided for agricultural purposes into parcels containing 25 or more acres shall not be further subdivided. No residential development shall be permitted on such
parcels, nor shall any such parcel be permitted as an addition to an existing lot of record for use a residential site.

426 ROADSIDE STANDS

Temporary or permanent roadside stands or shelters may be permitted in those zoning districts and as specified in the District Regulations, Article 3. Such stands may be used for the sale of farm, nursery or greenhouse products, provided the following criteria can be met.

A. Temporary stands shall not exceed 400 square feet in size and shall be removed during the season when not in use for the sale or display of products.

B. A minimum of three (3) off-street parking spaces shall be provided where a temporary roadside stand is established. The off-street parking requirements set forth in Section 800 for such structures shall apply to all permanent stands.

C. Roadside stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located.

D. All signs used to advertise such facilities shall meet the requirements set forth in Article 7 of this Ordinance.

427 KENNELS

Kennels may be permitted only as specified in the District Regulations, Article 3, and shall be subject to the requirements of the PA Dog Law, and the regulations promulgated thereunder, or as may hereafter be amended. All applications for kennels shall also meet the standards outlined below.

A. Where appropriate, the applicant shall provide proof of issuance of a kennel license from the PA Department of Agriculture prior to the issuance of a Building/Zoning Permit by the Township. Such licenses shall be renewed annually, a copy of which shall be supplied to the Township by the operator.

B. The lot upon which the kennel is located shall meet the minimum area requirements established in the District Regulations, Article 3, for the district in which the use is to be located.

C. All kennels shall be effectively screened from adjacent residential properties and shall not be detrimental to any abutting use.

D. Any and all outdoor lighting shall be mounted and shielded in such a way so as to avoid causing glare on adjacent lots or properties.

E. All outdoor kennel area shall be completely enclosed with a chain link fence or other suitable fence or wall.
F. Outdoor kennel areas shall be located at least 250 feet from any residential structure, other than the owner's dwelling.

G. Adequate arrangements shall be made by the applicant for the collection, storage and disposal of excrement, animal parts and other solid waste generated by the use to the satisfaction of the Township and the PA Department of Environmental Protection. Such arrangements shall be submitted to the Township for review as a part of the application evaluation process. Such wastes shall not create odor, dust or other noxious effects that could be considered public nuisances.

428 SEASONAL FACILITIES

Seasonal facilities may be permitted only in those zoning districts as specified in Article 3, the District Regulations. In addition, every such structure shall meet the requirements outlined below.

A. For the purposes of this Ordinance, seasonal facilities shall be defined as recreational vehicles, campers, travel trailers, motor homes or similar units placed on a lot and used on a temporary basis. No buses, trucks, tractor trailers, or similar vehicles may be permitted.

B. Every lot to be utilized for such use shall meet the minimum area and yard requirements set forth in the District Regulations, Article 3, for the district in which it is to be located.

C. No more than one seasonal facility may be placed on an individual lot, unless part of an approved campground development. (See Section 429 below.)

D. Seasonal facilities may be placed on a site for no more than 90 days in any calendar year. All such units must be removed from the site during the off-season.

E. Where a seasonal facility is to be placed on a site for more than 30 days, a Seasonal Building/Zoning Permit shall be required, and shall be renewed annually.

F. Seasonal Building/Zoning Permits for units being placed in an identified floodplain area may only be issued for periods of time between April 15 and October 15 of each year.

429 CAMPGROUNDS OR RECREATIONAL VEHICLE PARKS

Campgrounds or recreational vehicle parks may be permitted only in those zoning districts as specified in Article 3, the District Regulations. Every proposed campground or recreational vehicle park must also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.
A. General Requirements

Building/Zoning Permits shall be required for all campgrounds or recreational vehicle parks. Where such facilities are located in any designated Floodplain District, each campground shall be required to obtain an annual, Seasonal Building/Zoning Permit. (See Sub-Section D. below regarding campgrounds in Floodprone Areas.)

Campgrounds or recreational vehicle parks shall be designed for intermittent recreational use. No year-round residential occupancy of any unit in a campground shall be permitted.

B. Design Standards

1. Minimum Campground Area. A campground shall have a gross area equal to the minimum lot size required for the district in which it is to be located.

2. Camping Space Requirements.
   a. Gross Density. The maximum number of camping spaces within each campground shall be no more than 15 per acre of gross area of the campground.
   b. Minimum Camping Space Sizes. Each camping space shall contain a minimum of 1,500 square feet. The minimum width shall be not less than 30 feet and the minimum depth not less than 50 feet.
   c. Camping Units. No more than one (1) camping unit (recreational vehicle, or other similar unit) shall be located on each camping space. (Tents shall not be governed by this limitation.)
   d. Accessory Structures. No permanent accessory structures, including sheds, storage buildings, porches, privies, etc. shall be placed on camping spaces located in floodplain areas.

3. Setbacks, Buffer Yards and Screening Requirements.
   a. Park Perimeter Buffer Yard. All camping spaces and auxiliary park structures shall be located at least 50 feet from the campground boundary lines, including public road rights-of-way. If a suitable, attractive screening of natural plantings is provided along the perimeter, this minimum buffer may be reduced to 25 feet.
   b. Minimum Distance Between Structures and Camping Spaces. All camping spaces shall be located at least 30 feet from any auxiliary building.
   c. Minimum Distance Between Camping Units. Individual camping units
shall be separated by a minimum of 15 feet.

4. **Camping Space Access.** All camping spaces shall abut and have frontage on a street of the campground internal street system. (See also Sub-Part B.5 below.) In addition, at the entrance intersection of the campground, a 50 foot wide cartway shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.

5. **Campground Internal Street System Requirements.** The internal street system shall be designed and constructed in accordance with the applicable street standards outlined in the White Deer Township Subdivision and Land Development Ordinance. It shall be the responsibility of the campground owner to maintain all such streets within the campground.

6. **Off-Street Parking Requirements.** A minimum of two (2) vehicle off-street parking spaces shall be provided for each camping space. These parking spaces shall be located on the lot which they are intended to serve. One (1) additional parking space shall be provided for each five (5) camping spaces within the campground at such location(s) as will afford maximum useability.

7. **Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans).** All grading, soil erosion and sedimentation control requirements set forth in the White Deer Township Subdivision and Land Development Ordinance shall be met. (See also Section 504 G. of this Ordinance.)

8. **Drainage Facilities.** All drainage and/or stormwater management standards set forth in the White Deer Township Subdivision and Land Development Ordinance shall be met. (See also Section 504 H. of this Ordinance.)

9. **Campground Lighting.** Where determined appropriate, campgrounds shall be furnished with lighting by the developer/owner which is designed to adequately illuminate driveways, walkways, streets, and intersections, so as to provide for the safe movement of pedestrians and vehicles throughout the development at night. (See also Section 504 I. of this Ordinance.)

10. **Common Open Space Requirements.** A minimum of ten (10) percent of the gross area of the campground shall be reserved by the developer/owner as common open space for the use of all occupants of the park. At least a portion of this area shall be set aside for recreational use. Such recreation area shall be suitable for outdoor recreation activities and shall be easily accessible to all camping spaces. All provisions outlined in the White Deer Township Subdivision and Land Development Ordinance regarding such open space shall also be met. Applications for campgrounds or recreational vehicle parks shall include a proposal indicating
the ultimate ownership and maintenance responsibilities for such common open space and recreation areas. Copies of such arrangements shall be noted on the development plans and included in the lease for each camping space.

C. **Utilities and Park Facilities**

1. **Sewage and Water Facilities.** The standards of the Department of Environmental Protection for the provision of sewer and water facilities shall be met. Documents and approvals indicating that these standards have been met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the Township by the applicant. (No Building/Zoning Permit shall be issued for the campground until the sewage and water supply systems have been approved by DEP.) Where individual sewer hook-ups are not provided for each camping site, a DEP-approved community dump station must be provided by the developer for sewage disposal within the campground. It shall be the responsibility of the campground developer/owner to maintain all such facilities and comply with all local sewage regulations.

2. **Other Utility Systems.** Where electric or other utilities are to be provided, plans shall be provided by the developer/owner and approved by the Township and the applicable utility company.

3. **Solid Waste Collection, Storage and Disposal.** Arrangements for the collection, storage, and disposal of solid wastes generated by the users of the proposed campground shall be made by the developer/owner and submitted to the Township as a part of the development plan evaluation process.

4. **Service and Other Campground Buildings.** Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. Structures may be located within the Flood Fringe or General Floodplain District as long as they are adequately floodproofed, but no structures may be located within the Floodway District. (See Article 6 for floodproofing standards.)

5. **Campground Management.** During times of operation, each campground owner shall designate a resident manager who shall be responsible for maintaining the facility in accordance with the requirements of this Ordinance and the terms and conditions of the campground’s approval.

D. **Campgrounds in Floodprone Areas**

1. **Permit Requirements.** Each campground proposed to be located within a designated Floodplain District, shall be required to obtain an annual,
Seasonal Building/Zoning Permit. Such Permits will only be valid from April 15 through October 15 of each year. All units must be removed from the floodplain during the remainder of the year.

2. **Evacuation Plan.** Where campgrounds are proposed to be located within any designated Floodplain District, a workable evacuation plan must be submitted as a part of each application for a Seasonal Building/Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.

3. **Anchoring.** Camping units being placed in campgrounds located within any designated Floodplain District must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.

**430 PARKS, PLAYGROUNDS OR RECREATION AREAS**

If specific recreational facilities are not specified or regulated elsewhere in this Ordinance, the following standards shall apply.

A. All such uses shall meet the minimum area and yard requirements set forth in the District Regulations, Article 3, for the district in which they are proposed.

B. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his application for the use.

C. A statement shall be submitted by the applicant indicating the reasons why the proposed facility is appropriate for the district in which it is to be located.

D. Off-street parking facilities shall be provided in accordance with the requirements of Section 800 of this Ordinance.

E. Sewage disposal facilities, when proposed, shall be provided by the applicant in accordance with the standards of the PA Department of Environmental Protection and applicable local sewage regulations.

F. Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of his application for the use.

G. Where appropriate, outdoor security lighting shall be provided for the facility. All lighting shall be installed and shielded however to eliminate direct glare on adjacent properties or upon public streets.

H. All buildings, structures or active recreation activities shall be appropriately screened in accordance with the requirements of Section 506 of this Ordinance, fenced, or shall be setback at least 50 feet from all property lines.
I. The proposed hours, rules, and security arrangements for the facility shall be included with the application for any such use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.

J. Where the proposed activity involves a commercial or institutional recreation development which presents a potentially hazardous situation, additional precautions shall be taken by the applicant to ensure the safety of the public and such uses shall require Conditional Use approval from the Township Supervisors. In all such circumstances, the Supervisors shall review the precautions being proposed and shall determine their adequacy before authorizing the Conditional Use.

431 UTILITY SUPPLY FACILITIES

For the purposes of this Ordinance, utility supply facilities shall include those facilities, buildings and/or structures constructed and maintained by municipal or governmental agencies, public utility companies, or public service corporations, which are necessary for the provision of utility services to the general public, such as electric substations, reservoirs, water or sewage pump stations, and sewage treatment plants. (For the purposes of this Ordinance, utility supply facilities shall not include commercial communications transmitting and receiving facilities which are addressed in Section 432 below.) Utility supply facilities shall meet the following standards.

A. Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.

B. Structures may be permitted for the housing of transformers, pumps and similar equipment, but shall be subject to the setback requirements provided in the District Regulations for the district in which they are located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the systems. Office space may only be provided in the Village and Commercial Districts.

C. Outdoor or unenclosed storage yards associated with utility supply facilities may only be situated in the Commercial and Manufacturing District. When authorized, such storage areas shall be enclosed with a fence and shall be shielded from public view by the use of screen planting. In addition, where adjacent land use dictates, in the opinion of the approving authority, buffer yards of 25 feet may also be required to provide sufficient separation of uses. (See also Sections 505 and 506.)

432 COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES

For the purposes of this Ordinance, communications transmitting and/or receiving facilities shall include all forms of transmitting and/or receiving antennae, dishes, or devices and the poles, masts, towers or other structures which support them,
as well as any buildings which may be necessary for the operation or maintenance of such uses. Privately-owned and operated communications transmitting and/or receiving antennae may be permitted to be located in any zoning district as an accessory use, while commercial communications transmitting and receiving facilities may only be situated in a Commercial and Manufacturing, Agricultural, or Woodland District, but may be authorized as either a principal or accessory use. (See also Article 3, District Regulations.) All other such facilities shall be subject to the standards outlined below, as well as all other applicable provisions of this Ordinance.

A. No person or entity shall construct, install or otherwise operate a communications transmitting and/or receiving antenna without first securing a Building/Zoning Permit from the Township Zoning Officer, except as set forth above.

B. The applicant for a commercial communications transmitting and/or receiving facility shall provide sufficient documentation that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennae. The applicant shall also demonstrate that the proposed tower and antennae proposed to be mounted thereon will comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation, and applicable Airport Zoning regulations.

C. All applicants for free-standing communications transmitting and/or receiving towers shall submit evidence to the Township showing that all shared-use options with existing communications towers have been exhausted.

D. Free-standing accessory communications transmitting and/or receiving towers and/or antennae shall meet all setback requirements for the district in which they are to be located or shall be setback a distance equal to their height, whichever is greater. No such structure may be located in a front yard nor in the street side yard of a corner lot. Where such facilities are to be co-located on an existing structure, no additional setback requirements shall be applied provided that the antennae can be situated on the structure to avoid creating safety hazards and no other buildings or structures (excluding utility structures) are located within any potential "fall zone".

E. All communications transmitting and receiving antennae shall be supported, anchored, and installed in accordance with accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the require enclosure. (See also Sub-Section I. below.)

F. Communications transmitting and/or receiving towers may only be exempt from the height regulations of this Ordinance where their setback from all property lines is equal to or greater than their height. (See also Section 503.)
In any case, the applicant shall demonstrate that the proposed height of the communications tower is the minimum necessary to perform its intended function.

G. No signs or lights shall be mounted on a communications tower, except as may be required by the FCC, FAA, or other governmental agency which has jurisdiction.

H. Structures permitted for the housing of equipment, transformers, and other similar provisions, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback and height requirements provided in the District Regulations for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations. Office space may only be provided in the Village and Commercial Districts.

I. The site of a commercial communications tower shall be secured by a fence at least eight (8) feet in height to limit accessibility by the general public.

J. Outdoor or unenclosed storage yards associated with communications transmitting and receiving facilities may only be situated in the Commercial and Manufacturing District. When authorized, such storage areas shall be secured with a fence and shall be shielded from public view by the use of screen planting. In addition, where adjacent land use dictates, in the opinion of the approving authority, buffer yards of 25 feet may also be required to provide sufficient separation of uses. (See also Sections 505 and 506.)

K. If a commercial communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the facility within 6 months following the initial 12-month period.

L. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any Federal Communications Commission-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the Supervisors of White Deer Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Sub-Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

433 SWIMMING POOLS

A. Private Swimming Pools

Private swimming or bathing pools (pools used by the occupant and his guests) may be permitted as accessory uses in all zoning districts, but must comply with the following requirements.
1. Every outdoor private swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of four (4) feet of the walls around the entire perimeter of the pool are located above the ground; provided, that steps, ladders and other means of access to the pool are removed or secured to a minimum of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or locking devices.

2. A dwelling or accessory structure may be used as part of the required enclosure.

3. A permanent fence or enclosure as set forth above shall be in place around the pool prior to its use.

4. The pool shall not be located within any required front yard nor closer to any side or rear property line than is established for accessory structures in the district where the pool is located.

B. Public Swimming Pools

Public swimming or bathing pools shall be defined as those facilities available for use by the public, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with motels, commercial lodging facilities, or mobile home parks. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection. And, for the purposes of this Ordinance, such uses shall be considered to be Recreational Facilities and shall be governed by the provisions of Section 430.

434 HOME OCCUPATIONS

Home occupations may be permitted as accessory uses in all zoning districts, except the Commercial and Manufacturing District, unless such activities are prohibited by special deed restrictions. All such activities shall comply with the following requirements.

A. The area devoted to the permitted home occupation shall be located entirely within the owner’s dwelling and shall not occupy more than 25% of the gross floor area of the dwelling, up to a maximum of 600 square feet. The use of a detached structure for the location of a home occupation must be approved by the Zoning Hearing Board as a Special Exception, and occupations so located may not occupy more than 600 square feet of gross floor area.

B. The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling.

C. Persons engaged in a permitted home occupation shall be limited to the
members of the household of the operator residing on the premises and not more than one (1) additional non-resident employee.

D. A majority of all goods and products sold on the premises shall be produced on the premises. Such limitation shall not however pertain to service-oriented home occupations.

E. A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safety of the neighborhood in which the use is located.

F. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.

G. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.

H. There shall be no exterior display or sign, except as may be permitted in Article 7, and no outside or unenclosed storage of materials associated with the business on the premises.

I. A minimum of two (2) additional off-street parking spaces shall be provided for all home occupations.

ACCESSORY RESIDENTIAL USES

For the purposes of this Ordinance, accessory residential uses shall include apartments or dwelling units above or adjoining principal commercial uses in the Village and Commercial Districts. Every such proposed use shall also meet the requirements outlined below.

A. All such uses must remain secondary to the principal commercial use of the structure.

B. The minimum gross floor area requirements set forth in Section 402 of this Ordinance shall be met.

C. The off-street parking requirements set forth in Section 800 of this Ordinance shall be met for both the commercial and residential uses.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the addition of the dwelling unit(s) and shall meet the requirements of the PA Department of Environmental Protection.

ACCESSORY WAREHOUSING AND STORAGE FACILITIES

Warehousing and/or storage facilities accessory to an approved, principal use may be permitted in the Village, Commercial or Commercial and Manufacturing Districts,
but shall be subject to the following standards.

A. In the Village District, such facilities shall contain no more than 1/2 of the gross floor area of the structure to which they are accessory. No containers, buses, mobile homes or trailers shall be used for such storage.

B. In the Commercial and Commercial and Manufacturing Districts, accessory storage may also include facilities for no more than two (2) temporary storage containers. (The area of all such containers shall also be included when calculating the percentage of building coverage and impervious surface for the site.)

C. There shall be no residential use of accessory warehousing or storage facilities.

D. Accessory storage facilities shall not be located in the area between the front of a site’s principal building and the street, and shall be situated so as to meet the applicable side and rear yard requirements of the district in which they are located.

437 ACCESSORY STORAGE TRAILERS

For the purposes of this Ordinance, an accessory storage trailer shall be defined as that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used or is being proposed for use for storage purposes, either temporarily or permanently. No buses or mobile homes may be used as accessory storage trailers. The following standards shall be applied to such uses.

A. Storage trailers may only be permitted as accessory uses in the Commercial and Manufacturing and Agricultural Districts. Such units must be used for storage purposes and all unused or vacant units must be removed from the site.

B. In the Commercial Manufacturing District, temporary storage trailers may be placed on a site for no more than 30 days in any six (6) month period. There shall be no time limit for temporary units placed on a site in the Agricultural District so long as the units remain located on the agricultural land they are serving.

C. Where such units are to be permanent, the suspension system under the trailer shall be removed and the unit shall be placed on a foundation or shall be otherwise affixed to the ground. Where such unit is to be used for agricultural purposes however, wheels may be left on the unit as a means of facilitating its use for such activities.

D. There shall be no residential use of accessory storage trailers.

E. No more than two (2) such units may be permitted to be located on a single
tract of ground.

F. Permitted storage trailers, whether temporary or permanent, must meet all applicable setback requirements for the district in which they are located and shall be situated on the site so as to be as inconspicuous as possible.

G. No accessory storage trailers shall be permitted in the Floodway District. When located in any other designated floodplain area, all such units shall be floodproofed in accordance with the standards set forth in Article 6 of this Ordinance.

438 OUTSIDE DISPLAY OR SALE OF MERCHANDISE OR PRODUCTS

For the purposes of this Ordinance, outside display or sale of merchandise or products may only be authorized as accessory to an approved, principal use in the Village, Commercial, and Commercial and Manufacturing Districts and shall be subject to the following standards.

A. Such displays shall not constitute a nuisance nor create a safety hazard.

B. All such displays shall be situated so as to meet the applicable front, side and rear yard setback requirements of the district in which it is located.

C. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such display.

D. No display areas shall be placed in a clear sight triangle nor shall they obstruct the area of a clear sight triangle.

E. In no case shall the display cause the lot to become a junk yard nor shall such accumulation become an independent commercial operation.

F. No perpetual outside displays or sales shall be permitted, except where such display is a necessary part of an approved, principal use.

439 JUNKED OR ABANDONED MOTOR VEHICLES

For the purposes of this Ordinance, the placement or accumulation of junked or abandoned motor vehicles on any property shall meet the following standards. In addition, the provisions of Section 422 of this Ordinance shall apply.

A. No more than one (1) junked or abandoned motor vehicle (a motor vehicle which bears no current license and inspection, or is in inoperable condition) may be stored outside of an enclosed structure in any district and only if such vehicle is associated with an existing or approved legitimate business operation or is completely covered by a non-transparent tarp.

B. No accumulation of disabled or unusable farm-related vehicles or equipment
shall be permitted.

C. No more than one (1) motor vehicle may be offered for sale at any given time from a residential property. All such vehicles must however be in operable condition.

440 TEMPORARY USES AND STRUCTURES (SEE ALSO SECTION 441)

A. Circuses, Carnivals or Open-Air Cultural, Religious, or Sporting Events

Temporary uses such as carnivals, circuses or other open-air cultural, religious, or sporting events may be permitted in the Village, Commercial and Manufacturing, or Agricultural Districts. A Temporary Building/Zoning Permit shall be required to be issued by the Zoning Officer for such a temporary use or activity. Such Temporary Permit shall be valid for no more than 14 days and shall not be issued until the applicant has met the following requirements.

1. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from the owner of the property in which he agrees to the temporary use of his property.

2. The applicant shall carry liability insurance in the amount of $2 million for each event. Evidence of such insurance shall be submitted as a part of the Permit application.

3. The site of such temporary use shall not be left unattended by the applicant or agents of the applicant at any time during which the use is located on the site.

4. Information concerning water supply and sewage disposal facilities to be used shall be presented by the applicant with assurance from the PA Department of Environmental Protection that these arrangements are adequate.

5. Any solid waste generated by the temporary use shall be collected and disposed of in an acceptable fashion by the applicant.

6. The applicant shall assure the Township that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the PA Department of Health to do so.

7. Assurance shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.

8. All wagons, tents, temporary structures, animals and any other materials brought to the site, as well as all debris or refuse generated by the event, shall be removed by the applicant within the time limit stated on the Temporary Permit and prior to vacating the site.
9. The application shall include a pedestrian and vehicular circulation plan assuring the safe movement of people and materials into, around and away from the proposed site.

The Zoning Officer shall note on the Temporary Permit or attach to the Permit application, information that demonstrates that the applicant has agreed to or complies with all requirements of this Section. The Zoning Officer shall inspect the site as necessary to ensure that the provisions of the Permit are adhered to.

B. Mobile Homes

Mobile homes providing temporary quarters for residential use may be permitted in the Township, but must be authorized by the Township Supervisors and may only be permitted for limited periods of time. When so authorized, such units shall be subject to the following standards.

1. A Temporary Building/Zoning Permit shall be required for the placement of any new mobile home, and when issued, shall indicate the specific period of time for which the authorization is granted. No Temporary Permit for such uses shall be issued for a period of time exceeding one (1) year, except as provided in Sub-part 3 below.

2. No Temporary Permit shall be required where the mobile home being used on a temporary basis already exists on the site and is to be removed upon completion of new construction. In this case however, the applicant shall be required to execute an "Agreement to Remove Structure and Performance Bond" with the Township prior to receiving a Building/Zoning Permit for the new construction.

3. The Township Supervisors may grant an extension to renew the Temporary Permit or extend the Agreement for as many as two (2) additional 90 day periods, if in their opinion the applicant encountered unforeseen circumstances in carrying out the operation for which the original Temporary Permit was issued, or if the refusal of an extension would cause an undue hardship to the applicant.

4. Where applicable, information concerning water supply and sewage disposal facilities to be used shall be presented to the Township by the applicant as part of his Building/Zoning Permit application, along with assurance from the PA Department of Environmental Protection or Township Sewage Enforcement Officer that these arrangements are adequate.

5. No foundation shall be required for the placement of a mobile home being authorized under this Section.

6. All such mobile homes shall be removed from the site by the applicant upon expiration of the Permit or according to the provisions or the
Agreement, as applicable, at no cost to the Township.

7. Mobile homes shall not be placed in the Floodway District. Every such unit to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Article 6 of this Ordinance. (See also Section 441 below.)

C. Construction Trailers

Trailers providing temporary quarters during commercial, industrial or institutional construction, including highway, bridge or utility supply construction projects, may be permitted by the Township, but shall require the issuance of a Temporary Building/Zoning Permit by the Zoning Officer. There shall be no residential use of construction trailers, either permanently or temporarily.

441 TEMPORARY USES IN FLOODPLAIN AREAS

A Temporary Building/Zoning Permit may be issued for a temporary use such as a carnival, circus or open-air cultural or sporting event in any designated floodplain area of the Township. An applicant for such a Temporary Permit shall be subject to the standards of Section 440 A. above. In addition, if there is a threat of flooding or a flood warning is issued by the County Flood Warning System or National Weather Service, all wagons, tents, temporary structures, animals and other materials shall be removed completely from the 100 year floodplain. This shall be done promptly before the threat of flood becomes a reality.

442 DOCKS, PIERS AND OTHER WATER-RELATED USES

Docks, piers, and other water-related uses may be permitted in or along the Susquehanna River and other streams or water bodies in White Deer Township, but shall be subject to all applicable rules and regulations of the Federal Emergency Management Agency, the PA Department of Environmental Protection, and the PA State Fish and Boat Commission. In addition such uses must adhere to the following standards.

A. Docks and all other water-related uses shall be installed so that they create no rise in the 100 year flood level. When there is a threat of a flood, docks shall be removed from the floodplain.

B. Docks must be removed from the floodplain by their owner during the off-season.

C. Docks shall be located no closer than 100 feet to any other dock.

D. No variance shall be granted to any of the requirements of this Section which would cause a rise in elevation of the 100 year flood or be contrary to the requirements of the National Flood Insurance Program.
443 CEMETERIES

Cemeteries may be permitted only as authorized in the District Regulations, Article 3, and shall be subject to the following standards. For the purposes of this Ordinance, such standards shall be utilized for both public or private burial facilities.

A. The minimum area required for a cemetery shall be 5,500 square feet. An additional 40 square feet shall be required for each burial plot exceeding the minimum number. (See Sub-Section B. below.)

B. Every burial plot shall have a minimum dimension of 4 feet by 8 feet, and a minimum of four (4) burial plots shall be required for a cemetery.

C. Cemeteries shall be set back 50 feet from any street right-of-way or waterway, and 25 feet from all side and rear lot lines.

D. Private cemeteries shall be for the use of immediate family members only.
ARTICLE 5
SUPPLEMENTARY LOT REGULATIONS

500 PURPOSE

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout the Ordinance.

501 GENERAL LOT REQUIREMENTS

A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.

B. No part of a yard, or other open space, or off-street parking area or loading space required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, except as may be authorized in Section 504 A.

C. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other land development approved pursuant to the requirements of the White Deer Township Subdivision and Land Development Ordinance.

D. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and rear lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 75 feet.

E. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.

F. Every lot created hereafter shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the White Deer Township Subdivision and Land Development Ordinance.
502 YARD REQUIREMENTS

A. Projections

1. Chimneys, fireplace flues, cornices, eaves, gutters, uncovered stairs, bay windows, or other architectural features may project into any required yard, but not more than 36 inches. Such projections may also be no closer than five (5) feet to any property line.

2. Porches, patios, decks and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard setback area.

B. Front Yards

1. Front yard setbacks shall be as set forth in Article 3, the District Regulations, and shall be measured from either the centerline of the adjoining street or from the edge of the adjoining street right-of-way, as provided in the District Regulations. Where however, a lot has no road frontage or in the case of a "flag" lot, the front yard requirement shall be equal to either the front yard setback specified in the applicable district or 25 feet, whichever is greater. In the case of a lot with no road frontage, the front yard requirement shall be measured from the edge of the front property line, and in the case of a "flag" lot, the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.

2. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be equal to the depth of the improved lot which is closest to the street right-of-way.

3. Where an addition is proposed for an existing principal residential building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required front yard than the existing structure, and is no closer than 10 feet to the edge of the adjoining street right-of-way or front property line where the lot has no road frontage.

4. Accessory buildings or structures may not be erected or located within any required front yard, except for fences (as provided in Section 504 C. below), signs (as regulated in Article 7) or as may be otherwise provided in Article 4 for specific uses. (See also Section 504 B. for additional criteria pertaining to accessory buildings or structures.)

5. Off-street parking and loading areas may be located within a required front yard, but only as provided in Article 3, the District Regulations.
C. **Side Yards**

1. On a corner lot, the side yard abutting the street shall have a depth equal to the front yard setback required for the district in which the lot is located. The remaining two (2) yards shall be considered as side yards.

2. Where a single lot extends from one street along its front lot line to another parallel or nearly parallel street along its rear lot line, both yards abutting the streets shall have a depth equal to the front yard setback required for the district in which the lot is located. The remaining two (2) yards shall be considered as side yards.

3. Accessory buildings or structures may be erected or located within required side yards, but only as provided in Article 3, the District Regulations. (See also Section 504 B. for additional criteria pertaining to accessory buildings or structures, and Section 504 C. regarding fences.)

4. Off-street parking and loading areas may be located within a required side yard, but only as provided in Article 3, the District Regulations.

D. **Rear Yards**

1. Accessory buildings or structures may be erected or located within required rear yards, but only as provided in Article 3, the District Regulations. (See also Section 504 B. for additional criteria pertaining to accessory buildings and structures, and Section 504 C. regarding fences.)

2. Off-street parking and loading areas may be located within a required rear yard, but only as provided in Article 3, the District Regulations.

### 503 HEIGHT REGULATIONS

A. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height is necessary to accomplish their intended purpose. (See also Sub-Section D. below.)

B. Height regulations shall not apply for agricultural or industrial structures such as barns, silos, grain elevators, cooling tanks, discharge stacks, water storage tanks or similar types of structures generally erected to heights exceeding the maximum limits established in the District Regulations for these zones, but only where their setback from all property lines is equal to or greater than their height. (See also Sub-Section D. below.)

C. Communications transmitting and/or receiving towers may also exceed the height regulations contained in Article 3, but only where their setback from all
property lines is equal to or greater than their height. (See also Sub-Section D. below.)

D. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration.

504 MISCELLANEOUS PROVISIONS

A. Two or More Principal Uses in the Same Building

When two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 434), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Ordinance or authorized as part of a land development approved pursuant to the requirements of the White Deer Township Subdivision and Land Development Ordinance.

B. Accessory Buildings or Structures

An accessory building(s) or structure(s) may be maintained in conjunction with any permitted principal use provided that the following criteria are met:

1. The total area occupied by accessory buildings or structures on a lot in the Village or Rural Residential Districts shall not exceed ten percent (10%) of the subject parcel. (Accessory agricultural buildings and structures shall be exempt from these standards.)

2. All accessory buildings or structures shall be setback in accordance with the yard requirements established in Article 3, the District Regulations. In addition, accessory structures shall be separated by a minimum of 10 feet from all structures, including other accessory structures. And, in the Village and Rural Residential Districts, no storage or utility building shall be located in front of its principal structure.

3. No manufactured housing, mobile home units, travel trailers, buses or similar units may be used as accessory buildings or structures. Accessory storage trailers may however be permitted in the Commercial and Manufacturing and Agricultural Districts as set forth in Section 437 of this Ordinance.

C. Fences and Walls

1. No fence or wall exceeding six (6) feet in height shall be erected within any of the yards required by this Ordinance, except in the Commercial and Commercial and Manufacturing Districts where security fences may be up to ten (10) feet in height. In addition there shall be no height
limitation for agricultural fences. (See also Sub-Section C.3 below.)

2. Fences or walls not exceeding six (6) feet in height may be permitted to be located within any required yards. The placement of such fences or walls on a property line shall however require written mutual consent between adjoining property owners. A copy of such mutual consent shall be submitted to the Township along with the application for placement of the fence or wall. In no case however shall agriculture or pasture fencing be placed within three (3) feet of an occupied dwelling(s). (See also Sub-Section C.3 below.)

3. In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 504 D. below.

4. Fences having only one finished side shall be installed so that the finished side faces out or away from the subject property.

5. All fences to be placed in an identified floodplain area shall meet the floodplain management regulations set forth in Article 6 of this Ordinance.

D. Obstructions to Vision at Street or Driveway Intersections

1. No fence, wall, sign or other structure shall be erected or altered and no hedge, shrub, tree, or other growth shall be maintained which may cause danger to traffic on a street or road by obscuring a driver's view at a street or driveway intersection.

2. At all street and/or driveway intersections, no obstruction or planting measuring higher than 30 inches or hanging lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street and/or driveway intersections formed by lines of sight between points which are a specified distance from the intersection of the street and/or driveway centerlines. These distances shall be as follows:

   a. For the intersection of two (2) streets, the distance from the intersection of the street centerlines shall be 75 feet.

   b. For the intersection of a street and a driveway serving no more than two (2) lots, the minimum distance shall be 50 feet. The minimum distance shall be 75 feet for the intersection of a street and a driveway serving three (3) or more lots.

E. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in Article 3, the
District Regulations, for the district in which the lot is located.

F. **Maximum Impervious Surface**

The percentage of the lot covered by impervious surfaces, i.e. buildings, structures, and any area in concrete, asphalt or other similar material which will not absorb precipitation (including parking areas, driveways, roads, and sidewalks), shall not be greater than is permitted in Article 3, the District Regulations, for the district in which the lot is located.

G. **Erosion and Sedimentation Control**

All erosion and sedimentation control requirements set forth in the White Deer Township Subdivision and Land Development Ordinance and the Department of Environmental Protection's, Title 25, Chapter 102, "Erosion Control", or as may hereafter be amended, shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Building/Zoning Permit.

H. **Drainage and Stormwater Management**

All drainage and/or stormwater management standards set forth in the White Deer Township Subdivision and Land Development Ordinance and the PA Stormwater Management Act (or as may hereafter be amended), shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Building/Zoning Permit. As per the requirements of the State Stormwater Management Act, the post-development run-off rate of the site shall not exceed the tract’s pre-development run-off rate.

I. **Outdoor Lighting on Private Premises**

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets.

**505 BUFFER YARDS**

A. Where a commercial or industrial use located in the Commercial District or the Commercial and Manufacturing District (commenced after the effective date of this Ordinance) abuts a residential use, a buffer yard of at least 40 feet in width shall be required, unless provided otherwise in Article 3, the District Regulations, or Article 4, the Supplementary Use Regulations. Such buffer yard shall be a part of the commercial or industrial installation and shall be maintained by that property owner.

B. Where any use (commenced after the effective date of this Ordinance) abuts a stream, drainage channel, or delineated wetland area, a buffer yard of at least 50 feet in width shall be required. The yard shall be measured from the nearest edge of the stream, channel or wetland. (See also Section 602 A.3.)
C. Buffer yards required for residential uses shall be not less than 15 feet in width, unless provided otherwise in Article 4, the Supplementary Use Regulations, of this Ordinance.

D. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within buffer yards, screening shall be accomplished in accordance with Section 506 below.

E. A buffer yard may be considered as part of the required yard space.

F. No structure, storage of materials, or off-street parking and/or loading areas shall be permitted in a required buffer yard; however, access drives and utilities may cross such yards.

506 SCREEN PLANTING

A. Screen planting may be required as provided in Article 4, the Supplementary Use Regulations, or where determined appropriate or necessary by the applicable Township approving authority, to serve as a barrier to visibility, glare, and noise between adjacent properties.

B. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, in two (2) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purpose.

C. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.

D. Screen planting shall be placed so that, at maturity, it will be no closer than three (3) feet to any street right-of-way line or property line.

E. In accordance with the provisions of Section 504 D., a clear sight triangle shall be maintained at all street intersections and where driveways or private accessways intersect public streets.

F. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements.

G. Where a commercial or industrial use located in the Commercial District or the Commercial and Manufacturing District (commenced after the effective date of this Ordinance) abuts an existing residential use, all required screen planting shall extend the entire length of the common boundary, unless authorized otherwise by the Township Supervisors during their consideration of the commercial or industrial land development plan.

H. In lieu of the provision of screen planting as detailed above, the Supervisors may consider the use of a fence or wall at least six (6) feet in height as an
appropriate barrier to potentially objectionable noise, glare or visibility between two adjacent properties.
ARTICLE 6
SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

600 GENERAL PROVISIONS

A. Purpose

The purpose of these provisions is to:

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

2. encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;

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

4. reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

B. Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance, including Section 1202 pertaining to Building/Zoning Permits, and any other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

C. Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires.

D. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such areas,
Basis for Floodplain Districts

A. Identification

The identified floodplain shall be those areas of White Deer Township which are subject to the 100 year flood, as identified in the Flood Insurance Study (FIS) dated March 1979, and the accompanying maps, which became effective September 28, 1979, prepared for the Township by the U.S. Department of Housing and Urban Development (DHUD) and/or the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

For the purposes of this Ordinance, the Flood Fringe and General Floodplain Districts shall be overlays to the existing underlying districts as shown on the Township's Official Zoning Map. A such, the provisions for these districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

B. Description of Floodplain Areas

The identified floodplain shall consist of the following specific areas:

1. The Floodway District includes all those areas of the 100 year floodplain identified as "floodway" in the FIS prepared by DHUD and/or FEMA. The term shall also include those areas which have been identified as floodway in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.

2. The Flood Fringe District includes all the remaining portions of the 100 year floodplain where a floodway has been delineated in the FIS.

The basis for the outermost boundary of this District shall be the 100 year flood elevations as shown on the flood profiles contained in the FIS.

3. The General Floodplain District includes areas identified as Zone A in the FIS for which no 100 year flood elevations have been provided. When available, information from other Federal, State or other acceptable sources shall be used to determine the 100 year flood elevation, as well as a floodway area, if possible. When such other acceptable information is not available, the 100 year flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only...
by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

602 FLOOD DAMAGE CONTROL PROVISIONS

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development and substantial improvement occurring in all designated Floodplain Districts.

A. General Technical Requirements

1. Within the identified floodplain areas, the development and/or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in White Deer Township.

2. Within any floodway area, the following provisions shall apply:
   a. No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in 100 year flood heights.
   b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.

3. Within any general floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top of the bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

B. Elevation and Floodproofing Requirements

1. Residential Structures. Within any identified floodplain area, the lowest floor (including basement or cellar) of any new construction or substantial improvement of a residential structure shall be at least one and one-half (1 1/2) feet above the 100 year flood elevation.

   a. Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new construction or substantial improvement of a non-residential structure shall be at least one and one-half (1 1/2) feet above the 100 year flood elevation, or be
designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

b. Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least one and one-half (1 1/2) feet above the 100 year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. Space Below the Lowest Floor.

a. Fully Enclosed Spaces. Fully enclosed spaces below the lowest floor (including basement or cellar) are prohibited.

b. Partially Enclosed Spaces. Partially enclosed space below the lowest floor which will be used solely for the parking of vehicles, building access, or incidental storage in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (The term partially enclosed space also includes crawl spaces.)

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area;

2) The bottom of all openings shall be no higher than one (1) foot above grade; and

3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

The following minimum standards shall apply to all construction and development proposed within any identified floodplain area.
1. Fill. If fill is used to elevate or floodproof a building or structure, it shall:
   a. extend laterally 15 feet beyond the building line from all points;
   b. consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
   c. be compacted and appropriately stabilized to provide the necessary permeability and resistance to erosion, scouring or settling;
   d. be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer;
   e. be used only to the extent to which it does not adversely affect adjacent properties.

In addition, the Township may permit the use of fill for landscaping purposes where such fill does not substantially alter site elevations or divert or redirect water onto adjacent properties.

2. Special Requirements for Mobile Homes. For the purposes of this Ordinance, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days.
   a. Within any floodway area, all mobile homes shall be prohibited.
   b. Where permitted within any flood fringe or general floodplain area, all mobile homes and any improvements, including those substantially damaged as a result of a flood, shall be:
      1) placed on a permanent foundation;
      2) elevated so that the lowest floor of the mobile home is one and one half (1 1/2) feet or more above the elevation of the 100 year flood; and
      3) anchored to resist flotation, collapse, or lateral movement.

3. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of the flood water.

4. Anchoring.
   a. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to
prevent flotation, collapse, and lateral movement.

b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

5. **Floor, Walls and Ceilings.** Where a structure is located at or below the 100 year flood elevation, the following standards shall apply:

   a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

   b. Plywood and interior finished walls shall be of any "exterior" or "marine" grade and of a "water-resistant" variety.

   c. Walls and ceilings shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

   d. Windows, doors and other such components shall be made of metal or other "water-resistant" material.

6. **Paints and Adhesives.** Where a structure is located at or below the 100 year elevation, the following standards shall apply:

   a. Paints or other finishes shall be of "marine" or other "water-resistant" quality.

   b. Adhesives shall be of a "marine" or "water-resistant" variety.

   c. All wooden components (doors, trim, cabinets, etc.) shall be finished or sealed with a "marine" or "water-resistant" paint or other finishing material.

7. **Electrical Components.**

   a. Electric distribution panels shall be at least three (3) feet above the 100 year flood elevation.

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

8. **Equipment.** Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the 100 year flood elevation.

9. **Fuel Supply Systems.** All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made
for the drainage of these systems in the event that flood water infiltration occurs.


a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

c. No part of any on-site system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

11. Other Utilities. All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

12. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the 100 year flood elevation.

13. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

14. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life (including but not limited to those identified in Section 606 A.) shall be stored at an elevation one and one-half (1 1/2) feet above the 100 year flood and/or be floodproofed to the maximum extent possible.

603 WATER MANAGEMENT USES

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any of the floodplain districts irrespective of the underlying zoning district, but shall be subject to approval by the Township Supervisors (following review by the Township Planning Commission) and the Pennsylvania Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without the applicant having first obtained the necessary permit from the Department of Environmental Protection. Prior to any such alteration or relocation, adjacent communities, the PA Department of Community and Economic Development and the Federal Emergency Management Agency must be notified. Under
no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

604 EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure, or use of a structure or premises, which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not increase the elevation of the 100 year flood.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

605 SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES

A. Accessory structures which are proposed to be built in the Flood Fringe or General Floodplain District need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements.

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.

2. The floor area shall not exceed 600 square feet.

3. The structure shall have a low damage potential.

4. The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters.

5. Power lines, wiring and outlets shall be at least one and one-half (1 1/2) feet above the 100 year flood elevation.

6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. shall be prohibited.
7. Sanitary facilities shall be prohibited.

8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

   a. a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;

   b. the bottom of all openings shall be no higher than one (1) foot above grade; and

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

B. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.

C. The administrative procedures contained in Section 608 and other appropriate Sections of this Ordinance shall apply.

606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. Hazardous Materials and Substances

   In accordance with the PA Floodplain Management Act (Act 1978-166), and the regulations adopted by the PA Department of Community Affairs (now known as the PA Department of Community and Economic Development) as required by the Act, any new or substantially improved structure which:

   - will be used for the production or storage of any of the following dangerous materials or substances; or,

   - will be used for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

   - will involve the production, storage, or use of any amount of radioactive substances;

   shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.
1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Floodproofing Requirements

1. Activities and development of the kind described in sub-section A. above shall be prohibited in any identified Floodway area.

2. Where permitted within an identified Flood Fringe or General Floodplain area, any new or substantially improved structure of the kind described in sub-section A. above shall be:

   a. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the 100 year flood; and
   
   b. designed to prevent pollution from the structure or activity during the course of a 100 year flood.

Any such structure, or part thereof, that will be built below the 100 year flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

3. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

4. Except for modification of the freeboard requirements involved, no
variance shall be granted for any other requirements of this Section.

607 ACTIVITIES REQUIRING SPECIAL PERMITS

A. Identification of Activities Requiring a Special Permit

In accordance with the administrative regulations adopted by the PA Department of Community Affairs (now known as the Department of Community and Economic Development) to implement the PA Floodplain Management Act (Act 1978-166), the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township.

1. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure fused, or intended to be used, for any of the following activities:
   a. hospitals
   b. nursing homes
   c. jails or prisons

2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

B. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Building/Zoning Permit application form.

2. A small scale map showing the vicinity in which the proposed site is located.

3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
   a. north arrow, scale and date;
   b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
   c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
   d. the location of all existing streets, drives, other accessways, and
parking areas, with information concerning width, pavement types, and construction, and elevations;

e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

f. the location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;

g. the location of all proposed buildings, structures, utilities, and any other improvements; and

h. any other information which the municipality considers necessary for adequate review of the application.

4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at a suitable scale showing the following:

a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

b. for any proposed building, the elevation of the lowest floor (including basement or cellar) and, as required, the elevation of any other floor;

c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood;

d. detailed information concerning any proposed floodproofing measures;

e. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

5. The following data and documentation:

a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;

c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;

d. a statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows;

e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;

f. the appropriate component of the Department of Environmental Protection’s "Planning Module for Land Development";

g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

C. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures.

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission
and Township Engineer for review and comment.

2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township.

6. If the Township does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a Special Permit to the applicant.

7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
   
   a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
      
      1) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
      
      2) the lowest floor elevation (including basement or cellar) will be at least one and one half (1 1/2) feet above the 100 year flood
elevation.

3) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.

b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

3. In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

4. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

608 ADMINISTRATION

A. Building/Zoning Permit Requirements

To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a Building/Zoning Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to his proposed construction and the water surface elevation of the 100 year flood at the proposed construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

3. adequate drainage is provided so as to reduce exposure to flood hazards.
B. Application Requirements

The Zoning Officer shall require the following specific information, plus other pertinent information as may be required, to be included as part of an application for a Building/Zoning Permit in order to make the above determination.

1. A completed Building/Zoning Permit application form.

2. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
   a. north arrow, scale and date;
   b. topographic contour lines, if available;
   c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
   d. the location of all existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;
   e. the location of all existing streets, drives, and other accessways; and,
   f. the location of any existing bodies of water or water courses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures, and other improvements, drawn at a suitable scale showing the following:
   a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
   b. the elevation of the 100 year flood;
   c. if available, information concerning flood depths, pressures, velocities, impact and uplift foreshocks, and other factors associated with a 100 year flood; and,
   d. detailed information concerning any proposed floodproofing measures.

4. The following data and documentation:
   a. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities,
impact and uplift forces associated with the 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.

All plans and specifications for floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the standards contained in Section 602 of this Ordinance.

b. detailed information needed to determine compliance with Section 602 C.14, Storage and Section 606, Development Which May Endanger Human Life, including:

1) the amount, location and purpose of any materials or substances referred to in Sections 602 C.14 and 606 which are intended to be used, produced, stored or otherwise maintained on the site; and,

2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 606 during a 100 year flood.

c. the appropriate component of the Department of Environmental Protection's Planning Module for Land Development.

d. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

C. Review by the County Conservation District

A copy of all plans for proposed development in any identified floodplain area shall be submitted by the Zoning Officer to the County Conservation District for review and comment at least 14 days prior to the issuance of a Building/Zoning Permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within the 14 days, the Zoning Officer may take action on the Permit.

D. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.
E. **Issuance of Building/Zoning Permits**

Prior to the issuance of any Building/Zoning Permits, the Zoning Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the PA Sewage Facilities Act (Act 1966-537, as amended); the PA Dam Safety and Encroachments Act (Act 1978-325, as amended); the PA Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Building/Zoning Permit shall be issued until this determination has been made.

609 **VARIANCES IN FLOODPLAIN DISTRICTS**

In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 C.), state law relative to variances, and the following:

A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

B. Variances may not be granted for any construction, development, use, or activity within any floodway area that would result in any increase in flood levels during the 100 year flood.

C. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 606, Development Which May Endanger Human Life, and to Section 607, Development Regulated by Special Permit.

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.

F. Whenever a variance is granted, the Township shall notify the applicant in writing that:

1. the granting of a variance may result in increased premiums for flood insurance, and

2. such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the Zoning Hearing Board shall
consider, at a minimum, the following:

1. that there is good and sufficient cause;

2. that failure to grant the variance would result in exceptional hardship to the applicant; and

3. that granting of the variance will;
   a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
   b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.

H. Records of all variance requests and related actions, including their justification shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administrator.

I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

610 SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS

In passing upon applications for Special Exceptions within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 D.), and the following:

A. the danger to life and property due to increased flood heights or velocities caused by encroachments. In the Floodway District, no Special Exception shall be granted which will cause any rise in the elevation of the 100 year flood;

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

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

D. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

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

F. the requirements of the facility for a waterfront location;
G. the availability of alternate locations not subject to flooding for the proposed use;

H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

I. the safety of access to the property in times of flooding by ordinary and emergency vehicles;

J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and,

K. such other factors which are relevant to the purposes of this Ordinance.
ARTICLE 7
SIGN REGULATIONS

700 TYPES OF SIGNS

Signage may include a variety of different types of signs, each with unique functions. The following list itemizes and defines the various signs considered under the provisions of this Article.

A. Awning/Canopy Signs

Signs that are mounted or painted on, or attached to, an awning or canopy of a business establishment; i.e. a business identification sign.

B. Billboards or Advertising Sign Boards

Signs or boards which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place, or activity that exists or occurs at a location other than the location upon which the board is erected; i.e. an off-premises sign. For the purposes of this Ordinance, billboards shall be free-standing structures, and shall not include wall or roof signs.

C. Business Identification Signs

Signs or boards that are directly oriented to activities that occur on the same premises as the sign or board; i.e. an on-premises sign. Such signs may be free-standing or may be attached to the wall or roof of a building and may be either temporary or permanent in nature.

D. Free-Standing Signs

A self-supporting sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may be designed to be portable or may be permanently affixed to the ground to prevent displacement and may advertise products or items offered for sale or that are directly related to the premises upon which they are located, e.g. business identification signs, or may advertise products or events located elsewhere, e.g. billboards or advertising sign boards.

E. Parallel Wall Signs

A type of wall sign which is fastened to or painted on the wall of a building and which does not protrude more than 12 inches from the wall of such building and is parallel to the wall to which it is attached.
F. **Portable Signs**

Any sign which is not securely attached to the ground or a building or structure, regardless of its size or area.

G. **Projecting Wall Signs**

A type of wall sign which is wholly or partially dependent upon a building for support and which protrudes from the building more than 12 inches in such a way that the sign has two (2) faces upon which information can be displayed; e.g. a sign which is perpendicular to its support wall.

H. **Property Posting Signs**

Signs posted on private property intended to mark or identify a specific condition on or about the property; i.e. Private Property, No Trespassing, No Hunting, or similar markings.

I. **Roof Signs**

A sign that is mounted on the roof of a building and is wholly dependent upon a building for support. For the purposes of this Ordinance, a roof sign may advertise only those products or items offered for sale or directly related to the premises upon which they are located; i.e. business identification signs.

J. **Temporary Signs**

Promotional flags or pennants, temporary portable signs, temporary or seasonal business identification signs, political signs or other special promotional or advertising devices or banners, or temporary event signs intended to be erected for a limited period of time to call attention to a legally permissible special event.

K. **Traffic or Roadway Signs**

Signs erected by or with the approval of the Township Supervisors or PADOT which are intended to direct or inform the general public about traffic or roadway conditions.

L. **Wall Signs** (Parallel or Projecting)

Signs attached to a wall or part of a wall of a building which advertise products sold or directly related to the premises upon which they are located, e.g. business identification signs. For purposes of this Ordinance, such signs shall not include billboards or advertising sign boards as defined above.

M. **Window Signs or Door Signs**

Signs which are applied or attached to the exterior or interior of a window or
door, or which are located in such a manner within a building that they can be seen from the exterior of the building through a window or door which are intended to draw attention to a product, service or activity conducted on the premises.

701 GENERAL SIGN REGULATIONS

The following regulations shall apply to all permitted sign uses.

A. Building/Zoning Permit

A Building/Zoning Permit shall be required for the erection or alteration of all signs, with the exception of temporary signs meeting the requirements of Section 701 N. and O. below; those signs permitted in Section 703 A., General Signs in the Village District; and the erection of any official traffic or roadway signs.

B. Location

The main supporting structure of all signs shall be setback in accordance with the minimum front yard requirements established in the appropriate Section of this Article for the specific type of sign and the District in which it is to be located, and shall meet the side and rear yard requirements set forth in Article 3, the District Regulations, for the applicable zone. In no case shall any free-standing sign be situated within a public right-of-way, except traffic or roadway signs erected for the provision of municipal services.

No sign shall be painted, erected, affixed or maintained on a tree, stone, or other natural object, except for property posting signs. Nor shall any sign be painted, erected, supported or maintained on an accessory storage trailer.

No sign shall be located on a sidewalk or other walkway which obstructs or restricts a pedestrian’s passage, including temporary signs.

C. Sign Area

Sign area shall include the entire face of a single side of a sign, including all framing, trim and border area, but excluding any supporting framework or bracing. (A double-faced sign shall be considered a single sign.) Where a sign consists of individual letters or symbols and is attached to a building, wall or window, the area of such sign shall be considered to be the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

D. Sign Height

The maximum height of all signs shall be as established for the district where the sign is to be located. The following general height criteria or limitations shall apply however to all signs.
1. Sign height shall be measured from the average finished grade of the site beneath the sign to the highest point of the sign. No person shall artificially increase the maximum height of a sign by altering the grade at the base of the sign.

2. Wall signs, either parallel or projecting, shall not extend above the top of the wall to which they are attached.

3. Free-standing business identification signs shall not be located closer to the ground than ten (10) feet (measured from the lowest part of the sign) when located in a parking, vehicular, or pedestrian circulation area. Free-standing billboards or advertising sign boards shall be at least 15 feet from the average grade of the proposed site when located in such circulation areas.

4. Roof signs shall extend no more than five (5) feet above the highest point of the roof to which they are attached nor shall the total height of such signs exceed the maximum height permitted for free-standing business identification signs in the district where the roof sign is to be located.

E. Illumination

Illuminated signs shall not cause excessive glare or other disturbance which would be incompatible with the nature of the surrounding neighborhood or which would in any way impair the vision of passing motorists. Illumination shall be steady in nature, not flashing, animated, moving or changing in brilliance, color or intensity. No flashing or animated signs, or moving digital message boards shall be permitted, except for approved time and temperature signs. The following types of illumination may be permitted as provided in Sections 702, 703, 704, 705 and 706.

1. Direct Illumination. Illumination provided either directly or through transparent or translucent material from a source of light within a sign, including but not limited to, neon and exposed lamps. To avoid excessive glare or impairing the vision of passing motorists, such illumination must be provided in a "down-lit" fashion.

2. Indirect Illumination. Illumination provided by a light which is shielded so that no direct rays are visible from elsewhere on the lot where the sign is located. To avoid excessive glare or impairing the vision of passing motorists, such illumination must be provided in a "down-lit" fashion.

F. Traffic or Visual Obstruction

No sign shall be erected within the clear sight triangle of any public street or driveway intersection or at any other location which could obstruct a motorist's clear vision. (See also Section 504 D. of this Ordinance.) If located within the direct line of vision of any traffic control signal, no sign shall have red, green or amber illumination.
G. Attachment and Projection

All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements and prevent collapse. Parallel wall signs may not project more than 12 inches from the surface to which they are mounted or attached nor in any way interfere with pedestrian or vehicular traffic. (Where permitted, the distance of projection for projecting wall signs shall be as set forth in this Article for the District in which the sign is to be located.) No projecting wall sign, or awning or canopy sign shall have a clearance of less than ten (10) feet measured from the lowest part of the sign, when projecting over a sidewalk or pedestrian circulation area. In addition, no sign shall be located on the eave of any building.

H. Anchoring

All free-standing signs shall be anchored, weighted, spring-loaded or otherwise designed to minimize wind action. The application for such signs shall indicate the method of anchoring to be employed.

I. Access

No sign shall be erected or maintained which prevents free ingress and egress from any door, window or fire escape, or which prevents free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape.

J. Construction and Maintenance

All signs permitted under this Ordinance must be constructed of durable material and shall be adequately maintained to present a legible appearance and avoid deterioration, decay or other conditions which could endanger the public health, welfare or safety. Each sign and all appurtenances shall be removed when the circumstances leading to its erection no longer apply.

K. Landowner’s Permission

No sign shall be displayed upon private or public property, other than on that of the applicant, without first being permitted by the owner or agent thereof. Written consent or a copy of the lease shall be presented with an application for a Building/Zoning Permit in such circumstances.

L. State Requirements

All applicable State regulations shall be met where signs are proposed in areas adjacent to highways in PADOT’s Primary and Interstate Highway System. Any person(s) desiring to erect a sign in these areas shall contact PADOT to determine if the state regulations will effect his proposal. A written copy of PADOT’s determination shall accompany all applications for signs in such areas, and a copy of the State Permit, where required, shall be submitted to
the Township prior to the issuance of a Building/Zoning Permit for the sign or initiation of construction or erection of the sign.

M. **Nonconforming Signs**

Signs existing at the time of passage of this Ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or maintained, provided such maintenance or repair does not extend the dimensions of the existing sign.

N. **Temporary Signs** (See also Section O. below for other specific types of temporary signs.)

Temporary, portable signs may be utilized in any district in the Township, subject to the following criteria.

1. Temporary portable signs shall not be permitted on a permanent basis. Such portable signs may however be erected for a period of time not to exceed 30 calendar days within any six (6) month period, with the exception of agricultural crop identification signs which may be erected on a seasonal basis. Such signs shall meet all requirements of this Article for permanent signs in the district where they are located. (Signs moved daily, i.e. menu boards or similar signs, shall be considered temporary and shall not be subject to the time limitations of this Section. Such signs may not however be situated so that they obstruct or restrict a pedestrian's passage.)

2. When utilized, temporary signs shall not exceed the size or area set forth for permanent signs in the district where they are located.

O. **Temporary Event Signs**

Temporary signs which are to be erected for a legally permissible special event or purpose, i.e. an auction, a flea market, a carnival, a fair, festival, or fund-raising event, not including any business identification sign, may be permitted in any zoning district, subject to the following restrictions.

1. The size or area of each temporary event sign shall not exceed the size or area set forth for permanent signs in the district where they are located.

2. Such signs shall not be located within any public right-of-way.

3. Temporary event signs shall not be displayed for more than 30 days prior to the event.

4. The signs shall be removed by the property owner or promoter within seven (7) days after the event has occurred.
SIGNS IN THE V (VILLAGE) DISTRICT

The following signs may be placed or located in the V Zoning District, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General Signs (Free-Standing or Parallel Wall Signs)

No more than one (1) of any of the following non-illuminated or indirectly illuminated types of signs may be permitted on a property at any one time (except property posting signs), unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) of each sign may be erected on each frontage. Signs in the V District may be free-standing or may be parallel wall signs.

1. Name plates, identification signs, or similar signs. (Maximum size - 200 square inches)
2. Property posting signs. (Maximum size - 2 square feet)
3. Property sale and/or rental signs. (Maximum size - 6 square feet)
4. Signs advertising the sale of farm products or nursery products raised on the premises. (Maximum size - 8 square feet)
5. Signs of mechanics, painters, or other artisans while performing work on the premises. (Maximum size - 12 square feet)

B. Specific, Non-Commercial Signs (Free-standing Signs or Parallel Wall Signs)

No more than one (1) of any of the following non-illuminated or indirectly illuminated types of signs may be permitted on a property at any one time unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) of each sign may be erected on each frontage. Signs in the V District may be free-standing or may be parallel wall signs.

1. Home occupation signs bearing the name and occupation of the practitioner. (Maximum size - 4 square feet)
2. Signs directing individuals to the location of service clubs, churches or other non-profit organizations. (Maximum size - 16 square feet)
3. Signs of schools, churches, governments, cultural facilities, and similar institutional uses. (Maximum size - 40 square feet)
4. Residential development identification signs erected and maintained on the site of the development by the developer, builder or lot owners. (Maximum size - 32 square feet; with no commercial advertising)

C. Business Identification Signs (Free-Standing Signs, or Parallel or Projecting...
Wall Signs

Where proposed in conjunction with a permissible commercial use or activity in the V District, business identification signs may be erected, subject to the following requirements.

1. No more than one (1) non-illuminated or indirectly illuminated free-standing business identification sign and one (1) non-illuminated or indirectly illuminated parallel or projecting business identification wall sign may be erected and maintained on a lot in these zones, unless such property is situated on a corner or fronts two (2) streets, in which case, one (1) business identification wall sign may be permitted for each frontage.

2. In the V District, no single free-standing or parallel wall sign shall exceed 32 square feet in area and projecting wall signs shall be no larger than 24 square feet. On a corner lot however, where one (1) wall sign is proposed for each frontage, the total sign area of wall signs shall not exceed 50 square feet.

3. Projecting wall signs in the V District shall not project more than six (6) feet from the surface of the building to which they are attached.

D. Location

Permitted signs in the V District may be placed within any required front yard, but only in accordance with the following standards.

1. General and specific, non-commercial signs shall be setback a minimum of 15 feet from the edge of any adjoining street right-of-way. Such signs may also be attached to a wall of the principal building or structure in accordance with the requirements outlined in Section 701 G.

2. Free-standing business identification signs shall be setback a minimum of 15 feet from the edge of any adjoining street right-of-way. (See also Section 701 B. regarding the location of the main supporting structure of all signs.)

3. Business identification wall signs shall be attached to a wall of their principal building or structure in accordance with the requirements outlined in Section 701 G.

E. Height

Permitted signs in the V District shall meet the height criteria set forth in Section 701 D. in addition to the following size limitations.

1. Free-standing general or specific, non-commercial signs shall not exceed 15 feet in height above the average grade of the proposed site.
2. Free-standing business identification signs shall not exceed 15 feet in height above the average grade of the proposed site. (See also Section 701 D.)

703 SIGNS IN THE RR (RURAL RESIDENTIAL) DISTRICT

The following signs may be placed or located in the RR Zoning District, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General and Specific, Non-Commercial Signs

Those signs permitted in Sections 702 A. & B., General and Specific, Non-Commercial Signs in the V District, may also be permitted in the RR District.

B. Location

Permitted signs in the RR District may be located in any portion of a required front yard, but shall be no closer to the adjoining street right-of-way line than 15 feet. (See also Section 701 B. regarding the location of the main supporting structure of all signs.) Such signs may also be attached to a wall of the principal building or structure in accordance with the requirements outlined in Section 701 G.

C. Height

In addition to the height criteria set forth in Section 701 D., no free-standing sign in the RR District shall exceed 15 feet in height above the average grade of the proposed site.

704 SIGNS IN THE C (COMMERCIAL) and C & M (COMMERCIAL & MANUFACTURING) DISTRICTS

The following signs may be placed or located in the C or C & M Zoning Districts, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General and Specific, Non-Commercial Signs

Those signs permitted in Sections 702 A. & B., General and Specific, Non-Commercial Signs in the V District, may also be permitted in the C and C & M Districts.

B. Business Identification Signs. (Free-Standing Signs, Parallel or Projecting Wall Signs, Roof Signs, or Awning Signs)

Where proposed in conjunction with a permissible commercial use or industrial activity in the C-H or M Districts, business identification signs may be erected subject to the following requirements. (In addition, all applicable State regulations, shall be met prior to initiation or erection of such signage. See Section 701 L.)
1. **Free-Standing Signs.**
   a. No more than one (1) non-illuminated, indirectly illuminated or directly illuminated business identification sign may be erected and maintained on a lot in these zones, unless such property is situated on a corner or fronts two (2) streets, in which case, one (1) such free-standing business identification sign may be permitted for each frontage.
   
   b. No single free-standing business identification sign shall exceed 150 square feet in area.

2. **Wall Signs (Parallel or Projecting) or Awning Signs.**
   a. No more than one (1) non-illuminated, indirectly illuminated, or directly illuminated business identification wall sign may be erected and maintained on a lot in these zones, unless such property is situated on a corner or fronts two (2) streets, in which case, one (1) such business identification wall sign may be permitted for each frontage.
   
   b. No single parallel wall sign shall exceed 150 square feet in area, and no projecting wall sign or awning sign shall exceed 50 square feet in area.
   
   c. Projecting wall signs shall not project more than six (6) feet from the surface of the building to which they are attached.

3. **Roof Signs.**
   a. No more than one (1) business identification roof sign may be erected and maintained per commercial or industrial establishment.
   
   b. Business identification roof signs shall not exceed 150 square feet in area.

4. **Business or Industrial Complex Identification Signs.**
   a. One (1) sign identifying a business or industrial complex or shopping center, and/or individual businesses or operations within such complex, may be erected for each such complex.
   
   b. Business or industrial complex identification signs shall not exceed 250 square feet in area.
   
   c. Within business or industrial complexes where complex identification signs are used, individual business identification wall and/or awning signs may also be affixed to each business, but may not exceed 50 square feet in area for each business. No individual free-standing or roof-mounted business identification signs shall be permitted in such complexes.
C. Billboards or Advertising Sign Boards (Free-Standing Signs)

Billboards or advertising sign boards may be erected and maintained on a property in the C or C & M District in accordance with the following requirements. (In addition, all applicable State regulations, shall be met prior to initiation or erection of such signage. See Section 701 L.)

1. No more than one (1) non-illuminated, indirectly illuminated, or directly illuminated billboard or advertising sign board may be erected and maintained on a lot in either of these zones. For the purposes of this Ordinance, such signs may be free-standing signs only.

2. Billboards or advertising sign boards shall not exceed 250 square feet in area.

3. Billboards or advertising sign boards may be double-faced, but may not be doubled vertically.

4. Billboards or advertising sign boards shall be located no closer than 750 feet (measured on the same side of the street) to any other such sign. (See also Section 701 F.)

D. Location

Permitted signs in the C and C & M Districts may be placed within any required front yard, but only in accordance with the following standards.

1. General and specific, non-commercial signs shall be setback a minimum of 15 feet from the edge of any adjoining street right-of-way. (See also Section 701 B. regarding the location of the main supporting structure of all signs.)

2. Free-standing business identification signs shall be setback a distance equal to their height or 20 feet, whichever is greater, from the edge of any adjoining street right-of-way. (See also Section 701 B. regarding the location of the main supporting structure of all signs.)

3. Business identification wall signs and awning/canopy signs shall be attached to their principal building or structure in accordance with the requirements outlined in Section 701 G.

4. Business or industrial complex identification signs shall be setback a distance equal to their height or 25 feet, whichever is greater, from the edge of any adjoining street right-of-way. (See also Section 701 B. regarding the location of the main supporting structure of all signs.)

5. Billboards or advertising sign boards shall be setback a distance equal to their height or 25 feet, whichever is greater, from the edge of any adjoining street right-of-way. (See also Section 701 B. regarding the
location of the main supporting structure of all signs.)

E. **Height**

Permitted signs in the C and C & M Districts shall meet the height criteria set forth in Section 701 D, in addition to the following size limitations.

1. Free-standing general or specific, non-commercial signs shall not exceed 15 feet in height above the average grade of the proposed site.

2. For lots with frontage along U.S. Route 15 or I-80, free-standing business identification signs shall not exceed 70 feet in height above the average grade of the proposed site. In all other instances, free-standing business identification signs shall not exceed 35 feet in height above the average grade of the proposed site.

3. Business or industrial complex identification signs shall not exceed 35 feet in height above the average grade of the proposed site.

4. Free-standing billboards or advertising sign boards shall not exceed 35 feet in height above the average grade of the proposed site.

5. Roof signs shall not extend more than five (5) feet above the highest point of the roof to which they are attached. Where such signs are located on a lot with frontage along U.S. Route 15 or I-80, the total height of such signs shall not exceed 70 feet above the average grade of the proposed site. In all other instances, the total height of such signs shall not exceed 35 feet above the average grade of the site.

**705 SIGNS IN THE A (AGRICULTURAL) and W (WOODLAND) DISTRICTS**

The following signs may be placed or located in the A and W Zoning Districts, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. **General and Specific, Non-Commercial Signs**

Those signs permitted in Sections 702 A. & B., General and Specific, Non-Commercial Signs in the V District may also be permitted in the A and W Districts.

B. **Business Identification Signs (Free-Standing Signs or Parallel Wall Signs)**

1. No more than one (1) non-illuminated or indirectly illuminated free-standing business identification sign and one (1) non-illuminated or indirectly illuminated parallel wall sign, may be erected and maintained on a lot in these zones.

2. Free-standing business identification signs shall not exceed 100 square feet in area when such signs are located along an arterial highway, i.e.
U.S. Route 15; 50 square feet in area when adjacent to a collector street, i.e. S.R. 1008, New Columbia Road, or S.R. 1004, Kelly Cross Road; or 32 square feet in area when situated along a local street.

3. Parallel wall signs shall not exceed 50 square feet in area.

C. Location

Permitted signs in the A and W Zoning Districts may be placed within any required front yard, but only in accordance with the following standards.

1. General and specific, non-commercial signs shall be setback a minimum of 15 feet from the edge of any adjoining street right-of-way.

2. Free-standing business identification signs shall be setback a distance equal to their height or 15 feet, whichever is greater, from the edge of any adjoining street right-of-way. (See also Section 701 B. regarding the location of the main supporting structure of all signs.)

D. Height

Permitted signs in the A and W Zoning Districts shall meet the height criteria set forth in Section 701 D. in addition to the following size limitations.

1. Free-standing general or specific, non-commercial signs shall not exceed 15 feet in height above the average grade of the proposed site.

2. Free-standing business identification signs shall not exceed 20 feet in height above the average grade of the proposed site.

706 SIGNS IN THE FF (FLOOD FRINGE) AND FP (GENERAL FLOODPLAIN) DISTRICTS (Overlying Districts)

Those signs permitted to be placed or erected in the FF and FP Zoning Districts shall be the same as the signs permitted in the underlying district, except that no sign may impede natural drainage of the flow of water. (See also TABLE 1 at the end of this Article.)

707 SIGNS IN THE FW (FLOODWAY) DISTRICT (Overlying District)

No signs, except property posting signs with a maximum size of 2 square feet, shall be permitted in the FW District, except as might be necessary by Federal, State or local governments to protect the health, safety and welfare of the people. If such signs are necessary, they shall be designed and placed so as not to impede the natural drainage or flow of water.
## TABLE 1

### SIGN REGULATIONS

<table>
<thead>
<tr>
<th>SIGN TYPE</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
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<tr>
<td></td>
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<tr>
<td>-----------</td>
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<tr>
<td>I. GENERAL SIGNS</td>
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<tr>
<td>A. Maximum Size</td>
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<td>B. Minimum Setback</td>
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<td>C. Maximum Height</td>
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<tr>
<td>II. BUSINESS IDENTIFICATION SIGNS (On-Premises Signs)</td>
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<td>A. Freestanding Signs</td>
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<td>B. Parallel Wall Signs</td>
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(Continued on Next Page)
### TABLE 1 (Continued)

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<td>(inc. awning signs)</td>
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<td>D. Roof Signs</td>
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<td>2. Maximum Height</td>
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<td>3. Total Number Per Lot</td>
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### III. BILLBOARDS OR ADVERTISING SIGN BOARDS (Off-Premises Signs)
(Off-Premises Signs Only)

<table>
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<tr>
<td>B. Minimum Setback</td>
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<td>C. Maximum Height</td>
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<tr>
<td>D. Total Number Per Lot</td>
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ARTICLE 8

OFF-STREET PARKING, LOADING AND ACCESS DRIVES

800 OFF-STREET PARKING REQUIREMENTS

In all districts, in accordance with every use, there shall be provided at the time any new building or structure is erected or any existing building is converted to a new use, or increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

A. All vehicle parking spaces shall contain a minimum of 200 square feet and shall have a width of not less than ten (10) feet.

B. All off-street parking spaces and parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable, dustless wearing surface. Where however five (5) or more spaces are to be provided in an off-street parking area, such parking area shall be surfaced with impervious material. The applicant shall consider this surface when preparing and designing a Stormwater Management Plan for the site.

C. All parking areas shall be designed to provide for the orderly and safe parking or storage of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition by the developer/owner. In addition, parking areas shall meet all Americans with Disabilities Act (ADA) requirements.

D. Off-street parking spaces for all residential uses shall be located on the same lot as the dwelling unit(s) to be served, and may be enclosed or unenclosed. Off-street parking spaces for non-residential uses may be located on a lot other than that containing the principal use, but shall be situated within 300 feet of the use being served. Such remote parking shall however remain under the control of the owner or operator of the use to which it is accessory and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the principal use.

E. The required parking spaces for any number of separate uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except that parking spaces required for uses whose peak attendance will be at night or on Sundays, may be assigned to a use which will be closed at night and/or on Sundays. Any applicant proposing to jointly use parking facilities with another use shall submit sufficient documentation to prove such uses will be non-concurrent.
F. Adequate provisions shall be made for ingress and egress to all off-street parking spaces and parking areas. Specifically, access to residential off-street parking spaces shall be limited to one (1) drive or point of intersection and access to non-residential off-street parking areas shall be limited to two (2) drives or intersection points. Non-residential parcels less than 200 feet in width however shall have only one (1) driveway access point. In the case of corner lots, one (1) driveway intersection or curb cut may be permitted for each frontage.

G. Drives intended to provide access to off-street parking spaces and areas shall be designed and constructed to meet the driveway design standards set forth in the White Deer Township Subdivision and Land Development Ordinance. Except in the case of single and two-family residences, off-street parking areas shall be designed so there will be no need for motorists to back over public walkways or street rights-of-way.

H. A strip of land at least ten (10) feet in width shall be reserved as open space between any street right-of-way line or property line for nonresidential off-street parking area in the V and RR Districts. In the C and C & M Districts, such strip shall be at least 15 feet in width. (See the District Regulations, Article 3, for non-residential parking setback requirements in side and rear yards.) No parking shall be permitted in this reserve strip and it shall be planted with grass or shrubs. The strip shall be protected by wheel bumpers or curbs or shall be raised in height at least eight (8) inches above the elevation of the adjacent parking area. No plantings or off-street parking spaces shall however be permitted within the clear sight triangle of any intersection. (See also Section 504 D.)

I. Parking areas for all non-residential uses shall be effectively screened on each side which abuts a Residential District or use. In addition, off-street parking areas providing ten (10) or more spaces for residential use shall also be satisfactorily screened. Such screening shall consist of a solid fence or wall at least six (6) feet in height; a building; or shall meet the requirements for screen plantings set forth in Section 506 of this Ordinance.

J. No off-street parking spaces or parking areas shall extend into any required buffer yard.

K. To avoid excessive glare on adjacent properties or public streets, all lighting which is used to illuminate off-street parking spaces or areas shall be provided in a "down-lit" fashion.

L. Off-street parking shall be provided as set forth in TABLE 2 below. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Township Planning Commission and Board of Supervisors, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking spaces shall be the sum of the required spaces for the various uses computed separately.
### TABLE 2

**OFF-STREET PARKING SCHEDULE**

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>1. Single family detached dwellings; two-family dwellings; &amp; conversion apartments.</td>
<td>2 for each dwelling unit.</td>
</tr>
<tr>
<td>2. Single family attached dwelling units &amp; multi-family dwelling units.</td>
<td>2.5 for each dwelling unit; 1.5 for each D.U. for elderly housing.</td>
</tr>
<tr>
<td>3. Residential cluster developments.</td>
<td>2.5 for each dwelling unit.</td>
</tr>
<tr>
<td>4. Mobile home parks.</td>
<td>2 for each mobile home lot + 1 additional space for every 2 lots.</td>
</tr>
<tr>
<td>5. Boarding or rooming homes.</td>
<td>2 for the dwelling unit + 1 for each boarder.</td>
</tr>
<tr>
<td><strong>B. Institutional Uses</strong></td>
<td></td>
</tr>
<tr>
<td>6. Day care facilities.</td>
<td></td>
</tr>
<tr>
<td>a. Day care centers and group day care homes.</td>
<td>1 for each 5 students/clients + 1 for each employee.</td>
</tr>
<tr>
<td>b. Family day care homes.</td>
<td>2 for each dwelling unit + 2 customer spaces.</td>
</tr>
<tr>
<td>7. Schools. (Public or private)</td>
<td></td>
</tr>
<tr>
<td>a. Elementary schools.</td>
<td>5 for each classroom + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td>b. Middle or high schools or post-secondary education facilities.</td>
<td>1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater.</td>
</tr>
<tr>
<td>8. Churches, theaters, social halls, and similar places of public or private assembly; government, municipal or community buildings.</td>
<td>1 for each 3 seats of total facility capacity.</td>
</tr>
<tr>
<td>9. Libraries, museums or other cultural facilities; police or fire stations.</td>
<td>1 for each 200 sq.ft. of gross floor area.</td>
</tr>
<tr>
<td>Use Classification</td>
<td>Spaces Required</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>10. Nursing or personal care homes; retirement villages.</td>
<td>1 for each 4 beds + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td>11. Group homes or institutional residences.</td>
<td>1 for each 2 residents + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td>12. Correctional institutions.</td>
<td>1 for each 5 persons of total facility capacity + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td><strong>C. Commercial/Retail Uses</strong></td>
<td></td>
</tr>
<tr>
<td>13. Home occupations.</td>
<td>2 for the dwelling unit + 2 customer spaces.</td>
</tr>
<tr>
<td>14. Bed &amp; breakfast establishments.</td>
<td>1 for each guest room + 2 for the dwelling unit, where applicable.</td>
</tr>
<tr>
<td>15. Retail stores or business establishments, including agribusinesses &amp; business or professional offices, except as provided below.</td>
<td>1 for each 300 sq.ft. of gross floor area + 1 for each employee/vendor in the maximum work shift.</td>
</tr>
<tr>
<td>16. Convenience markets or general stores.</td>
<td>1 for each 200 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td>17. Restaurants; clubs or fraternal organization facilities; bars or taverns.</td>
<td>1 for each 100 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td>18. Medical, dental or veterinary offices or clinics.</td>
<td>3 for each service provider + 1 for each employee.</td>
</tr>
<tr>
<td>19. Hotels, motels, or other similar lodging facilities.</td>
<td>1 for each guest room + 1 for each employee in the max. work shift + 1 add'l space for every 5 rooms.</td>
</tr>
<tr>
<td>20. Public or adult entertainment facilities.</td>
<td>1 for each 3 persons of total facility capacity + 1 for each employee in the maximum work shift.</td>
</tr>
<tr>
<td>21. Funeral homes.</td>
<td>1 for each 50 sq.ft of assembly area, with a minimum of 12 spaces + 1 for each employee.</td>
</tr>
</tbody>
</table>
### Use Classification

#### Industrial Uses

22. Manufacturing or industrial operations, or warehouse facilities.

23. Distribution centers or transportation terminals.

24. Mineral extraction operations; landfills.

25. Junk yards or auto salvage operations; sawmills; contractor's shops & yards.

#### Recreational Uses

26. Public, semi-public or private parks, playgrounds, or recreation areas.

27. Commercial or institutional recreation or resort developments.

28. Campgrounds or RV parks.

### Spaces Required

1.25 for each employee in the maximum work shift.

1 for each 500 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.

1 for each employee in the maximum work shift.

1 for each employee + 3 customer spaces.

1 for each 5 persons of total facility capacity.

1 for each 3 persons of total facility capacity + 1 for each employee in the maximum work shift.

2 for each camping space + 1 additional space for every 5 camping spaces.

### Off-street Loading Requirements

Off-street loading spaces or berths shall be provided in connection with every commercial, industrial, or institutional building or use which requires the delivery or shipment of merchandise or materials. Such accommodations shall meet the following requirements.

A. Each off-street loading space or berth shall be designed to be of such size as will adequately accommodate the intended use. This loading area shall be located entirely on the lot being served, either inside or outside of a building, and shall be designed so that there will be no need for drivers to use or back over public walkways or street rights-of-way.

B. No off-street loading space, berth or dock may extend into any required buffer yard or setback area.

C. All off-street loading areas shall be graded for proper drainage and shall be
provided with an impervious surface.

D. Loading areas and spaces shall be constructed at grade level whenever possible. When necessary, ramps may be permitted, with a grade not exceeding five percent (5%) and shall include protection against water impoundment or drifting snow.

E. The number of loading spaces required shall be as set forth in TABLE 3 below.

TABLE 3

<table>
<thead>
<tr>
<th>Gross Floor Area</th>
<th>Spaces/Berths Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 10,000 sq.ft.</td>
<td>One (1)</td>
</tr>
<tr>
<td>10,001 - 50,000 sq.ft.</td>
<td>Two (2)</td>
</tr>
<tr>
<td>over 50,000 sq.ft.</td>
<td>Two (2) + one (1) for each additional 50,000 sq.ft of gross floor area.</td>
</tr>
</tbody>
</table>

802 DRIVEWAYS AND ACCESS DRIVES

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways or access drives.

A. Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road or arterial highway. Access shall require a Driveway or Highway Occupancy Permit in accordance with PADOT standards or Township Driveway requirements, as appropriate.

B. All driveways or access drives shall be designed to meet the driveway design standards set forth in the White Deer Township Subdivision and Land Development Ordinance, and shall be constructed of a durable, all-weather material. All driveways and access drives shall be maintained in good condition.

C. All applications for driveway and access drives shall include a scaled drawing showing the location, construction material(s), and the sight distance proposed for the accessway and shall be submitted to the appropriate Township official for review and approval.
D. The number of driveway or access drive intersections permitted per lot shall be as established in Section 800 F. of this Ordinance.

E. Except in the case of single and two-family dwellings, all driveways shall be designed so that there will be no need for motorists to back over public walkways or street rights-of-way.

F. A common driveway serving two (2) adjoining residential lots may be permitted, provided that the lot owners involved submit to the Township a mutually-acknowledged agreement subjecting said lots to such use. Where however, a number of individual parcels or buildings are being developed jointly for non-residential use, the location and planning of driveway or access drive intersections shall require the joint use of such facilities where possible as a means of minimizing the overall number of intersections created.

G. Driveways and access drives should be located where street alignment and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions. A leveling area having a grade of four percent (4%) or less for a distance of 15 feet from the edge of the cartway or paved surface of the intersecting street shall be provided for all driveways and access drives.

H. Driveways or access drives shall not cross a street right-of-way line within:

1. 40 feet of the right-of-way line of the intersection of a local street, nor within 100 feet of the right-of-way line of the intersection of a collector road or arterial highway;

2. five (5) feet of a fire hydrant, catch basin or drainage inlet;

3. ten (10) feet of a property line for a commercial, institutional or industrial use, unless a shared driveway or access drive is used; nor

4. five (5) feet of a property line for a residential use, unless adjoining property owners mutually agree to a common driveway or access drive.

I. Driveways or access drives shall be designed and constructed in such a manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by Township officials, a drainage pipe shall be installed under the driveway or access drive by the property owner. The length and diameter of such pipe shall be as established and approved by the appropriate Township officials. (In no case shall a drainage pipe be less than 15 inches in diameter.)
ARTICLE 9

NONCONFORMITIES

900 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the time of adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned. (For nonconforming lots, see Section 901.)

A. General Application of Provisions

Nothing herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

B. Abandonment

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District Regulations. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

C. Repairs, Replacement, and Reconstruction

1. Exterior repairs, non-structural alterations, structural alterations not increasing the gross floor area of the building or structure, and other general maintenance adjustments may be made to a nonconforming building or structure, or a building or structure occupied by a nonconforming use, but such repairs and adjustments shall be subject to all applicable Building/Zoning Permit requirements. (See Section 1202.)

2. Any mobile home which was nonconforming at the time of adoption of this Ordinance or which becomes nonconforming by a subsequent change or amendment to the Ordinance (excluding those units situated in existing mobile home parks) may be replaced with a unit of the same or larger size provided that:

a. all dimensional and off-street parking requirements of this Ordinance
are met;
b. all foundation and anchoring requirements set forth in Section 403 of this Ordinance are met; and
c. all required permits are obtained.

3. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other natural causes may be reconstructed, restored and used as before provided that:
   a. said reconstruction commences within one (1) year of the damage;
   b. said reconstruction shall not exceed the size, bulk, height and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
   c. the location of said reconstruction does not create a safety hazard;
   d. where the nonconformity is located in a Flood Fringe or General Floodplain District, the new construction shall comply, to the greatest extent possible, with all of the floodproofing requirements contained in Section 602 of this Ordinance; and,
   e. where the nonconformity is located in a Floodway District, such nonconformity may only be reconstructed, replaced and used as before provided that:
      1) the property owner does not own adjoining land located outside of the Floodway District;
      2) the reconstruction will not cause a rise in the 100 year flood elevation; and
      3) the reconstruction will be floodproofed in accordance with the requirements contained in Section 602 of this Ordinance.

D. Extensions and Enlargements

1. A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations increasing the gross floor area are made therein. Prior to the initiation of any such extension however, a Building/Zoning Permit shall be obtained from the Township Zoning Officer.

2. For nonconforming uses whose normal operations involve land area expansion (i.e. quarries, cemeteries, or similar uses), expansion shall be permitted by right up to 25% of the volume or area of the nonconformity
which existed at the effective date of this Ordinance. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board.

3. Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason shall meet all requirements of the district in which it is to be located.

E. Change of Use

1. A nonconforming use of a building, structure or land may be changed to a nonconforming use of the same or a more restricted classification, subject to the following conditions.

   a. The Zoning Hearing Board shall approve all such changes; and

   b. The applicant shall show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:

      1) traffic generation and congestion, including truck, passenger car and pedestrian traffic;

      2) noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;

      3) outside, unenclosed storage and waste collection and disposal; and

      4) appearance, character and nature of the neighborhood.

2. Whenever a nonconforming use has been changed to a conforming use such use shall not thereafter be changed back to a nonconforming use.

F. Application to Agricultural Structures

The regulations governing nonconformities set forth in this Section shall not apply to agricultural structures when such structures are part of an active agricultural use. An active farm situated in a zone where agricultural activities become nonconforming as a result of adoption of this Ordinance shall also be exempt from these provisions. It is not the intent of these regulations to create hardships for ongoing agricultural activities.

G. Application to Signs

Signs existing at the passage of this Ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or otherwise maintained, provided that such maintenance or repair does not extend the dimensions of the existing sign.
H. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming uses or structures, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the effective date of this Ordinance.

901 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Discontinuance/Lot Changes

Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land, shall not hereafter be changed back to a nonconforming lot.

B. Existing Lots of Record

In the case of a lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permitted structure may be placed on the parcel provided that:

1. the owner does not own adjoining land which could be combined to form a conforming lot;

2. all applicable front, side and rear yard requirements can be met, unless approved as a variance by the Zoning Hearing Board, or the lot meets all average dimensional standards for the block where it is to be located, as determined by the Zoning Officer;

3. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and

4. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

C. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all
nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the effective date of this Ordinance.
ARTICLE 10

RESPONSIBILITIES OF THE ZONING HEARING BOARD

1000 ORGANIZATION AND PROCEDURE

A. Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board is hereby established in White Deer Township.

B. Appointment and Membership

The Zoning Hearing Board shall consist of three (3) residents of White Deer Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality.

The Township Supervisors may also appoint, by Resolution, two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other office in the municipality.

A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days' advance notice of the Township's intent to take such a vote. A Hearing shall be held in connection with the vote if requested in writing by the member.

C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

D. General Grant of Power

The Zoning Hearing Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, as amended, and as herein described.
1001 POWERS AND DUTIES

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

A. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.

2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in the PA Municipalities Planning Code.

3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to the PA Municipalities Planning Code, as amended.

2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
C. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and hearing. (See Section 1002.) (See also Section 609 for additional information regarding variances in Floodplain Districts and Appendix A for an illustration of the variance procedure.)

No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

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

2. that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. that such unnecessary hardship has not been created by the appellant;

4. 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,

5. 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 Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
D. **To Hear and Decide Request for Special Exceptions**

The Zoning Hearing Board may grant Special Exceptions only for such uses as are provided for in Article 3, the District Regulations, and pursuant to express standards and criteria outlined in Article 4. The Board’s decision to approve a Special Exception shall be made only after public notice and public hearing. (See Section 1002.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception request. (See Section 610 for additional information regarding Special Exceptions in Floodplain Districts and Appendix B for a chart illustrating the Special Exception procedure.)

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Township Planning Commission and the following requirements, in addition to those found in Article 4, and in other applicable sections of this Ordinance.

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

2. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;

3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;

4. that adequate landscaping and screening is provided as required herein;

5. that adequate off-street parking and loading is provided, and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,

6. that the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

In approving a Special Exception, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Ordinance.

**1002 HEARING PROCEDURES**

A. **Parties Appellant Before Zoning Hearing Board**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in
writing by the landowner affected, any officer or agency of the Township, or
by any person aggrieved. Requests for a variance or special exception from
the Zoning Hearing Board must be filed with the Zoning Officer by any
landowner or an authorized agent of such landowner.

B. Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing
Board later than 30 days after an application for development, whether prelimi-
nary 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 had
no notice, knowledge, or reason to believe that such approval had been
given.

C. Applications Required

All requests and appeals made to the Zoning Hearing Board shall be in writing
and in such form as may be prescribed by the Zoning Officer. Every appeal
or request shall refer to a specific provision of this Ordinance and shall exactly
set forth the interpretation that is claimed or shall include the plans or the
details of the variance or special exception that is applied for, in addition to the
following information:

1. the name and address of the applicant or appellant;

2. the name and address of the owner of the parcel to be affected by such
   proposed change or appeal;

3. a brief description and location of the parcel to be affected by such
   proposed change or appeal;

4. a statement of the present zoning classification of the parcel in question,
   the improvements thereon and the present use thereof; and,

5. a reasonably accurate description of any existing buildings, structures or
   improvements located on the site and the additions or changes intended
to be made under this application, indicating the size of such proposed
   improvements. In addition, the applicant shall provide the Zoning Hearing
   Board with an accurate plot plan of the property to be affected, indicating
   the location and size of the lot and the size and location of all existing
   buildings, structures, trees, or other physical features thereon and those
   additional improvements proposed to be erected.

D. Procedure for Zoning Officer

1. The notice of appeal in any case where a Permit has been granted or
denied by the Zoning Officer shall be prescribed by the Zoning Hearing
Board under general rule after notice of such action granting or denying
the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.

2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Officer, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 13 of this Ordinance;

2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;

3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing; and,

4. In the case of an appeal, or a request for a variance or special exception, all property owners co-joining the affected tract shall be given written notice at least seven (7) days prior to the hearing.

F. Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and the PA Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall
show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action.

G. Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorized permit within two (2) years from the date of authorization thereof.

I. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied
by the request for a rehearing, that changed conditions have occurred relating
to the promotion of the public health, safety, convenience, comfort, prosperity
and general welfare and that a reconsideration is justified. Such rehearing
would be allowable only upon a motion initiated by a member of the Zoning
Hearing Board and adopted by the unanimous vote of the members present,
but not less than a majority of all members.

J.  Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required hearing or fails to render
a decision within the prescribed time period, a decision shall be automatically
rendered in favor of the applicant. However, the applicant may agree in
writing or on the record to an extension of time. When a decision is rendered
in favor of the applicant due to a violation of the established time requirements,
the Zoning Hearing Board must give public notice of this decision within ten
(10) days from the last day it could have met to render a timely decision. If
the Board shall fail to provide such notice, the applicant may do so.

K.  Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected
land development. However, if the Zoning Officer or other appropriate agency
certifies to the Zoning Hearing Board that such a halt could cause an imminent
danger to life or property, then development may only be stopped by a
restraining order granted by the Zoning Hearing Board or by the court having
jurisdiction, on petition, after notice to the Zoning Officer and any other
appropriate agency.

L.  Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may
appeal therefrom within 30 days to the Court of Common Pleas of Union
County pursuant to the procedures established in the PA Municipalities
Planning Code.
ARTICLE 11
RESPONSIBILITIES OF THE TOWNSHIP SUPERVISORS

1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix C of this Ordinance for an illustration of the amendment procedure.) For Curative Amendments see Procedure For Landowner Curative Amendments and Procedure for Municipal Curative Amendments in the PA Municipalities Planning Code.

A. Public Hearing and Notice Requirements

The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected tract at least seven (7) days prior to the date of the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.
C. **Opportunity to be Heard**

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

D. **Notice of Enactment**

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

E. **Enactment of Amendment**

The adoption of an amendment shall be by simple majority vote of the Township Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

### 1101 CONDITIONAL USES

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See Appendix D of this Ordinance for a chart illustrating the Conditional Use procedure.)

A. **Application Procedure**

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Township Supervisors and forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 15 days after the date of the Commission meeting at which the application was reviewed.
B. **Written Statement**

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;
2. the present use of the tract for which the conditional use is requested;
3. the present use of adjoining tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. **Site Plan**

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
7. proposed grading and drainage plans;

8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;

9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,

10. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Planning Commission may authorize waiving the requirement for submittal of certain information that is deemed unnecessary for review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

E. Criteria for Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;

2. whether the specific site is an appropriate location for the use, structure or condition;

3. whether the use developed will adversely affect the neighborhood;

4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

6. the economic, noise, glare or odor effects of the conditional use on
adjoining properties and properties generally in the district; and,

7. whether satisfactory provision and arrangement has been made concerning the following:

a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;

b. off-street parking and loading areas;

c. waste collection, storage and disposal;

d. utilities, with reference to location, availability and compatibility;

e. screening and buffering with reference to type, dimensions and character;

f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,

g. required yards and open spaces.

F. Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 1101 D. and F. above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township
Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. **Expiration of Decision**

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorization within two (2) years from the date of authorization.

I. **Appeals**

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
ARTICLE 12
ADMINISTRATION AND ENFORCEMENT

1200 DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors and who shall hold no elective office in the municipality. Said Officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the following duties:

A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;

B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;

C. to issue Building/Zoning Permits for the construction, alteration, erection or placement of all buildings or structures which comply with the requirements of this Ordinance, within 30 days after receipt of an application for such a permit in accordance with the procedures set forth the Section 1202. In cases involving requests for a conditional use, a special exception, or a variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. conditional uses and amendment requests), hearings before the Township Supervisors;

D. to deny applications for Building/Zoning Permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application, in accordance with the procedures set forth in Section 1202;

E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;

F. to issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity in accordance with the procedures set forth in Section 1203 of this Ordinance;

G. to issue written notification for the repair or removal of dangerous buildings or structures in accordance with the procedures set forth in Section 1204 of this Ordinance.
Ordinance;

H. to issue written enforcement notices as specified in Section 1205 A. of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Township Solicitor, Zoning Hearing Board and to the Township Supervisors;

I. to maintain and update the official Zoning Map;

J. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;

K. to issue Certificates of Nonconformance as requested (see Sections 900 H. and 901 C.);

L. to issue preliminary opinions (in accordance with the procedure established in the PA Municipalities Planning Code) regarding whether a landowner's proposed use or development complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general, local circulation. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined; and

M. to perform such other duties as may be made necessary by the terms of this Ordinance.

1201 GENERAL PROCEDURE FOR BUILDING/ZONING PERMIT APPLICATION

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or land shall apply to the Zoning Officer for a Building/Zoning Permit by completing the appropriate application form and by submitting the required fee. After thoroughly reviewing the application, the Zoning Officer shall either issue or deny the Building/Zoning Permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as may be appropriate. Once the applicant has received his Building/Zoning Permit, he may proceed with his proposal as approved. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Building/Zoning Permit, he shall issue a Certificate of Occupancy thus allowing the premises to be occupied or used. (The specifics of each step in this process are discussed in Sections 1202 and 1203 below.)
A. Requirements for Building/Zoning Permits

A Building/Zoning Permit shall be required:

1. prior to the placement, erection, construction, addition, or alteration of any building or structure or portion thereof;
2. prior to the use or change in use of a building, structure or land, including parking lots;
3. prior to the erection or alteration of signs, except as specified in Article 7;
4. prior to the change or extension of a nonconforming use; and
5. prior to development in any Floodplain District;

except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or to change a land use, until a Building/Zoning Permit has been duly issued therefor. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

Exemptions

Building/Zoning Permits shall not be required for the following activities unless they are proposed within a floodplain district:

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;
3. agricultural activities, including crop or tree farming, and agricultural pasture fencing;
4. landscaping;
5. construction or erection of land terraces, steps or other similar features;
6. placement or location of utility distribution lines;
7. razing of buildings or structures; or
8. the construction or placement of accessory structures containing less than 100 square feet in area.
B. Application for Building/Zoning Permits

Each request for a Building/Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of an application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action.

C. Description of Work and Plan Requirements

All applications for Building/Zoning Permits shall show the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations, including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

D. Applicability of Other Regulations

In addition to meeting the requirements set forth in this Ordinance, applicants shall adhere to all other regulations in effect in White Deer Township or as may hereafter be enacted. Nothing in this Ordinance shall exempt an applicant from obtaining approvals or permits which may be required by such regulations or other local, State, or Federal laws or rules. It shall be the applicant's responsibility to provide the Township with evidence that shows that such laws, rules or regulations have been met.

E. Changes

After the issuance of a Building/Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.
F. Display of Permit Placard

In addition to the Building/Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Building/Zoning Permit, the date of its issuance, and the signature of the Zoning Officer.

G. Time Limitations

An application for a Building/Zoning Permit shall be deemed to have been abandoned six (6) months after the date of its filing unless such application has been diligently pursued or a Permit has been issued. Reasonable extensions of time not exceeding a total of 90 days may be granted at the discretion of the Zoning Officer.

Work on the approved construction shall commence within six (6) months after the date of issuance of the Building/Zoning Permit and shall be completed within 24 months following Permit issuance or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Where such cause is determined, no more than two (2), 45-day extensions may be granted. Additional time shall require the issuance of a new Building/Zoning Permit.

For the purposes of this Section, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance.
I. Revocation of Permits

The Zoning Officer may revoke a Building/Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.

J. Temporary Building/Zoning Permits

A Temporary Building/Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare, necessary to promote the proper development of the community, or for temporary accessory uses, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits shall be issued for a period of time not to exceed one (1) year, and may be renewed for no more than two (2) additional 90 day periods, except as may be provided otherwise in Section 440 of this Ordinance for specific uses.

K. Seasonal Building/Zoning Permits

A Seasonal Building/Zoning Permit may be authorized by the Zoning Officer for the placement of: 1) a recreational vehicle or camping unit on an individual lot for more than 30, but less than 90 days; or 2) a camping unit in a campground situated in any designated floodplain in the Township. Seasonal permits shall be valid for no more than 90 days in any calendar year, unless specified otherwise in this Ordinance. Before issuing a Seasonal Building/Zoning Permit, the Zoning Officer shall be satisfied that the requirements of Sections 428 and 429, and all other applicable provisions of this Ordinance, including the District Regulations, have been met.

1203 CERTIFICATES OF OCCUPANCY

A. Requirements for Certificates of Occupancy

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Occupancy has been issued by the Zoning Officer. In the case of residential construction, such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed, including sewage facilities, water supply, and electric service. The issuance of a Certificate of Occupancy is not however intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of the Certificate is only to certify that all work authorized by the Building/Zoning Permit has been satisfactorily completed and that the building
or proposed use thereof complies with the provisions of this Ordinance.

B. Issuance and Effect

The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Certificate of Occupancy shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected. Once granted, the Certificate of Occupancy shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

1204 DANGEROUS STRUCTURES

Upon written notification of the Zoning Officer, any building or structure (principal or accessory) which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy or use, constitutes a fire hazard, endangers surrounding buildings, endangers the occupants or users, endangers the safety of others in the area, or harbors rats or vermin, shall be repaired, altered, or removed to eliminate the dangerous condition(s). Such action shall commence within 45 days of receipt of the Zoning Officer’s notification. When such a building or structure is razed, the site shall be cleared of all associated debris and shall be graded to match the surrounding area.

Where the building or structure is rendered unsafe or dangerous by an act of God or other uncontrollable means (not including neglect of maintenance), the owner shall have a period of 90 days from the date of the occurrence to commence repairs and/or removal of such building or structure, and shall complete repairs and/or removal within 180 days of the occurrence. The Township Supervisors may grant an extension of time where, in their opinion, a hardship exists which could prohibit the repair or removal within this period.

1205 VIOLATIONS AND ENFORCEMENT

Failure to secure a Building/Zoning Permit when required hereunder; failure to secure a Certificate of Occupancy; or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

A. Enforcement Notice

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Township, shall give notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be in writing;

2. be served upon the owner of record of the parcel upon which the violation
has occurred or be sent to him by certified mail (return receipt requested), 
and be sent to any person who has filed a written request to receive 
enforcement notices regarding the parcel, and to any other person 
requested in writing by the owner of record;

3. state the name of the owner of record and any other person against 
whom the Township intends to take action;

4. indicate the location of the property in violation;

5. identify the specific violation(s) with a description of the requirements 
which have not been met, citing in each instance the applicable 
provision(s) of the Ordinance;

6. contain an outline of remedial action which, if taken, will effect compliance;

7. specify the date before which the steps for compliance must be 
commenced and the date before which the steps must be completed;

8. notify the recipient of his right to appeal to the Township Zoning Hearing 
Board prior to the expiration of the time period provided in the 
enforcement notice; and,

9. indicate that failure to comply with the notice within the time specified, 
unless extended by appeal to the Zoning Hearing Board, shall constitute 
a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Zoning Hearing Board, the 
Township shall have the responsibility of presenting its evidence first.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, 
erected, constructed, reconstructed, altered, converted, maintained or used 
in violation of this Ordinance, the Township Zoning Officer may institute in the 
name of the Township, any appropriate action or proceeding to prevent, 
restrain, correct, or abate such building, structure, landscaping or land, or to 
prevent any action, conduct, business, or use in or about such premises 
constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property 
or person will be substantially affected by the alleged violation may also 
institute an appropriate corrective action or proceeding. Such action must be 
preceded however by serving a copy of the complaint on the Township 
Supervisors at least 30 days prior to being instituted. No such action may be 
maintained until such notice has been given.
C. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by White Deer Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, White Deer Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to White Deer Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

1206 FEES

Fees for the issuance of Building/Zoning Permits, Certificates of Occupancy, ordinance amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors. (A copy of the current fee schedule may be obtained from the Township Zoning Officer or municipal Secretary.)

Further, any fees paid by a party for appeal of an enforcement notice to the Township Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.
1300 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1301 DEFINITIONS

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ACCESS DRIVE: A means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway or private right-of-way.

ACCESSORY RESIDENTIAL USE: For the purposes of this Ordinance, an accessory residential use shall be defined as a residential dwelling unit which is accessory to the principal commercial use of a lot; i.e. an apartment located above or adjoining a retail establishment. (See also Section 435.)

ACCESSORY STORAGE TRAILER: See STORAGE TRAILER, ACCESSORY.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material.

ADULT CABARET: A club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes "specified sexual activities" and/or reveals or displays "specified anatomical areas".
ADULT DRIVE-IN PICTURE THEATER: An area open to the air and not enclosed within any building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or on outdoor seats.

ADULT ENTERTAINMENT ESTABLISHMENT: Adult book stores, adult cabarets, adult drive-in picture theaters, adult mini-motion picture theaters, adult motion picture theaters, adult walk-in picture theaters, adult amusement arcades, massage parlors, and similar establishments providing entertainment of a sexual nature. (See also Section 419.)

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of 50 or more persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or specified anatomical areas" for observation by patrons therein.

ADULT WALK-IN PICTURE THEATER: An area neither enclosed nor open to the sky (e.g. a pavilion, tent, etc.) where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation of patrons therein.

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AGRIBUSINESS: Any business related to the processing or sale of agricultural products or supplies or the sale and/or repair of agricultural equipment.

AGRICULTURAL STRUCTURE: Any farm building or structure used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

AGRICULTURE, GENERAL: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, hatcheries, and the accessory buildings or structures for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the agricultural activities. (See also Section 425 and...
AGRICULTURE.

ALLEY: A permanent, public or private serviceway providing a secondary means of access to lots, not intended for general traffic circulation.

ALTERATION: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. An alteration does not include maintenance and repair.

AMUSEMENT ARCADE: An establishment which has as its principal business offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping pong, darts, rides, shooting galleries or similar devices and games.

ANIMAL EQUIVALENT UNIT: One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See also Table A of the PA Nutrient Management Regulations for standard animal weights.)

ANIMAL HUSBANDRY: For the purposes of this Ordinance, animal husbandry shall be defined as the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering. (The boarding or raising of livestock or poultry as farm animals or household pets pursuant to the regulations of this Ordinance shall not be considered animal husbandry.)

APPLICANT: Any lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AREA: The surface included within a set of lines.

a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.

b. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.

c. Area, Building: The total area of a lot covered by buildings, excluding uncovered porches, terraces and steps.

d. Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

AUTOMOTIVE REPAIR SHOP: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment
or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 416.)

AUTOMOTIVE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work.

AUTOMOTIVE SERVICE STATION: A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section 416.)

AUTO SALVAGE OPERATIONS: See JUNKYARD.

BAR: A building or structure, or portion thereof, used primarily for the sale or dispensing of liquor or alcohol by the drink. For the purposes of this Ordinance, a bar shall also include those facilities selling bottled goods, either as principal activity or as an accessory use. (See also TAVERN.)

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST ESTABLISHMENT: A single family detached dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be offered for overnight guests as a part of the lodging fee. (See also Section 414.)

BOARDING OR ROOMING HOME: A single family dwelling or part thereof, where lodging is provided for a fee by the legal owner thereof. Such lodging may be provided for no more than six (6) persons unrelated to the owner and shall be for periods of time exceeding one (1) week, whether or not arrangements have been made for meals. (See also Section 410.)

BOARD OF SUPERVISORS: The elected governing body of White Deer Township, Union County, PA.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of White Deer Township, Union County, PA.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and other uses.
BUILDING: A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof, as well as all mobile or manufactured homes and trailers to be used for human habitation.

a. Building, Accessory: A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.

b. Building, Principal: A building in which the principal use of the site is conducted.

c. Building, Attached: A building which has one (1) or more walls in common with adjacent buildings.

d. Building, Detached: A building which has no common walls and is surrounded by open space on the same lot.

BUILDING COVERAGE: That percentage of the plot or lot area covered by the total ground floor area of all principal and accessory buildings, including covered porches, patios and decks, carports, and breezeways, but excluding unenclosed parking or loading areas.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade surrounding the building to the highest point of the roof, excluding chimneys, spires, towers, tanks and similar projections when attached to a building.

BUILDING LINE: The required setback (front, side, or rear) of a building from a property line.

BUILDING SETBACK LINE: The line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width shall be measured.

BUILDING/ZONING PERMIT: 1) The permit required by this Ordinance for the construction, alteration, or change of use of any building or structure. 2) The permit issued by the Zoning Officer which states that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the district in which it is to be located. (See also SEASONAL BUILDING/ZONING PERMIT and TEMPORARY BUILDING/ZONING PERMIT.) (See also Section 1202.)

CAMPGROUND: A tract or tracts of ground, or portion thereof, used for the purpose of providing space for two (2) or more recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. (See also Section 429 and RECREATIONAL DEVELOPMENT, OUTDOOR
COMMERCIAL OR INSTITUTIONAL.)

CARPORT: A roofed structure providing space for the parking or storage of motor vehicles which is enclosed on not more than three (3) sides.

CARTWAY: The area of a street or alley within which vehicles are permitted, including travelled lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

CAR WASH: Any building or premises used for washing automobiles or other motor vehicles.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. A cellar shall not be considered in determining the permissible number of stories.

CEMETERY: Property used for the interring of the dead.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Officer stating that all work authorized by the Building/Zoning Permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with the Ordinance and the building or land may be occupied. (See also Section 1203.)

CHANGE OF USE: An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHURCH: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory or incidental thereto. For the purposes of this Ordinance, uses such as schools, nursery or day care facilities, social halls, or similar places of assembly associated with a church or other place of worship shall require separate consideration and approval by Township officials.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

CLINIC, MEDICAL OR DENTAL: For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing three (3) or more physicians, dentists, psychologists, or social workers, where patients are received for examination or treatment, but where no patients are lodged overnight.
CLINIC, VETERINARY: For the purposes of this Ordinance, a veterinary clinic shall be defined as an establishment housing three (3) or more veterinarians or animal specialists, where animals are examined and treated, but where no boarding of animals is provided.

CLUB OR FRATERNAL ORGANIZATION: An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic or similar groups.

CLUSTER DEVELOPMENT, RESIDENTIAL: A large scale residential development in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The overall dwelling unit density of the underlying district cannot be exceeded in this type of development. (See also Section 409.)

COMMERCIAL LAND DEVELOPMENT: The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any commercial purpose involving a group of two (2) or more commercial buildings or a single commercial building on a lot or lots regardless of the number of occupants or tenure.

COMMERCIAL OR INSTITUTIONAL RECREATION OR RESORT DEVELOPMENT - See RECREATIONAL DEVELOPMENT, COMMERCIAL OR INSTITUTIONAL.

COMMERCIAL TIMBER HARVESTING ACTIVITIES: See TIMBER HARVESTING ACTIVITIES.

COMMISSION: The Planning Commission of White Deer Township, Union County, PA.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMON WALL: A wall on an interior lot line or a wall adapted for joint service between two (2) buildings or dwellings; i.e. a party wall.

COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES: For the purposes of this Ordinance, communications transmitting and/or receiving facilities shall be defined as all forms of transmitting and/or receiving antennae, dishes, or devices, and the poles, masts, towers, or other structures which support them, as well as any buildings which may be necessary for the operation or maintenance of such uses. (See also Section 432.)

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
COMPREHENSIVE PLAN: The complete plan for future development of White Deer Township, Union County, PA, prepared by the Township Planning Commission, Board of Supervisors, Zoning Hearing Board, Codes Enforcement Officer, and Union County Planning Department, and dated November 1988, or as may hereafter be amended.

CONCENTRATED ANIMAL OPERATIONS: Agricultural operations where the animal density exceeds two (2) animal equivalent units (AEU) per acre on an annualized basis. (See also Section 425.)

CONDITIONAL USE: A principal use allowed in certain districts, as provided for in Article 3, which may only be authorized by the Township Supervisors as set forth in Section 1101, after review and recommendation of the Township Planning Commission.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: See NEW CONSTRUCTION.

CONTRACTOR’S SHOPS AND YARDS: A building or buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space. (See also Section 421.)

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVERSION APARTMENT: A dwelling or other building existing at the time of adoption of this Ordinance which is converted for residential occupancy by one (1) or more families. The specific number of permitted dwelling units shall be as set forth in Section 404 of this Ordinance.

CORRECTIONAL INSTITUTION: An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, honor camps, houses of correction, jails, prisons, prison farms, juvenile detention centers, penitentiaries, reformatories, training schools for delinquents, offenders, or other adjudicated individuals.

COUNTY: Union County, PA.

DAY CARE CENTER: A private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed, inspected and approved to operate as a child day
care center by the PA Department of Public Welfare. (See also Section 413.)

**DENSITY:** The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

**DENTAL CLINIC:** See CLINIC, MEDICAL OR DENTAL.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**DISTRIBUTION CENTER:** For the purposes of this Ordinance a distribution center shall be defined as a building or structure containing more than 50,000 square feet gross floor area and/or more than four (4) loading berths where merchandise is stored for ultimate distribution to specific wholesale or retail operators or to the general public. (See also WAREHOUSING FACILITY.)

**DISTRICT:** A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

**DOCK:** A temporary structure extending into a stream or other body of water for the purpose of securing a boat(s).

**DRIVEWAY:** A minor vehicular access between a street and a parking area or garage within a lot or property.

**DWELLING:** A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

a. **Dwelling, Single Family Detached:** A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides. For the purposes of this Ordinance, single family detached dwellings shall also include mobile homes as defined below. (See MOBILE HOME.)

b. **Dwelling, Single Family Attached:** A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse. For the purposes of this Ordinance, a single family attached dwelling structure shall contain a minimum of three (3) dwelling units.

c. **Dwelling, Two-Family Attached:** An attached or semi-attached building containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.
d. **Dwelling, Multi-Family:** A dwelling structure containing three (3) or more dwelling units with or without independent outside access, excluding single family attached dwelling structures as defined above; i.e. an apartment building.

For the purposes of this Ordinance, a **MULTI-FAMILY HOUSING DEVELOPMENT** shall consist of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof. (See also Section 407.)

**DWELLING UNIT:** One or more rooms in a dwelling structure designed for use by one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, lodging facilities, hospitals or nursing homes shall not be considered as dwelling units for the purposes of this Ordinance.

**EFFICIENCY APARTMENT:** A dwelling unit consisting of not more than one (1) habitable room together with a kitchen or kitchenette and sanitary facilities.

**ENCLOSED USE:** A use which is located entirely within a building or structure.

**ENCLOSED STORAGE FACILITY:** See WAREHOUSING FACILITY.

**ENTERTAINMENT FACILITY, PUBLIC:** An indoor facility operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein. (See also Section 418.)

**ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**FAMILY:** One (1) or more persons related by blood, marriage, adoption or guardianship occupying a single dwelling unit, living together as a single housekeeping unit, using common living, cooking, sanitary and sleeping facilities. For the purposes of this Ordinance, four (4) or fewer unrelated persons living together shall be considered the equivalent of a family.

**FAMILY DAY CARE HOME:** A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care.

**FARM:** For the purpose of this Ordinance, a farm shall be defined as a parcel of land which is used for agricultural purposes or activities. (See also AGRICULTURE, GENERAL.)

**FARM BUILDING:** See AGRICULTURAL STRUCTURE.
**FEED AND GRAIN MILL**: For the purposes of this Ordinance, a feed and grain mill shall be defined as an agribusiness establishment containing machinery for grinding or crushing grain into flour or feed for animals and/or the facilities for wholesale or retail sale of such products.

**FENCE**: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall be considered a structure and shall therefore require a Building/Zoning Permit before being erected. (See also Section 504 C.)

**FILL**: For the purposes of this Ordinance, fill shall be defined as soil or small rock materials which are brought to a site, compacted and used as a means of elevating or floodproofing a building or structure proposed to be located within an identified floodplain area of the Township. (See also Section 602 C.)

**FINANCIAL OFFICE**: For the purposes of this Ordinance, a financial office shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-up windows, ATM machines, and similar night deposit facilities.

**FLOOD**: A temporary inundation of normally dry land areas.

**FLOOD FRINGE**: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Township's Flood Boundary and Floodway Maps.

**FLOOD, ONE HUNDRED YEAR**: A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

**FLOODPLAIN**: 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING**: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for flood damage control provisions.)

**FLOODWAY**: The designated area of a floodplain required to carry and discharge the flood waters of a 100 year flood.

**FLOOR AREA**: The area of a structure covered by floors.

a. **Floor Area, Gross**: The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used.
for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios and terraces.

b. **Floor Area, Habitable:** Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

**FOREST MANAGEMENT:** See FORESTRY.

**FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. (See also TIMBER HARVESTING ACTIVITIES.)

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

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE:** A building or structure used for the parking and storage of vehicles.

a. **Garage, Private:** An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles which is not a commercial enterprise available to the general public, provided however that no more than one space therein may be leased to a non-resident of the premises.

b. **Garage, Public:** A building or group of buildings used primarily for the parking or storage of motor vehicles available to the general public for compensation. (See also AUTOMOTIVE REPAIR SHOP.)

**GENERAL AGRICULTURAL USES:** See AGRICULTURE, GENERAL.

**GENERAL FLOODPLAIN:** That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Township's Flood Boundary and Floodway Maps.

**GENERAL STORE:** See CONVENIENCE MARKET.

**GOVERNMENT OR MUNICIPAL BUILDING:** A facility housing governmental
agencies or operations.

GRADE: The degree of rise or descent of a sloping surface.

a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.

b. Grade, Finished: The final elevation of the ground surface after development.

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household and which is licensed and inspected by the PA Department of Welfare to provide such care. For the purposes of this Ordinance, such use may be either a principal or accessory use (see applicable District Regulations) and may also provide care for adult or elderly persons.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

GROUP HOME: For the purposes of this Ordinance, a group home shall be defined as a residence occupied by between five (5) and eight (8) persons unrelated by blood, marriage, adoption or guardianship which live together as a single housekeeping unit; i.e. a group family household. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped or challenged persons, battered children and women, and specialized treatment facilities providing less than primary health care. (See also Section 411 and INSTITUTIONAL RESIDENCE.)

HAZARDOUS MATERIALS: Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HEALTH CARE FACILITY: For the purposes of this Ordinance, a health care facility shall be defined as a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, hospitals, mental health care facilities, public health centers, diagnostic and/or rehabilitation centers, home health care agencies, and similar facilities. (See also CLINIC, MEDICAL OR DENTAL; HOSPITAL; NURSING HOME; and PERSONAL CARE HOME.)

HISTORIC STRUCTURE: Any structure that is:

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

b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1) by an approved state program as determined by the Secretary of the Interior; or,

2) directly by the Secretary of the Interior in states without approved programs.

**HOME OCCUPATION:** An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the dwelling or building accessory thereto, which is carried on by the inhabitants thereof and is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also Section 434.)

**HORTICULTURE:** The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

**HOSPITAL:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training operations.

**HOTEL:** A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access and where provision may be made for dining room or restaurant facilities, lounges, bars, or meeting or conference rooms within the building.

**HOUSEHOLD PETS:** Dogs, cats, or other animals domesticated for personal use and generally for household maintenance.

**IDENTIFIED FLOODPLAIN AREA:** Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.
IMPERVIOUS SURFACE: That percentage of a lot that does not absorb precipitation. For the purposes of this Ordinance, all buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or similar materials shall be considered impervious surfaces.

INDUSTRIAL COMPLEX: For the purposes of this Ordinance, an industrial complex shall be defined as a building(s) designed and used by more than one industrial operation. (See also INDUSTRIAL PARK.)

INDUSTRIAL OPERATIONS: For the purposes of this Ordinance, industrial operations shall be defined as those manufacturing, assembly and processing activities itemized in Article 3, the District Regulations, and meeting the supplementary regulations set forth in Section 420. (See also MANUFACTURING.)

INDUSTRIAL PARK: A tract of land which has been planned, developed and is operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INSTITUTIONAL USE: A private, non-profit or quasi-public use or facility such as a church, library, a public or private school, hospitals, nursing home, personal care home, or a municipally-owned building, structure or land used for public purposes. (See also CORRECTIONAL INSTITUTION.)

INSTITUTIONAL RESIDENCE: Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for nine (9) or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the PA Department of Public Health or other State agencies. (See also Section 411.)

INTERSTATE HIGHWAY SYSTEM: That portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or U.S. Departments of Transportation.

JAILS: See CORRECTIONAL INSTITUTIONS.

JUNK: Any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped,
abandoned or junked automobiles, machinery, equipment, paper, rags, glass containers and other salvageable materials. For purposes of this Ordinance, the term “junk” shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

**JUNKED OR ABANDONED MOTOR VEHICLE:** Any motor vehicle not bearing a current license and inspection, or is in inoperable condition, which is stored outside of an enclosed building, and is not associated with a legitimate business operation or completely covered by a non-transparent tarp. (See also Section 439.)

**JUNK YARD:** Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles, not including the purchase or storage of used furniture or household equipment or used cars in operable condition. For the purposes of this Ordinance, such facility may also be referred to as an auto salvage operation. (See also Section 422.)

**KENNEL:** For the purposes of this Ordinance, a kennel shall be defined as an establishment where more than five (5) dogs or domesticated animals in excess of six months old are housed, groomed, bred, boarded, trained or sold. House pets in a private home are excluded. In addition, all requirements of the PA Dog Law, administered by the PA Department of Agriculture, shall be met before establishing a kennel in the Township. (See also Section 427.)

**LAND CONSERVATION ACTIVITIES:** Land uses including game lands, wildlife or nature preserves, or similar activities.

**LAND CULTIVATION:** The tilling or cultivation of soil for crop or tree farming.

**LAND DEVELOPMENT:** Any of the following activities: (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or (2) a subdivision of land.

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

**LANDSCAPING:** Grass and other plantings such as trees, shrubs and/or bushes.

**LAUNDROMAT:** A business premises equipped with individual clothes washing and drying machines for the use of retail customers. For the purposes of this Ordinance such facilities shall not include laundry facilities provided as an
accessory use, such as those provided for an apartment building or other multi-family dwelling structure.

LIVESTOCK: For the purposes of this Ordinance, livestock shall be defined to include cows, pigs, horses, sheep, llamas, and other similar types of farm animals.

LOADING BERTH: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

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

a. Lot Area: See "AREA".

b. Lot Depth: The distance measured from the front lot line to the rear lot line.

c. Lot Width: The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.

d. Lot, Corner: A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

e. Lot, Double Frontage: A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.

f. Lot, Reverse Frontage: A double frontage lot which is not accessible from one of the streets upon which its fronts, usually due to topographic constraints or safety considerations.

LOT LINES: The property lines bounding the lot.

a. Lot Line, Front: The line separating the lot from a street right-of-way; or where a lot has no road frontage, the lot line opposite the rear lot line.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

c. Lot Line, Side: Any lot line other than a front or rear lot line.

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Union County, PA.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a
building's lowest floor, provided that such space is not designed and built so that
the structure is in violation of the applicable non-elevation design requirements of
this Ordinance and the National Flood Insurance Program.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber
and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other industrial operation
where machines are built, repaired or assembled. For the purposes of this
Ordinance, such facilities shall include tool and die making, engine rebuilding, and
similar types of activities.

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

MANUFACTURING OPERATIONS: See INDUSTRIAL OPERATIONS.

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

MASSAGE PARLOR: 1) An establishment in which there exists the offering or
furnishing of services in which "specified sexual activities" occur. 2) The office of
a professional offering massage or physiotherapy as an alternative to or in
conjunction with traditional medical treatment.

MEDICAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

MINERAL EXTRACTION OPERATION: The commercial extraction of sand, gravel,
clay, shale, rock or other natural mineral deposits from the earth, including facilities
for the batching or mixing of extracted materials, but excluding the extraction of oil
or gas reserves. (See also Section 423.)

MINERALS: For the purposes of this Ordinance, the term mineral shall include,
but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite,
sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral
resources.

MINOR REPAIR: The replacement of existing work with equivalent materials for
the purpose of routine maintenance and upkeep, but not including the cutting away
of any wall, partition or portion thereof, the removal or cutting of any structural
beam or bearing support, or the removal or change of any required means of
egress, or rearrangement of parts of a structure affecting the exitway requirements;
nor shall any minor repairs include addition to, alteration of, replacement or
relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil,
waste, vent or similar piping, electrical wiring or mechanical or other work affect-
ing public health or general safety.
MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, 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 is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for a period of time exceeding 180 consecutive days. (See also Section 403.)

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

MOBILE HOME PAD OR STAND: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days. (See also Section 408.)

MOTEL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of transient or overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms. For the purposes of this Ordinance, a motel may also include a bar or lounge area.

MOTOR VEHICLE: For the purposes of this Ordinance, a motor vehicle shall be defined to include automobiles, motorcycles, trucks, vans, motorized farm equipment or machinery, all-terrain vehicles, snowmobiles, or similar vehicles.

MUNICIPALITY: White Deer Township, Union County, PA.

MUNICIPAL WASTE: Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste as defined in the PA Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur,
support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition landfill or a facility for the land application of sewage sludge. (See also Section 424.)

NEIGHBORHOOD RETAIL ACTIVITIES: Retail stores, shops, or establishments of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, small-equipment repair facilities, personal service businesses or similar types of operations.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after October 23, 1979, and includes any subsequent improvements thereto.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 for applicable provisions.)

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees, and plants for sale.

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care for individuals, usually the elderly. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital. (See also Section 412.)

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

OFFICE: See PROFESSIONAL OFFICE.

ON-LOT, UNENCLOSED STORAGE: See STORAGE, ON-LOT UNENCLOSED.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.

b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

OUTSIDE DISPLAY OR SALE: The display, accumulation, and/or sale of merchandise or products, authorized as accessory to an approved, principal use in a V, C or C & M District, which is located outside of the enclosed principal building(s) on the site. (See also Section 438.)

PARKING AREA: An open area, other than a street or other public way, used for the parking of automobiles which is available to the public whether for a fee, free, or as an accommodation for clients or customers. (See also Article 8.)

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. For the purposes of this Ordinance, parking space shall include uncovered lot space located off of any right-of-way and/or enclosed garage space. (See also Article 8.)

PARK OR PLAYGROUND: A public, semi-public or private park or park-type facility which provides for outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues or other groups or may be strictly independent. (See also Section 430 and RECREATION AREA.)

PEDESTRIAN ACCESSWAY: A walkway, sidewalk, path or similar accessway designated for use by pedestrians as a means of accessing a specific building, development, recreation site or open space area.

PERMITTED USE: A principal or accessory use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer. (See also USE.)
PERSONAL CARE HOME: A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals, usually the elderly. (See also Section 412.)

PERSONAL SERVICE BUSINESS: For the purposes of this Ordinance, a personal service business shall include but not be limited to a barber or beauty shop, laundromat or dry cleaning establishment, tailor or dress-making shop, music or art studio, upholstery or shoe repair facility, small appliance or equipment repair facility, or other establishment of a similar nature.

PERSONAL STORAGE WAREHOUSE: A warehousing facility where separate storage spaces of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy of nor commercial sales conducted from such storage areas. (See also Section 417.)

PLANNING COMMISSION: The Planning Commission of White Deer Township, Union County, PA.

PRIMARY HIGHWAY SYSTEM: That portion of connected main highways located within the Commonwealth as officially designated by the State or U.S. Departments of Transportation.

PRINCIPAL USE: See USE, PRINCIPAL.

PROFESSIONAL OFFICE: For the purposes of this Ordinance, a professional office shall be defined as an office occupied by up to two (2) members of a recognized profession, including, but not limited to, a real estate or insurance agency, a medical or dental office, attorney's office, or similar activity. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family, and when the office is secondary to the residential use of the dwelling.

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Township Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84, or as may hereafter be amended) known as the Sunshine Act.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.
RECREATIONAL VEHICLE: A portable or mobile vehicle used for temporary living or sleeping accommodation, without a permanent foundation. Recreational vehicles shall include travel trailers, house trailers, truck campers, motor homes and other similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used in campground areas in the municipality or on private independent parcels subject to the criteria set forth in this Ordinance. (See also Section 428.)

RECREATIONAL VEHICLE PARK: Any site upon which two (2) or more recreational vehicles are, or intended to be located. (See also CAMPGROUND and RECREATION OR RESORT DEVELOPMENT, COMMERCIAL OR INSTITUTIONAL).

RECREATION AREA: An outdoor public, semi-public, or private facility intended to provide recreational enjoyment to or for its users, i.e. a park, playground, tot lot, or similar facility. (See also Section 430 and PARK OR PLAYGROUND.)

RECREATION DEVELOPMENT, COMMERCIAL OR INSTITUTIONAL: A commercial or institutional recreational facility, including a golf course, golf driving range, a miniature golf course, campground or recreational vehicle park, ski area, church or service-club affiliated camp, a shooting or hunting preserve or sporting clays range, and similar recreational facilities with or without associated resort development. (See also RESORT DEVELOPMENT.)

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100 year flood.

REGULATORY FLOOD ELEVATION: The 100 year flood elevation.

RESIDENTIAL CLUSTER DEVELOPMENT: See CLUSTER DEVELOPMENT, RESIDENTIAL.

RESIDUAL WASTE: Garbage, refuse, and other discarded material or other waste including solid, liquid, semisolid or contained gaseous materials resulting from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act nor treatment sludges from coal mine drainage treatment plants, disposal of which is being carries on under and in compliance with a valid permit issued under the Clean Streams Act.

RESIDUAL WASTE LANDFILL: A facility for disposing of residual waste. The term does not include a residual waste impoundment or a facility for the land application of residual waste. The term also does not include a facility at which municipal waste, other than industrial lunchroom or office waste generated by the operator, construction/demolition waste generated by the operator, or certain special handling waste, is disposed. (See also Section 424.)

RESORT DEVELOPMENT: A group of buildings located on a lot, designed,
arranged and used for the recreation, feeding, lodging, and/or education of members or non-members. Such facilities may also include the retail sale of related commodities and services.

**RESTAURANT:** A retail establishment where food and drink is prepared and served, primarily within the principal building. In some instances, the food and beverages are consumed on-site and in other cases, they are taken out. For the purposes of this Ordinance, a restaurant may also include a bar or lounge area.

**RETAIL BUSINESS ESTABLISHMENT:** A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also Section 415.)

**RETAIL COMPLEX:** For the purposes of this Ordinance, a retail complex shall be defined as a group of three (3) or more commercial establishments which have been planned, developed and managed as a unit, whether contained in one (1) building or in several buildings on the same tract of land. (See also SHOPPING CENTER.)

**RETIRED VILLAGE:** For the purposes of this Ordinance, a retirement village shall be defined as a facility, establishment or development designed to meet the needs of, and exclusively for, senior citizens.

**RIDING ACADEMY:** An establishment where horses are kept for riding, jumping or showing for compensation or incidental to the operation of any club, association or similar group.

**ROADSIDE STAND:** A temporary or permanent booth, stand or shelter located along a roadway (but off of the road right-of-way) from which farm, nursery or greenhouse products are offered for sale to the general public. For the purposes of this Ordinance, a temporary roadside stand shall be defined as a facility which is situated on a site only for the growing season. (See also Section 426.)

**ROOF:** The outside cover of a building or structure other than its walls, including all of the materials and construction necessary to maintain the cover upon its walls or other support.

**ROOMING HOME:** See BOARDING OR ROOMING HOME.

**SATELLITE DISH:** For the purposes of this Ordinance, a satellite dish antenna shall be defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

**SAWMILL:** A building or business establishment equipped with machinery for cutting lumber into boards.

**SCHOOL:** An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of knowledge. For the purposes of this Ordinance, such facilities shall not include
halfway homes or training facilities for delinquents, offenders, or other adjudicated individuals, nor other detentional or retentional facilities providing residential or "live-in" services. (See also CORRECTIONAL INSTITUTION and INSTITUTIONAL RESIDENCE.)

SCREEN PLANTING: The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen. Such plantings shall however adhere to the requirements of Section 506 and shall be broken at points of vehicular or pedestrian access or utility easements.

SEASONAL BUILDING/ZONING PERMIT: A Building/Zoning Permit issued seasonally and/or annually by the Zoning Officer which authorizes the temporary placement of a recreational vehicle or camping unit on an individual lot, or the placement of a camping unit in a campground which is situated in any designated floodplain in White Deer Township. (See also Section 1202 K.)

SEASONAL FACILITY: For the purposes of this Ordinance, a seasonal facility shall be defined as a recreational vehicle, camper, travel trailer, motor home, or similar unit placed on a lot and used on a temporary basis. (See also Section 428.)

SEWAGE FACILITY: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

SEWAGE SYSTEM, COMMUNITY: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

SEWAGE SYSTEM, INDIVIDUAL: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating, and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

SHOPPING CENTER: For the purposes of this Ordinance, a shopping center shall be defined as a group of three (3) or more commercial establishments, planned, developed, owned and managed as a unit and related in location, size and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores. This definition shall also include the term "shopping mall". (See also RETAIL COMPLEX.)

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline. 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. 3) The amount of distance required to be provided at a street or driveway
intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also Section 504 D.)

SIGN: Any device, structure or object used for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government. (See Section 700 for definitions of various types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all advertising surface and any framing, trim, molding, or border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

SLAUGHTER HOUSE: A building or structure where animals are butchered. Such a facility may be associated with an animal husbandry operation or may be an independent, principal use in an Agricultural District. (See also Section 425 and CONCENTRATED ANIMAL OPERATIONS.)

SLOPE: 1) The face of an embankment or cut section. 2) The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; i.e. a ratio determined by dividing the vertical distance between two points (change in elevation) by the horizontal distance measured between the same two points.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (See also HAZARDOUS MATERIALS, MUNICIPAL WASTE and RESIDUAL WASTE.)

SPECIAL EXCEPTION USE: A use permitted in certain zoning districts as provided for in Article 3, the District Regulations, which must be approved by the Zoning Hearing Board as set forth in Section 1001 D. of this Ordinance. Special exception approval may not be granted for uses other than those expressly listed in Article 3.

SPECIAL PERMIT: A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring Special Permits and details for submission of applications for such activities.)

SPECIFIED ANATOMIC AREAS: For the purposes of this Ordinance, such areas shall include less than completely and opaquely covered: human genitals, pubic region; buttock; female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: For the purposes of this Ordinance, such
STABLE: A building in which one or more horses are boarded, whether or not for compensation, hire or sale, not including the boarding of horses for personal use.

STORAGE: A place or space for storing goods, articles of personal property, materials, equipment, etc.

STORAGE FACILITIES, ENCLOSED: See WAREHOUSING FACILITIES.

STORAGE, ON-LOT UNENCLOSED: For the purposes of this Ordinance, on-lot unenclosed storage shall be defined as the accessory storage of personal property, materials, products, equipment or other items on a lot occupied by the owner of the item(s).

STORAGE TRAILER, ACCESSORY: For the purposes of this Ordinance, an accessory storage trailer shall be defined as that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used for storage, as an accessory use. (See also Section 437.)

STREET: Any thoroughfare, whether public or private, located in whole or in part within White Deer Township, excluding alleys. The word "road" may be used interchangeably with the word "street".

STREET LINE: The dividing line between the street right-of-way and the lot.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, telecommunications towers, fences and signs, but excluding poles, playground equipment, dog houses, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank, that is principally above ground, as well as a mobile or manufactured home.

a. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.

b. Structure, Principal: The main or primary structure on a given lot.

STUDIO: A place where a musician or artist does his work.

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

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

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either a) before the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures which have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUPERMARKET: See GROCERY STORE.

SUPERVISORS OR TOWNSHIP SUPERVISORS: The Board of Supervisors of White Deer Township, Union County, PA; the elected governing body of the municipality.

SURFACE MINING OPERATION: The extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operation conducted beneath the surface by means of shafts, tunnels or other underground mine openings. For the purposes of this Ordinance, such operations shall not include: 1) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him, nor 2) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the affected areas. (See also Section 423 and MINERAL EXTRACTION OPERATION.)

SWIMMING POOL: A body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than two (2) feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults. Such pools may be private, public or semi-public in nature. (See also Section 433.)
TAVERN: An establishment used primarily for the serving of liquor or alcohol by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the principal use. (See also BAR.)

TEMPORARY BUILDING/ZONING PERMIT: A Building/Zoning Permit authorized by the Zoning Officer for a non-permanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township, or for temporary accessory uses. (See also Section 1202 J.)

TEMPORARY STRUCTURE: A non-permanent structure or building which is located on a lot in the Township for a specified duration. Some temporary structures may be only permitted for short periods of time, while others may be authorized for as much as six (6) months in any given year. (See also Sections 440 and 441.)

TEMPORARY USE: A short-term use or special activity which occurs in the Township, including but not limited to carnivals, circuses, open-air cultural, religious or sporting events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use. (See also Sections 440 and 441.)

TIMBER HARVESTING ACTIVITIES: The cutting or removal of trees for commercial purposes by either a commercial logging firm or an individual. For the purposes of this Ordinance, the harvesting of timber for personal use shall not be considered a timber harvesting operation. See also FORESTRY.

TREE FARM: Land used for the purpose of growing trees for sale.

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

a. Use, Accessory: A use subordinate to the principal use of a building, structure, or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.

b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

UTILITY SUPPLY FACILITIES: Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision or utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance however, utility supply facilities shall not include commercial communications transmitting and receiving facilities. (See also Sections 431 and 432, and COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES.)
VARIANCE: A modification of the provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C. for additional details and criteria to be utilized when a variance is requested.)

VETERINARY CLINIC: See CLINIC, VETERINARY.

VETERINARY HOSPITAL: An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

WALL: A vertical architectural structure that serves to define and divide space, especially the sides of a building that connect the foundation to the roof.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation and those facilities available to the general public. (See also Section 436 and PERSONAL STORAGE WAREHOUSE.)

WATER FACILITY: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SYSTEM: A water facility providing potable water to individual lots or the public for human consumption.

a. Water System, Non-Public: All water systems which are not public water systems.

b. Water System, Off-Lot: An approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building.

c. Water System, On-Lot: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.

d. Water System, Public: A water system as defined by the PA Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WETLANDS: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of PA, the PA Coastal Zone
YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.

b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

c. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.

d. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of White Deer Township, Union County, PA; appointed by the Township Supervisors.

ZONING MAP: The official Zoning Map of White Deer Township, Union County, PA, together with all notations, references and amendments which may subsequently be adopted. Said map is made a part of this Ordinance as established in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Township Supervisors and charged with the duty of enforcing the provisions of this Ordinance, the White Deer Township Zoning Ordinance.

ZONING PERMIT: See BUILDING/ZONING PERMIT.
ARTICLE 14

MISCELLANEOUS PROVISIONS AND ENACTMENT

1400 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying 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 of the Township. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

1401 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the White Deer Township Zoning Ordinance, enacted in June 1989, and any subsequent amendments which may have been made thereto. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

1402 SEVERABILITY AND VALIDITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Supervisors, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.
ENACTMENT AND EFFECTIVE DATE

ENACTED AND ORDAINED into an Ordinance this____20th____ day of_____
____July_____, 1999, by the Board of Supervisors of White Deer Township,
Union County, PA.

TO BECOME EFFECTIVE on the ____25th____ day of____July____,
1999.

WHITE DEER TOWNSHIP SUPERVISORS

______________________________
Leonard L. Caris
Chairman

______________________________
Carroll W. Diefenbach
Supervisor

______________________________
Larry A. Seibert
Supervisor

ATTEST: _______________________
Donald L. Bird
White Deer Township Secretary

TOWNSHIP SEAL:
APPENDICES

APPENDIX A - VARIANCE PROCEDURE

APPENDIX B - SPECIAL EXCEPTION PROCEDURE

APPENDIX C - ORDINANCE AMENDMENT PROCEDURE

APPENDIX D - CONDITIONAL USE PROCEDURE
APPENDIX A

VARIANCE PROCEDURE

Application is Submitted to Zoning Officer

Zoning Officer Determines Proposal Conforms to Zoning Ordinance and Approves Application

Permit is Issued

Zoning Officer Determines Proposal Does Not Conform to Zoning & Disapproves Application

Applicant Makes Changes & Resubmits Application

Variance is Requested from Zoning Hearing Board

Zoning Officer Posts Affected Property

Zoning Hearing Board Holds Public Hearing & Hears Testimony

Zoning Hearing Board Grants or Denies Variance Request

Request Granted

Zoning Officer Issues Permit

Request Denied

Applicant Changes or Abandons Plans, or Appeals to Court
APPENDIX B

SPECIAL EXCEPTION PROCEDURE

Application is Submitted to Zoning Officer

Zoning Officer Determines Proposal Conforms to Zoning Ordinance

Zoning Officer Determines Proposal Requires Special Exception Authorization

Permit is Issued

Special Exception is Requested from Zoning Hearing Board

Zoning Officer Advertises Public Hearing

Zoning Officer Notifies Adjoining Property Owners

Zoning Hearing Board Advertises Public Hearing & Hears Testimony

Zoning Hearing Board Keeps Stenographic Record

Zoning Hearing Board Grants or Denies Special Exception Request

Request Granted

Request Denied

Zoning Officer Issues Permit

Applicant Changes or Abandons Plans, or Appeals to Court
APPENDIX C

PROCEDURE FOR AMENDING THE ZONING ORDINANCE

Township Planning Commission
Sends Recommended Amendment to Township Supervisors *

Copy of Proposal is Sent to
County Planning Commission
for Review 30 Days Before Hearing

Township Supervisors
Advertise Public Hearing

Township Supervisors Hold Public Hearing
& Obtain Public Opinions

Township Supervisors Approve or Deny Amendment Request

Request Approved
Amendment Enacted

Request Denied
Proposal Returned to Township Planning Commission for Further Study & Resubmittal, if Desired

Copy of Proposal is Sent to Other Townships for Review, as Necessary

Township Supervisors Post Affected Property When Map Change is Proposed

* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public hearing.
APPENDIX D

CONDITIONAL USE PROCEDURE

Application is Submitted to Zoning Officer

Zoning Officer Determines Proposal Conforms to Zoning Ordinance

Permit is Issued

Zoning Officer Determines Proposal Requires Conditional Use Authorization

Conditional Use is Requested from Township Supervisors

Copy of Proposal is Sent to Township Planning Commission for Review

Township Supervisors Advertise for Public Hearing

Township Supervisors Hold Public Hearing and Obtain Public Opinions

Township Supervisors Grant or Deny Conditional Use Request

Request Granted

Zoning Officer Issues Permit

Request Denied

Applicant Changes or Abandons Plans, or Appeals to Court